

**CITY OF WIXOM  
ZONING BOARD OF APPEALS MEETING  
49045 PONTIAC TRAIL  
MONDAY, JUNE 12, 2017**

Approved  
7/10/17

The meeting was called to order by Chairman Caplan of the Zoning Board of Appeals at 7:30 p.m. at which time allegiance was pledged to the American flag.

**BOARD:** Jeff Caplan (Chairman), David Berry, Joe Barts, Peter Behrmann, Ray Konchel and Tom Marcucci  
**ABSENT:** Michael Schira (Excused) and Steve Winters  
**OTHERS:** Carol Maise (on behalf of Carmine Avantini) [CIB Planning] and Nancy Fisher (Recording Secretary)

**Determination of a Quorum:**

A quorum of the Zoning Board of Appeals was present for this meeting.

**Agenda:**

No additions or changes were made to the agenda.

**Approval of the April 10, 2017 Zoning Board of Appeals Meeting Minutes:**

MOTION and seconded by Boardmembers Behrmann and Berry to approve the April 10, 2017 Zoning Board of Appeals Meeting Minutes. **Boardmember Konchel abstained.**

**VOTE:**

**MOTION CARRIED**

**Correspondence:**

City Manager's Update – May 23, 2017

City Manager's Update – June 13, 2017

**Call to the Public:**

There were no comments made by the public.

**Unfinished Business:**

There was no unfinished business listed on the agenda for this meeting.

**New Business:**

- 1. ZBA CASE #001-17, RANDY T. MICHAEL, 2744 LOON LAKE ROAD, WIXOM, MI 48393:** The applicant is requesting his case be re-opened for consideration to allow a six (6) foot high screen fence in the front yard where a four (4) foot fence was approved by the Board. The basis for said request is compliance with the Americans With Disabilities Act.

Chairman Caplan informed the applicant that he would have to secure at least four votes of the six Boardmembers present in order to have the Motion pass.

Randy Michael, 2744 Loon Lake Road, Wixom. He needs a 6-foot fence due to the elevation and the fact that there is no visibility from the front of his house for him to observe his daughter. She spends most of her life in the front yard and it would be very easy for a grown man to approach her, gain control of her and then speed away. She can easily jump over the cosmetic fence that the Boardmembers granted him

permission for. The 6-foot fence would still be for the 88 feet of frontage. He would like to enclose the whole front yard.

Ms. Maise noted that the purpose of tonight’s meeting is to determine whether there is new evidence to reconsider the case. New evidence has in fact been submitted and it will be passed on to the City staff and consultants. The Zoning Board of Appeals (ZBA) would receive this information as part of a reconsideration package. However, the Board cannot discuss the merits of the case tonight since the public has not been informed. The Board is only acting on whether to grant a reconsideration. If they decide to do that, they would make a motion to reconsider the applicant’s case at the next ZBA meeting.

Chairman Caplan noted that new evidence has been presented to the City Attorney. Boardmember Behrmann said that he saw no new evidence in tonight’s meeting packet. Can the applicant make the Boardmembers aware of what the new evidence is? Ms. Maise said that the City Attorney suggested she look at the new evidence and that Ms. Maise believes what was given to her by the applicant is indeed new evidence. Ms. Maise provided a copy of the new evidence she received to Boardmember Behrmann; however, she noted that it should not be discussed since tonight’s meeting is not a public hearing. Any reconsideration would follow the same process as the applicant’s initial request.

**MOTION** and second by Boardmembers Berry and Marcucci to reopen ZBA Case #001-17, Randy T. Michael’s for reconsideration to allow a six (6) foot high screen fence in the front yard where a four (4) foot fence was approved by the Board in order to consider new information provided to the City.

**ROLL CALL VOTE:**

Yays:	Caplan, Barts, Berry, Marcucci and Konchel
Nays:	Behrmann
Absent:	Schira and Winters

**MOTION CARRIED**

**Call to the Public:**

There were no comments made by the public.

**Staff Comments:**

There were no comments made by the staff.

**Board Comments:**

There were no comments made by the Boardmembers.

**Adjournment:**

This meeting of the Zoning Board of Appeals was motioned and adjourned at 7:40 p.m.

Nancy Fisher  
Recording Secretary