

CHARTER TOWNSHIP OF CANTON
ZONING BOARD OF APPEALS
April 11, 2024

A meeting of the Zoning Board of Appeals of the Charter Township of Canton was held Thursday, April 11, 2024 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, Alan Okon, Mark Quimby, Tareq Rahman, Aaron Tassell

Staff Present: Patrick Sloan - Community Planner

ACCEPTANCE OF AGENDA FOR April 11, 2024

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

Ayes: All (5-0)

Nays: None

APPROVAL OF MINUTES FOR THE March 14, 2024 MEETING

Motion by Greg Greene to approve the minutes. Supported by Clarence Lee.

Ayes: All (5-0)

Nays: None

GENERAL CALENDAR

1. Application 038-ZBA-8131. Applicant, Playground Daycare, LLC, for property located at 6512 N. Canton Center Rd., Canton, MI 48187, which is located on the east side of N. Canton Center Rd. between Hanford Rd. and Warren Rd. (Parcel ID 038-99-0010-703). Zoning is C-2, Community Commercial. Applicant requests a variance from Section 2.14(A)(1)(a) of the Zoning Ordinance to allow a dumpster in a front yard area and less than 10 feet from the building, and a variance from Sections 78-129(h) and 78-131(3) of the Code of Ordinances to allow a fence to be constructed in a required front yard setback.

Patrick Sloan, Community Planner, summarized the Staff Analysis dated for this April 11, 2024 meeting. The applicants are proposing to open a daycare at 6512 North Canton Center Rd. During review of the site plan, staff discovered a other areas that did not comply with the Zoning Ordinance. The first issue is the setback of the fence from the front yard along Fox Meadows Drive, and second is the dumpster enclosure that had encroached into the front yard area. This lot has two front yards since it is on a corner, therefore the dumpster can't be in located in any front yard area. The dumpster location is just east of the building, a little less than 10 ft. After review, it looks like it may have to be angled. This would then encroach a little into the front yard and be possibly less than 10 feet from the building. It is difficult to show compliance with the Zoning Ordinance because there is a limited amount of area. There is very limited area east of the building to put the dumpster because that is where the outdoor play area would be. Mr. Sloan stated that the next variance request is for the fence in the front yard setback. With a minimum front yard setback of 85 feet, it would set the fence much farther back and provide a very limited outdoor play area. The Zoning Ordinance requires that day

care centers have outdoor play areas at least 3,000 square feet. It would not be possible to build a conforming play area that's suitable for a day care without variances for a fence in the front yard setback. The proposed fence will be 51 ft., 5 in. from the front lot line along Fox Meadows Dr., so it will not be very visible from the road. It is proposed to be a six-foot-high decorative fence. Based on the review, staff finds that the applicant has met the standards for a practical difficulty. The standards for review have been condensed, and Mr. Sloan briefly went through them. Based on the configuration of the site, the two front yards, and a very small building envelope, staff finds that the practical difficulties are met. The original north lot line was originally a side lot line long before the Fox Meadow Drive was developed which caused the north lot line to become a front yard. Mr. Sloan noted that at the April 1st Planning Commission Meeting, one of the conditions of approval was subject to variance approval for the dumpster location and for the proposed fence. It was recommended unanimously for approval at that meeting. Planning Staff recommends approval of the variances from Section 2.14(A)(1)(a) of the Zoning Ordinance to allow the dumpster in the front yard area and less than 10 ft from the building and variances from section 78-129(h) and 78-131(3) of the Code of Ordinances to allow a fence to be constructed in the front yard setback as proposed on the plan. The fence will be a decorative 6-foot-high fence located 51'-5" from the northern lot line.

Quimby asked in regard to the dumpster, what exactly are they approving, since there was not an exact distance given. He asked if it's appropriate to just approve a variance at less than 10 feet without exact distances given.

Sloan said that they had not specified a distance and the reason being that how the dumpster enclosure is oriented at a 90-degree angle. It is uncertain if the garbage truck can make that angle, so it may help to either angle the dumpster or move it a little to the north and east to make it easier for the truck to access it.

Lee asked if the measurement is stated and approved at this meeting, would they have to come back to another meeting to get another variance.

Sloan said that if there is a distance specified, then yes, they would have to come back if it is outside the parameters of a distance specified.

Quimby said that if they approve less than 10 feet, could they then put the dumpster right up against the building and have some issues with fire safety or building code.

Sloan stated that the model motion does state as shown on plans and it is stated with the 9 ft. separation from the east side of the building and 6 ft., 8 in. separation on the north side of the building.

Quimby stated that if they do have to angle it, he would not want them to have to come back to ZBA again and pay another fee. Maybe they could give a distance range like less than 10 ft, but not less than 4 ft.

Greene said that they may want to spell out the distance in the motion.

Tassell noted that even if they turn it counterclockwise, they are not going to be less than 9 feet.

Sloan said that maybe they add that dumpster enclosure can be adjusted to be not less than 6'-8" away from the building.

The applicant did not have anything to add at this time.

Motion by Clarence Lee, supported by Aaron Tassell, to open the Public Hearing at 7:18 pm.

Ayes: All (5-0)

Nays: None

No one in the audience wished to speak.

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

Ayes: All (5-0)

Nays: None

Motion by Greg Greene to adopt the model motion and findings prepared by staff in its April 11, 2024 report to approve the variances from Section 2.14(A)(1)(a) of the Zoning Ordinance to allow a dumpster in a front yard area and less than 10 feet from the building, and variances from Section 78-129(h) and Section 78-131(3) of the Code of Ordinances to allow the proposed 6 ft. high fence to be located 51'-5" from the front lot line along Fox Meadow Dr. on the subject property, on parcel 038-99-0010-703 at 6512 N Canton Center Rd, as illustrated on the plans and described in the Staff Analysis, based on the application meeting the standards of Section 27.05(D)(3) of the Zoning Ordinance, as noted on the Staff Analysis. Mr. Greene also added to the motion that the dumpster enclosure may not be less than 6'-8" from the building.

Supported by Aaron Tassell.

Ayes: All, (5-0)

Nays: None

Variance is Approved.

2. Application 143-ZBA-8158. Applicant, DTE Energy, for property located at 41368 & 41384 Van Born Rd., Canton, MI 48188, which is located at the northeast corner of Haggerty Rd. and Van Born Rd. (Parcel ID 143-99-0015-002). Zoning is LI, Light Industrial. Applicant requests a variance from Section 78-129(h) and Section 78-131(3) of the Code of Ordinances to allow a fence to be constructed in a required front yard setback.

Patrick Sloan, Community Planner, summarized the Staff Analysis dated for this April 11th meeting. He showed an aerial photo that was taken of the site in October of 2023. A site plan was approved in 2023 for a gas substation for DTE at the northeast corner of S. Haggerty Rd. and Van Born Rd. As part of that, the applicant proposed to install an 8 ft. high fence around the perimeter of the facility for security purposes. The applicant is proposing to install part of this fence along S. Haggerty Rd. within the required front yard setback area. The parcel is located in the LI, Light Industrial zoning district which allows the fences to be 8 ft. high and requires a front yard setback of 40 ft. The proposed 8 ft. high security fence is located 28 1/2 ft from the front lot line along Haggerty Road. On the original site plan, the fence was set back at 40 ft., but it was later discovered that there was an engineering discrepancy by their contractor that placed some of their above ground piping outside of the fence line. This piping has been connected to the DTE natural gas system and pressurized. The applicant is now proposing to move that fence along Haggerty Rd. westward from the 40 ft front yard setback line to 28 1/2 ft from the right-of-way of Haggerty. Based on these circumstances, the options are either to reconstruct the already installed piping or to apply for a variance. Expense of changes is not justification for a variance, but there is a practical difficulty in terms of logistics of the natural system and the public utility. The fence is relatively decorative, not like a chain link or stockade fence. There will be a 3 ft. high landscaped berm between

the front lot line and the fence. Mr. Sloan addressed the standards of review of Section 27.05(D)(3) of the Zoning Ordinance. Based on this analysis, he believes that these standards have been met to allow the proposed 8 ft. high fence to be located less than 40 ft. from the front lot line along Haggerty Rd. as proposed on the plans which is 28.5 ft.

Lee verified that the blue line on the ariel photo is the property line.

Sloan confirmed that blue line is property line.

Quimby questioned how this is not a self-created condition. He noted that they had an approved site plan with an error on it. Then they built something that was non-compliant. He believes that there have been other variances before this asking for much less that were denied because of self-created conditions. Quimby is not necessarily opposed to this, he just wants to be consistent.

Sloan said that they could comply with a fence setback at 40 ft., but then the natural gas piping would be outside of the fence.

Quimby still doesn't see how they have denied other people for self-created conditions. He doesn't think that the cost should be a reason to justify approval.

Sloan said that cost by itself cannot be a reason. With this one, since they've already obtained permits for the construction of the gas line and installed and pressurized it, they are far into the construction process. He questioned what the impact of full compliance would be. It may be tearing out a lot of gas lines, decommissioning some or having them reconfigure the entire site plan. Or they could just put the fence at the 40 ft. and leave the gas lines between the fence and the road.

Quimby asked if Sloan feels that the zoning code gives any leeway to a public utility.

Sloan said not specifically for a public utility, but he would look at the use generally. In this this case, the use is a natural gas substation that serves the region. The circumstances are a little different when dealing with a public utility just because the public services that they have to provide.

Rahman stated that 28 ft. vs 40 ft. is a significant difference.

Project Representative, Barbara Rykwald from 8001 Haggerty Rd, Belleville, MI 48111 is the Manager of Corporate Government Affairs for DTE. She first wanted to apologize for this mistake. As a regulated entity, any costs that they incur are a pass through to the customer and they are very aware of that. They are looking to contain the cost to correct this mistake. She wanted to state that they have provided a 3 ft. berm with landscaping to help provide for safety.

Quimby asked if the berm is required by the Zoning Ordinance.

Jacob Grobbel, DTE's Project Engineer for the gas pipeline project, stated that the berm is required. He stated that the mechanical piping designer finalized the process piping design and it should have been included in the initial planning submittal set but was not. That is the disconnect. The 40 ft. that was approved should have been at 28 ft. During the engineering review, that wasn't looked at. The mechanical design was being done by one design firm and the site plan and engineering was being done by another firm. Grobbel said that the mechanical designer basically laid out the mechanical plans without meeting the site plan requirements.

Quimby wants to know if this is just a paperwork problem, or is it designed this way because there is no room to move it for process design. He stated that if it was always supposed to be this way, it's a different problem than if someone made a mistake and screwed something up and now after the fact you have to fix it with a variance. It feels like it may be a self-created condition. He is sensitive to a public utility and cost, but it feels like this could be professional negligence, which is the design person's problem and not your customers.

Grobbel stated that if they would have identified this problem between the Planning Commission submittal and engineering review submittal, they would have been here in 2023 trying to get the variance. Now, instead of doing nothing and just putting the fence at 40 ft. following the setback requirement, they would leave three of the valves exposed to citizens or possibly drunk drivers.

Quimby wants to know why that pipe had to be located there and why it had to be above ground.

Grobbel said that the natural gas piping that they design are federally regulated under DOT. They have to design to both state and federal regulations. Those three valves must be above grade to access them easily in case of emergency. If moved 12 ½ feet to east, they'd be too close to the regulators and ignitions sources.

Quimby asked if those things could have also been moved the 12 ½ ft. He verified that the building on the east is constraining the distance of the control building, and then where the valves need to go.

Grobbel confirmed.

Lee asked how much of this project is actually constructed now.

Grobbel said that everything that is on the drawing is built except the berms, sidewalk, and other landscaping. Right now, there is just a snow fencing around the valves.

Motion by Clarence Lee, supported by Greg Greene to open the Public Hearing at 7:46 pm.

Ayes: All (5-0)

Nays: None

No one in the audience wished to speak.

Motion by Clarence Lee, supported by Tareq Rahman to close the public hearing at 7:47 pm.

Ayes: All (5-0)

Nays: None

Quimby wanted to add that he did not like the pre-existing condition part of Staff's Analysis. He doesn't think that it makes sense. This fence error was just overlooked in the paperwork phase. The fact that because they already put the pipe there and then ZBA members should just allow them to move the fence does not seem appropriate to him. He feels that the standards have been met but he does not agree with staff's justification.

Motion by Clarence Lee to approve the request for variances from §78-129(h) and §78-131(1) of the Code of Ordinances to allow the proposed 8-foot-high fence to be located 28.5 feet from the front lot line along Haggerty Rd. on the subject property, parcel 143-99-0015-002 at 41368 & 41384 Van Born Rd., as illustrated on the plans and described in the Staff Analysis, based on the application meeting the standards of §27.05(D)(3) of the Zoning Ordinance, as noted in the Staff Analysis, with the exception of the practical difficulty findings which the ZBA is substituting with the current

locations and orientations of the buildings adjacent to the piping and the required orientation of the exterior pipe as a reason for the practical difficulty.

Supported by Aaron Tassell.

Ayes: All (5-0)

Nays: None

Variance is Approved.

3. Application 054-ZBA-8147. Applicant, Debra Shelton, for property located at 2033 Manton Blvd., Canton, MI 48187, which is located on the north end of Manton Blvd. (Parcel ID 054-01- 0051-303). Zoning is R-5, Single Family Residential. Applicant requests 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 subject lot and in front of the rear building line of the buildings on the adjacent lots.

Patrick Sloan, Community Planner, stated that the applicant at 2033 Manton Blvd. is applying to install a 6 ft. high fence in the east side yard of the property. The Zoning Ordinance allows fences up to 4 ft. high when they are located in the front of the rear building line of the home or in the side yard. He showed an aerial image of the property. They are proposing this fence for security and enclosing pets. There is a commercial area next door. The proposed fence would be located in the front of the rear building line up to 4 ft. behind the front corner of the house on that side. The proposed fence would be located in front of the rear building line fence and will be set back 4 ft. from that front corner of the house. The fence will enclose a side entry door. The parcel to the east is a shopping center zoned C-2. Mr. Sloan discussed the 7 standards of review of Section 27.05(D)(3) Variance Decision Criteria of the Zoning Ordinance as listed in the Staff Analysis dated for this April 11, 2024 meeting. He added that the Township is in the process of amending the fence ordinance. There has been a First Reading of the ordinance with the Township Board. There are a few things to be modified before the Second Reading and vote on the ordinance. The proposed ordinance would allow for a 6 ft. high fence in a side yard, provided that it is 15 feet behind the front corner of the home. In this case, it is 4 feet from the front corner. This home is set back about 220 ft from Manton Blvd and sits next to a commercial lot, so there is no impact that the fence will have on the front of the house as viewed from the road. Based on the location of the door on the side of the house and some of the topography in the side yard where it drops down, staff believes the proposed variance is a reasonable amount necessary to mitigate the practical difficulty. Based on the analysis, Staff believes the standards of §27.05(D)(3) have been met to approve a variance from §78-131(4)(a) of the Code of Ordinances to allow the proposed 6-foot-high fence to be located in front of the rear building line of the home on the subject lot and in front of the rear building line of the buildings on the adjacent lots as proposed on the plans, which will be set back 4 feet from the front corner of the home on the east side.

Lee asked about the height of the commercial wall.

Sloan was not certain of the exact height of the wall. He showed the proposed location of the fence in relation to the site.

Applicant, Debra Shelton 2033 Manton Blvd., Canton MI stated that she would just like to fence in the side. It would be too expensive to fence the entire yard.

Motion by Clarence Lee, supported by Aaron Tassell to open the Public Hearing at 8:07 pm.

Ayes: All (5-0)

Nays: None

No one in the audience wished to speak.

Motion by Aaron Tassell, supported by Clarence Lee to close the public hearing at 8:08 pm.

Ayes: All (5-0)

Nays: None

Motion by Clarence to adopt the model motion and findings prepared by staff to allow the proposed 6-foot-high fence to be located in front of the rear building line of the home on the subject lot and in front of the rear building line of the buildings on the adjacent lots as proposed on the plans, which will be set back 4 feet from the front corner of the home on the east side.

Supported by Aaron Tassell.

Ayes: All (5-0)

Nays: None

Variance is approved.

4. Application 039-ZBA-8163. Applicant, Kristin Parkinson, for property located at 44411 Westminister Way, Canton, MI 48187, which is located at the southwest corner of Westminister Way and Sheldon Rd. (Parcel ID 039-01-0781-000). Zoning is R-5, Single Family Residential. Applicant requests a variance from Section 79-129(h), Section 78-131(4)(a), and Section 78-131(4)(b) of the Code of Ordinances to allow for a fence to be constructed in a required front yard setback and to allow for a 6-foot-high fence in front of the rear building line of the home on the subject lot and in front of the rear building line of the home on the adjacent lots.

Patrick Sloan, Community Planner, stated that the applicant proposes to remove an existing 6-foot-high wooden privacy fence and replace it with a 265 linear feet of 6-foot-high vinyl privacy fence. The proposed fence will enclose the rear/south yard, a portion of the side/west yard, and a portion of the side front/east yard along Sheldon Rd. The proposed fence would be in the same or similar location as the existing fence. He showed the submitted diagram of the proposed fence. They are requesting the fence to be 6 ft. all the way around including an area in front of the rear corner of home on the west side which the ordinance only allows it to be 4 ft. high. They are also requesting that the 6 ft. high privacy fence be allowed in the front yard along Sheldon Rd. This is a corner lot, so it has two front yards. Their primary front yard is along Westminister Way. They have another front yard along the east side which is Sheldon Rd. In the draft fence ordinance, which is still under review, a 6 ft. high fence like the one on the west side of the home would be allowed since it sits 15 ft. behind the front corner of the home. Along Sheldon Rd. on the east side of the house, the draft ordinance would also allow a privacy fence within this front yard setback area except it would not allow the fence within 15 ft. of the front corner of the house. Mr. Sloan pulled up a Google street view image of the house. He showed that there is a mature tree approximately 15 ft. from the front corner of the home on the east side. Staff's recommendation would be to move the front fence back at least 5 ft. from the front of the home so as not to interfere with the tree. He summarized the standards of review of Section 27.05(D)(3), Variance Decision Criteria of the Zoning Ordinance as noted in the Staff Analysis. Many of these standards have been met; however, Staff believes that conditions consistent with the proposed fence ordinance amendments would fulfil these standards of review because they minimize the impact of adjacent properties and the neighborhood. Staff's recommendation is to approve variances from §78-129(h), §78-131(4)(a), and §78-131(4)(b) of the Code of Ordinances, subject to the following conditions:

1. The fence in the front-yard setback along Sheldon Rd must be located at least 5 feet southward of the northern façade of the garage;

2. The fence in the side yard on the west side of the home must be located at least 15 feet southward of the northern façade of the home on that side;
3. The fence shall be set back at least 1 foot from the sidewalk along Sheldon Rd; and
4. The fence shall be removed at property owner expense if necessary for use, improvement, or access of the private easements for public utilities and stormwater.

Lee wanted to clarify that the electrical boxes are in the easement.

Sloan said that is correct. There is a 6 ft. wide surface water easement on the rear southern line. There is also a 17 ft. wide private easement for public utilities and maintenance along the eastern line.

Quimby asked if Sloan could please show the easements on the diagram.

Sloan stated that Staff reviewed the easements it on a plot plan, but he did not have that information available for this meeting on the applicant's drawing.

Applicants, Brandon and Kristin Parkinson of 44411 Westminister Way approached the podium. Mr. Parkinson stated that all he wants to do is take down a bad fence and put up a new one. Mrs. Parkinson stated that the fence cannot be moved. She needs her yard exactly the way it is because she has three big dogs. Mr. Parkinson stated that he did his research, and the current fence was permitted in 1996.

Quimby said that the ordinances change over time. In fact, they are being revised once again to provide relief to property owners because it was too restraining and at most meetings the ZBA is seeing variances for corner lots. The ZBA members need to apply a consistent standard to all of the properties. He wanted to acknowledge that he knows that anything less than what the applicants are asking may feel like they are having something taken from them. He understands that, but he said that they do have ordinance standards that they have to apply.

Mrs. Parkinson noted that the neighbors across Sheldon Road have a 6 ft. fence right up to the corner of the front of the home.

Sloan said that he is not aware of that case, since the Planning Division Staff just started reviewing all fence variance applications about two years ago. He does not remember reviewing a variance for this neighbor's fence. Having a 6-foot-high fence that is even with the front façade is not something that we want to proliferate throughout the community based on the draft ordinance review so far by staff, the Planning Commission, and the Township Board. He noted that as they've looked at fences in the analysis with the Planning Commission, they have agreed to allow 6 ft. high fences on the sides of major roads but to step them back 15 ft. from the front of the house.

Tassell wanted to confirm that the recommendation in this case is only five feet to allow room for the tree that is currently there. He asked what the current ordinance for this is right now.

Sloan stated that the current fence ordinance doesn't allow fences in front yard setbacks at all.

Tassell said right now, without a variance, they could only put the fence to the back corner of the house.

Quimby noted that they can't leave a small portion of the fence up and replace the rest of it and say that it's just maintenance. The ZBA members have to follow the standards. They do not set the policy themselves. He explained that they've been working on the fence ordinance for over a year and a half, including several Planning Commission meetings and a public hearing, then then Township Board approval. He stated that it is clear that the applicants want to replace the fence for good reasons. The only

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question is whether there is a substantial injustice being done to the applicants by complying with the Planning Division recommendation of taking the fence five feet off the front of the house based on the staff review and analysis of the variance standards.

Mr. Parkinson said that he bought this house because of the yard. There is landscaping on both sides and there are tree roots in the way. He is not even sure if he could put the fences posts in there because of the roots.

Lee stated that looking along Sheldon Road there are a lot of old fences that will soon need to be replaced. They need to make sure they are not setting a precedent.

Motion by Aaron Tassell, supported by Greg Greene to open the Public Hearing at 8:40 pm.

Ayes: All (5-0)

Nays: None

Mohamad El-Hajahmad from 44425 Westminister Way, the applicant's neighbor, said that he signed for approval of this. He has no issues with them installing a 6 ft. high fence. He recommends that if they have to move the fence, that instead they just do heavy maintenance, and his neighbor will still have his full back yard.

Motion by Aaron Tassell, supported by Clarence Lee to close the public hearing at 8:42 pm.

Ayes: All (5-0)

Nays: None

Aaron Tassell has no issues with the model motion. He feels that by just moving the fence five feet in from the front of the house is still giving them a huge variance.

Greene stated that he is still concerned with setting new precedents for future similar situations.

Quimby said that he knows this is frustrating, and as far as he remembers, the two years that he's been a ZBA member, they have never approved a fence on the front façade of the building. He is also comfortable with the model motion.

Mr. Parkinson asked when the ordinance came about that said that you had to be 15 ft. back.

Quimby said that that is the proposed ordinance change. The current ordinance as it stands today does not allow it at all in the front yard setback. If ZBA allows you to take the fence to Sheldon Rd., the current ordinance would not allow the fence to come in front of the back corner of the house. What the model motion recommends is substantially more than the current ordinance allows.

Sloan showed the small square of the yard that today's ordinance would allow. He said that the current ordinance was approved about 20 years ago.

Mrs. Parkinson said that their neighbor had this same thing done two years ago.

Quimby said that they can't speak to the other homes. But he believes that if they came before this board, they might not have approved it.

Mr. Parkinson asked what is the next step, to move this forward. Does he need to bring attorneys?

Quimby said if they approve this model motion, and the applicants still want to appeal the ZBA's decision, the ZBA is a quasi-judicial body and the applicant would have to appeal to Circuit Court.

Motion by Aaron Tassell to adopt the model motion and findings prepared by Staff in their April 11, 2024 report which states the motion to approve the request for the variances from §78-129(h), §78-131(4)(a), and §78-131(4)(b) of the Code of Ordinances to allow the construction of a fence in the front yard setback adjacent to Sheldon Rd. and to allow for a 6-foot-high fence in front of the rear building line of the home on the subject lot and in front of the rear building line of the home on the adjacent lots on the subject property on parcel 039-01-0781-000 at 44411 Westminster Way, as illustrated on the plans and described in the Staff Analysis, based on the application meeting the standards of §27.05(D)(3) of the Zoning Ordinance, as noted in the Staff Analysis, subject to the following conditions:

- 1. The fence in the front-yard setback along Sheldon Rd must be located at least 5 feet southward of the northern façade of the garage;**
- 2. The fence in the side yard on the west side of the home must be located at least 15 feet southward of the northern façade of the home on that side;**
- 3. The fence shall be set back at least 1 foot from the sidewalk along Sheldon Rd; and**
- 4. The fence shall be removed at property owner expense if necessary for use, improvement, or access of the private easements for public utilities and stormwater.**

Supported by Clarence Lee.

Greg Greene presented an amendment to the Model Motion to correct the spelling of the street name to "Westminster Way." There was an "i" missing in the name in the model motion.

Aaron Tassel added the typographical correction to the motion.

Ayes: All, (5-0)

Nays: None

Variance is approved with conditions.

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

Ayes: All, (5-0)

Nays: None

Meeting adjourned at 8:52 pm.

Alison Eisenbeis, Recording Secretary