

## **BOARD OF ZONING APPEALS MINUTES**

A regular meeting of the Farmington Board of Zoning Appeals was held on Wednesday, September 2, 2020 via Zoom remote technology. Notice of the meeting was posted in compliance with Public Act 1976.

Chairperson Bertin called the meeting to order at 7:10 p.m.

### **ROLL CALL:**

**PRESENT:** Aren, Bertin, Crutcher

**ABSENT:** None

A quorum of Commissioners was present.

**CITY OFFICIALS PRESENT:** Building Inspector Bowdell, Recording Secretary Murphy, Brian Golden, Director of Media Services.

### **APPROVAL OF AGENDA**

MOTION by Aren, supported by Crutcher, to approve the agenda as presented. Motion carried, all ayes.

### **MINUTES OF PREVIOUS MEETING OF DECEMBER 4, 2019 AND AUGUST 5, 2020**

Building Inspector Bowdell asked that the approval of the December 4, 2019 minutes be deferred to the next Zoning Board of Appeals Meeting.

MOTION by Crutcher, supported by Aren, to approve the minutes of the August 5, 2020 Zoning Board of Appeals meeting. Motion carried, all ayes.

### **MINUTES OF PREVIOUS PLANNING COMMISSION MEETING OF JULY 13, 2020**

The minutes of the previous Planning Commission meeting of July 13, 2020 were received and filed.

### **ELECTION OF OFFICERS**

**A. Chairperson**

**B. Vice Chairperson**

**C. Secretary**

Discussion was held regarding maintaining the current slate of officers. Secretary Schiffman not being present to accept the nomination, this Agenda Item was deferred to the next scheduled Zoning Board of Appeals Meeting.

## BOARD OF ZONING APPEALS MINUTES -2-

MOTION by Crutcher, supported by Aren, that the Election of Officers be deferred to the next scheduled meeting of the Zoning Board of Appeals.

Motion carried, all ayes.

### **APPEAL OF:**

**Jacob Nelson  
32394 Leelane  
Farmington, MI 48336**

1. Request for a variance from 2 sections of the ordinance pursuant to structures (fences) Chapter 13 in a required front yard open space area. Because this is a corner lot (Leelane & Power Rd) it has two front yards both with a required setback of 25 feet as shown in Zoning Ordinance Section 35-73.

Chairperson Bertin introduced this item and turned it over to staff.

Building Inspector Bowdell stated the Applicant applied for a permit and actually there used to be a chain link fence adjacent to the sidewalk as was their neighbor across the street had one as well. The fences were removed, and I don't know how they got there but our ordinance sometime between a long time ago and today says that those particular houses have a double front yard, in other words those fences were located in a front yard. So, in order to be consistent with the rest of the places around and there is a picture of the old fence, they've removed that fence and when they came, they were hoping to put a fence right back up. I explained to them that technically the ordinance doesn't permit that and quite frankly, I'm sure they'd like that, that's not what we advertised for. They advertised to go about almost two-thirds of the way back to where it would be. So, the request is to have a fence within a required yard area as stated in the Notice.

Chairperson Bertin asked if there were drawings to show where that location of the fence would be then and Bowdell replied yes. He stated this is a very good graphic showing that the code is where the fence line would have to be, right in line with the edge of the house and if they measure it, they couldn't even get off their deck. So, when they bought the house, they had that full area that you see with the yellow lines all the way to the sidewalk as what they thought was their rear yard. Our ordinance says something contrary. So what you see is they're asking for a variance to have the fence at the 10-foot line, in other words it's 15-foot back, not 25 so that they have some use of that deck, of walking off the deck and having a couple of steps before they run into a fence.

Bertin asked if that fence then connect this black line in front that says 31.4 to the black line in the back or just the fence there?

Bowdell replied it is the black line in the front, the line that says 10-feet and the black fence at the rear of the property which normally would not be a variance if they're allowed to put a fence, in other words we allow the fence at the back of the house, we don't allow it to encroach past the side of the house. So, yes, the variance would include the piece in the front and the piece in the back and as I've stated in their perfect world, they would want it all the way out to the sidewalk. I explained to them you don't want to ask for too much because you could end up with nothing. So, they thought it was reasonable to ask for that 10-foot line.

### BOARD OF ZONING APPEALS MINUTES -3-

Bertin stated it looks as though the black fence line on the north side of the property, it looks like it ends at the garage at the back, is that true or does it run all the way across?

Bowdell replied that fence there is right dead tight up against that garage so it's a driveway there.

Bertin asked if they would actually be running a fence along that tight to the wall of the garage next door and Bowdell replied that fence is existing, they never took that one down.

Bowdell stated he would like the Applicant to speak for himself as he lives there and can better explain it, he lives there every day.

Chairperson Bertin invited the Applicant to speak.

Jacob Nelson, Applicant, stated that Inspector Bowdell had explained to him the intent of the ordinances and he wants to respect that and preserve public safety and visibility for pedestrians, cyclists and motorists on Power Road. He stated it is his hope that they can make some use of their yard and provide some privacy for his young family here but still preserve the beautification of the neighborhood and provide visibility for the neighbors surrounding the property. Other than that, what Bowdell described was accurate.

Chairperson Bertin asked what the material of the fence would be and Nelson replied the graphic at the top is essentially what the fence would look like except in the photo there the fence is well over 6-feet but he is proposing to put in no higher than 6-feet.

Crutcher said they're proposing this 15-foot variance on the site line, are there fence lines that are similar going down the street with setback?

Nelson replied there are a few other privacy fences in the neighborhood on their road that go right up to the sidewalk, that's not what he's looking for here, it's a 10-foot variance so it would be 15-feet in from the property line towards the house off of Power Road. So, they would be providing more visibility for the surrounding neighbors.

Aren stated she knows there's a chain link fence close by but there's also a tall 6-foot one further north on Power Road,, so the Applicant is saying he will do it right there on a 10-foot variance that will be 6-feet high and will be treated wood?

Nelson replied yes, it will be redwood cedar.

Aren then stated on the opposite side it would be grass and it would be mowed as just plain grass and then the matching area close to the road and Nelson replied that's correct, they would landscaped it in a similar fashion as they have on the balance of the property.

## BOARD OF ZONING APPEALS MINUTES -4-

Crutcher asked if there would be a gate on the fence and Nelson replied they don't plan to have a gate at all and if you were to walk up the driveway of the house towards the backyard, towards the garage, they don't even plan to have a gate there so it would be open on that side. He said the fence is really just to provide privacy and protection and safety for his kids and his pets on the Power Road side of the property.

Chairperson Bertin asked if there were any further comments from the Commissioners.

Hearing none, Inspector Bowdell stated there was one letter received on this appeal which stated there was no objection.

Crutcher asked Bowdell if there were any recommendations that should be included with the variance and Bowdell replied that this variance request was advertised asking for a 15-foot variance and not anything that detrimental to the neighborhood and gives his neighbor with the driveway plenty of visibility and it gives people that are coming down his street that are going to turn onto Power Road visibility. There's nothing wrong as presented, that's for sure.

Crutcher said being considerate of what he's trying to do, but another 5-foot would not be that much different.

Bowdell stated if the fellow Board members agreed with that, they could make a motion to that effect.

Bertin asked Crutcher for clarification and he replied that the Applicant is asking for a 15-foot but he is suggesting a 20-foot that would put him 5-feet away from the edge and Aren stated that she feels that puts it a little close to the sidewalk and the garage of his neighbor and that she is uncomfortable with that as it is and Bertin agreed with the concerns.

Nelson replied that speaking with his neighbor on the rear of his property, they're actually very comfortable with the variance they're requesting, mostly because they want to provide that visibility for her and other people walking down the street and that he appreciates the willingness to consider a larger variance but he is comfortable from a public safety perspective his request.

Crutcher asked Bowdell if there were any conditions that should be included in the variance and Bowdell replied if they relate their motion back to what's shown on their site plan to allow the fence at the rear lot line at the rear of the home and along Power Road as shown in the application, I think you'll be fine.

MOTION by Crutcher, supported by Aren, to grant the request for variance for Jacob Nelson, 32394 Leelane, for the following reasons and findings of fact:

1. That the Applicant has shown that a practical difficulty exists as this is a corner lot and has two front yards both with a required setback of 25 feet as shown in Zoning Ordinance Section 35-73.

**BOARD OF ZONING APPEALS MINUTES -5-**

2. That the installation of this fence would have no detrimental effect on the neighboring properties.
3. That the installation of this fence would ensure the privacy and safety of his children and pets.

FURTHER, that the variance be granted with the following conditions:

1. That the fence be installed as shown on the drawings presented.

MOTION carried, all ayes.

**PUBLIC COMMENT**

None heard.

**ADJOURNMENT**

MOTION by Aren, supported by Crutcher, to adjourn the meeting.  
Motion carried, all ayes.

The meeting adjourned at 7:33 p.m.

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Matthew Schiffman, Secretary