

**CITY OF WIXOM
ZONING BOARD OF APPEALS MEETING
49045 PONTIAC TRAIL
MONDAY, AUGUST 14, 2017**

Approved
09/11/17

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), Joe Barts, Steve Winters, Peter Behrmann, Ray Konchel and Tom Marcucci
ABSENT: David Berry (Excused) and Michael Schira
OTHERS: Carmine Avantini [CIB Planning] (City Planner), Carol Rosati (City Attorney) 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 July 10, 2017 and July 17, 2017 Zoning Board of Appeals Meeting Minutes:

MOTION and seconded by Boardmembers Winters and Barts to approve the July 10, 2017 and July 17, 2017 Zoning Board of Appeals Meeting Minutes.

VOTE:

MOTION CARRIED

Correspondence:

City Manager's Update – July 11, 2017
City Manager's Update – July 25, 2017

Call to the Public:

Erik Leskinen, 2713 Loon Lake Road, Wixom. This case has been going on for a long time. The first meeting was held in April. Several neighbors sent emails. At the second meeting, it was mentioned that there was new information. However, it sounds like the only new thing mentioned was the applicant's fear about his daughter being kidnapped. Wixom has little crime and no one has bars on their windows. One of the boardmembers mentioned the freeway shooter having resided in Wixom. He thinks that is unfair since that was not a normal occurrence. If the applicant is worried about drive by shootings, would the Board give him a variance for a yard fence? There is a certain amount of paranoia. The City's Police Department keeps everyone safe. The applicant put up a fence without a permit or the approval of the homeowner's association and in defiance of the Zoning Board of Appeals (ZBA). He is still opposed to the fence being proposed by the applicant.

Chairman Caplan informed Mr. Leskinen that all of the information and communications submitted by his neighbors is part of the Boardmembers' meeting packet(s).

Unfinished Business:

1. **ZBA CASE #001-17: RANDY T. MICHAEL, 2744 LOON LAKE ROAD, WIXOM, MI, 48393:** The case is being reheard by the Board, tabled from July 17, 2017, 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. The property is zoned R-3, One Family Residential and the parcel number is 17-29-203-004.

Chairman Caplan informed tonight's applicants that they would need to secure at least four votes in order to have their variances granted.

Randy Michael, 2744 Loon Lake Road, Wixom. He confirmed with Mr. Avantini that the Boardmembers were provided with copies of the revised plot plan and the proposed fence and screening. He noted that he has done a lot of work on these plans in the last couple weeks. The main issue continues to be his daughter's security. The fence he is proposing addresses part of that but not all of it. He always planned to do something with his barren lot and will screen the entire 88 feet along Loon Lake Road. The fence will be pulled back 5 feet from its current location off the road. The fence will probably not be visible from Loon Lake Road but will still be decorative. Only the trees will be visible.

Mr. Avantini noted that he met with the applicant this afternoon to review the concerns which were raised at the last ZBA Board meeting to have a consistent fence design, more attractive fence and screening. The applicant presented him with revised plans for a decorative fence running the entire length. The applicant will remove the current fence. Boardmember Marcucci confirmed with Mr. Avantini that the fence will be 5 feet, 4 inches tall including the lattice work. Boardmember Marcucci asked how far the fence will be from the porch. The applicant said the fence will be 20 feet from the porch, then 4-1/2 feet from the fence to the trees. It is 26 feet from the main house to the fence. Chairman Caplan confirmed with the applicant that he will also straighten the fence out. Mr. Leskinen asked to review a copy of the applicant's revised proposal for the fence and was given a copy.

The applicant said that he will install about 33 trees, roughly three for every foot length, which will almost touch one another when planted. They will get thicker before they get taller. Boardmember Konchel asked the applicant whether the fence will be painted or stained. The applicant said that the fence is cedar and will be clear coated. It will not have a gate. Boardmember Marcucci confirmed with the applicant that the fence will not go all the way to the house on the west side. The applicant said this is due to the fact that that area has very high visibility and is easy for him to see and keep an eye on from inside his home. His concerns around safety do not pertain to that area and he does not think it would be very attractive aesthetically. Chairman Caplan asked whether the fence on the east side is new. The applicant said that there are a couple panels that he wants to connect which resolves his concerns. There will be no arborvitae on that side. Boardmember Konchel confirmed with the applicant that the fence on the east side is the same style as the one across the front and that there is a little jog on the west side.

Boardmember Winters said that he does not understand the 16-inch variance on top. If the trees are there, there is no need for the extra 16 inches of fencing. If the applicant is granted that, then he will get the 6-foot barrier that he wanted after the arborvitae mature. The applicant noted that there is a critical difference between a fence which someone could kick over and one they could not. Boardmember Barts asked the applicant whether he bought the house with the understanding that he would have an opportunity to erect a fence at some point. The applicant said that his daughter is 17 years old now. At the time, he was worried about her getting hit by cars. When he started thinking about a fence, he did not realize that it would be a problem. Boardmember Barts asked the applicant whether someone told him he could fence off his yard since it is a corner lot. The applicant said no unless it was 4 feet, 2 inches or less. Mr. Avantini noted that the City allows fences in the front yard; however, they have to be decorative (wrought iron or white picket). Boardmember Barts wondered whether a realtor told the applicant that he could have a fence. The applicant

said no. The everyday management of his daughter consumes his attention. There are one to two houses along Wixom Road near Charms which have fences with 6-foot arborvitae. He does not know whether they got a variance for this or not.

Boardmember Behrmann confirmed with Mr. Avantini that the applicant does not require permission to install shrubs/arborvitae. He noted that the bushes are just there to screen the fence. Boardmember Marcucci thinks that the revised plan looks better than the old one. Chairman Caplan noted that the applicant has worked with the ZBA and addressed some of the concerns which were raised. The changes to the applicant's request involves the Disability Act. Boardmember Behrmann likes that the applicant is moving the fence 5 feet back from the top of the hill so that it will be less intrusive. The applicant said that the trees will be located where the current fence is.

Boardmember Marcucci said that his only concern is the fence on the east side with a big gap on the west side. The applicant noted that is a pretty treacherous location and it would require a step down. There is a natural barrier where he built the fence and there is a lot of visibility from the house to that point. Boardmember Marcucci noted that the applicant is fencing 56 feet and would only need to go another 20 feet in order to make it more safe and secure for his daughter. Chairman Caplan noted that the applicant can plant arborvitae without the need for any variance. Boardmember Marcucci confirmed that the City Planner will pick one of the two arborvitae species submitted with the applicant's revised plans. Mr. Avantini said that he would prefer one that is wider. Boardmember Barts noted that two different arborvitae have been proposed and that the City has decided this plan is ideal. Thirty-three trees sounds like a lot but they will create a hedge across the 88 feet of fencing. Mr. Avantini said that he will ensure that the applicant plants the proper arborvitae. The applicant noted that he currently has Green Emerald arborvitae planted which still look good after 2-1/2 years.

Boardmember Barts said that he is concerned with the lack of dimensions on the applicant's sketch. Do the Boardmembers need to specify dimensions? Mr. Avantini said that the Boardmembers can reference the distance from the current fence in their motion. Boardmember Behrmann asked Ms. Rosati whether a deed restriction is required. Mr. Rosati said no. She noted this is being granted for the reasonable accommodation of the daughter. If the applicant and his daughter no longer occupy the home, the fence must be removed.

The applicant asked how much time he has in order to complete the work. Mr. Avantini said up to a year. Ms. Rosati reminded the applicant to secure the appropriate permits.

MOTION and second by Boardmembers Barts and Winter to approve Case #001-17, Randy Michael's request for a variance for a front yard fence as reflected in the revised plans and sketch he submitted outlining the dimensions for a fence with 88 feet of frontage. The fence will be 5 feet back from the current fence's location which is 20 feet from the porch and 26 feet from the house along the front of the property. The fence will also run diagonally and back per the dimensions cited on the applicant's sketch, its northward trajectory to be determined and approved by the City Planner. The fence will be 5 feet 4 inches tall from the base to the top of the lattice work. The fence will be screened by approximately 33 arborvitae (either Hetz Wintergreen or Emerald Green species), at a minimum height of 6 feet tall, the intent of which is to screen the fence, which will be reviewed and approved by the City Planner. A height variance is attached to the property owner's continued ownership of 2744 Loon Lake Road, not to be grandfathered to a future property owner or in perpetuity. The property is located at 2744 Loon Lake Road, Wixom, Michigan 48393, is zoned R-3, One Family Residential and the parcel number is 17-29-203-004.

VOTE:

MOTION CARRIED

New Business:

1. **PUBLIC HEARING FOR TEMPORARY USE ZBA #004-17, GENERAL RV, 28987 & 28643 W. WIXOM ROAD, WIXOM, MI 48393:** The applicant is seeking temporary use approval to install a temporary gravel parking lot on the Assembly Park property, to the immediate west of General RV, for a one (1) year period. The Municipal Code, **Section 18.22.060**, requires approval from the Zoning Board of Appeals for this request. The property is located at 28987 & 28643 S. Wixom Road, Wixom, Michigan 48393 and is zoned GPUD, Gateway Planned Unit Development District. The parcel numbers are 22-07-200-013 and 22-07-426-011.

Chris Davis, General RV, 25000 Assembly Park Drive, Wixom. They put in a temporary parking lot and received site plan approval. They will construct a 34,000-square foot office building. They intend to move their corporate employees into that facility. However, they are out of parking and require temporary employee parking. There will not be customer cars. They have over 40 parking spaces every day and need to ensure there is enough room and space. He is requesting a one year exemption for employee parking spaces.

Chairman Caplan confirmed with the applicant that there will be no overnight or truck parking, that they will adhere to the setback requirements, that that they will bring it back to its natural state and will abide by the review and approval of other City departments, consultants and agencies.

Boardmember Behrmann confirmed with the applicant that the lot is located where the new building is going up. The applicant said that a separate entity owns that. It will have permanent parking. The office building is at the far end of Assembly Park Drive. Boardmember Marcucci asked when the applicant plans to break ground. The applicant said in September with an expected completion date of next summer. Boardmember Behrmann noted that once it is completed, the parking will move to the new building. What happens to the gravel lot at that point? The applicant said that it will be returned to grass and listed for sale.

Mr. Avantini noted that the applicant's preliminary plans show a mixture of office and research and development. This whole site is master planned. He does not have a big problem with this request. Chairman Caplan confirmed that the applicant was shuttling employees from the tire shop where they parked.

Boardmember Konchel noted that he drove through the site yesterday and saw a big mound of gravel. However, it is not on Wixom Road as reflected on the sketch. It is Assembly Park Drive. He confirmed with the applicant that the 3-story building will go where the big turnaround is. The applicant said they own all of the vacant land from the General RV Center to the treeline. They have a master plan for development of the other buildings and are striving to make this a General RV campus. They have chosen not to park cars down that road due to safety concerns related to construction traffic.

Boardmember Marcucci said that he has no problems with the applicant's request.

MOTION and second by Boardmembers Behrmann and Marcucci to grant Case #001-17, ZBA #004-17, General RV's request for temporary use approval to install a temporary gravel parking lot on the Assembly Park property, to the immediate west of General RV, not to exceed a one (1) year period, contingent upon review and approval of the City Planner. The property is located at 28987 and 28643 S. Wixom Road, Wixom, Michigan 48393 and is zoned GPUD, Gateway Planned Unit Development District. The parcel numbers are 22-07-200-013 and 22-07-426-011.

VOTE:

MOTION CARRIED

Call to the Public:

Erik Leskinen, 2713 Loon Lake Road, Wixom. The applicant's revised proposed fence looks better than the last rendition but it will still sit on a berm which may look nice in a few years' time. However, the arborvitae grow quickly and will soon become a wall. Why did the applicant move to this lot when he knew he had a special needs child? He is still opposed to the applicant blocking off his whole front yard. He feels the applicant can make a big backyard fence. One of his neighbors has a small backyard and big front yard and installed a wrought iron fence for her dogs which he thinks was required for public safety. This still does not make sense.

Staff Comments:

Mr. Avantini thinks that the Board handled tonight's first case well and balanced the need to provide accommodations with something that will be aesthetically attractive. Chairman Caplan noted that the Board needs to consider that the applicant has a disabled child.

Board Comments:

Boardmember Behrmann noted that the ZBA had previously granted Wendy's a building sign which they never installed. He also asked if they should not have a dumpster enclosure. Mr. Avantini noted that they are required to and that they will be ticketed on an ongoing basis. Wendy's has suggested different ideas; however, there has been no follow through. They require approval from their neighbor but have not secured that.

Chairman Caplan encouraged all the Boardmembers to become active in proposing and seconding motions.

Boardmembers Konchel and Barts noted that they will not be able to attend the ZBA meeting scheduled for September 11, 2017. Mr. Avantini said that there may be a meeting on that date since a deck on Winona has already been built. However, he has requested a more accurate plot plan. If he does not receive that in time, the meeting will not go forward on the 11th.

Adjournment:

This meeting of the Zoning Board of Appeals was motioned and adjourned at 8:17 p.m.

Nancy Fisher
Recording Secretary