

**CITY OF WIXOM  
ZONING BOARD OF APPEALS MEETING  
49045 PONTIAC TRAIL  
WEDNESDAY, NOVEMBER 14, 2018**

APPROVED

12.10.18

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, Steve Winters, Peter Behrmann, Roy Thorsell and Tom Marcucci

**ABSENT:** Michael Schira (Excused)

**OTHERS:** 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 October 8, 2018 Zoning Board of Appeals Meeting Minutes:**

MOTION and seconded by Boardmembers Winters and Behrmann to approve the October 8, 2018 Zoning Board of Appeals Meeting Minutes.

**VOTE:**

**MOTION CARRIED**

**Correspondence:**

City Manager's Update – October 9, 2018

City Manager's Update – October 23, 2018

City Manager's Update – November 13, 2018

**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. PUBLIC HEARING FOR VARIANCE #014-18: MARATHON GAS STATION ADDITION, 2167 WIXOM ROAD, WIXOM, MI, 48393:** The applicant is seeking a variance to allow a rear building setback of 13 feet, 9 inches when a 30-foot rear yard setback is required. The Wixom Municipal Code requires approval of a dimensional variance from the Zoning Board of Appeals when it can be shown that ordinance standards have been met. The property is zoned B-2, Community Business District, where gas stations are allowed as a special land use in that district. The parcel number is 96-17-30-200-016.

Chairman Caplan informed the applicants that they will need to secure four votes in order for their request to be granted.

Robert Saroki, 2167 Wixom Road, Wixom. He is trying to expand the station and help out the restaurant which has been getting busier. They do not have enough room and they are sharing the same coolers. He needs to update the store on the inside. It will be almost brand new after he is done. The hardship is that he does not have enough room for the restaurant.

Boardmember Winters noted that there are two pieces of property. Does the applicant own both? The applicant said that he only owns the gas station. He sold the other one which has changed ownership three times. Boardmember Winters asked whether the other property owner would have an issue with this down the road. The applicant said that he is not encroaching on that property at all. The back end of the site is a drive which is the only thing it is used for. There is a good 20 feet where the dumpster is. That area is not being used and it does not affect the neighbor behind him.

Mr. Avantini said this went through the Planning Commission for site plan review and special land use. Typically, when you have a rear yard setback from the property line, you are abutting another structure or yard. When split, the property line pushed it back another 13 feet which would not have needed a variance. They are not physically set back, just from a drive. He had the Traffic Consultant look at the plan and they felt there is plenty of room for the drive to continue. The setback requirement is a technicality. The Planning Commission made the applicant do the building entirely in brick and it will improve the property and make it more usable.

Boardmember Behrmann asked how this is not self-created if the applicant itself split the property. Mr. Avantini said that it was so long ago (10-15 years) that they probably did not anticipate that the business would change. They did not know that they would have to go back with the building. When it was split, they probably thought they had plenty of room. Even the parking on the outer portion of the lot rarely gets used for the shopping center. The City used to require more parking than they do now.

Boardmember Winters noted that when this first came about the whole configuration was supposed to be different. Is the property allowed to be a sit down restaurant? The applicant said that there will not be tables there. They will expand the back and redo the kitchen toward the back. It will be carry-out fast food only.

Mr. Avantini noted that the parking calculations on the site plan review were not based on an eat-in restaurant. Chairman Caplan confirmed with the applicant that it will not be a sit-down restaurant. Boardmember Behrmann confirmed with the applicant that there will be no drive-up window, either now or in the future. Boardmember Barts noted that the Planning Commission imposed specific requirements regarding aesthetics to ensure a good appearance. Chairman Caplan noted that he would never know there is a property line there if someone did not tell him. There is still 13 feet, 9 inches which is plenty for the driveway. Mr. Avantini noted that the driveway goes onto both properties. The other owner was notified of tonight's hearing.

Boardmember Winters noted that if you go to that property between 4-7 p.m., it is very congested. By expanding, it will attract more people. Chairman Caplan said that perhaps the expansion will allow the applicant to expedite service. Mr. Avantini noted that some parking spaces were moved and the dumpster was moved so they should be better able to handle the additional business. There should be more storage so there should be fewer containers outside. Boardmember Behrmann said that he has no issues with this request.

**MOTION** and second by Boardmembers Behrmann and Berry to approve Variance #014-18, Marathon Gas Station Addition, request for a variance for a rear building setback of 16 feet, 3 inches when a 30-foot rear yard setback is required. The practical difficulty is the size of the lot. The property is located at 2167 Wixom Road, Wixom, Michigan 48393, is zoned B-2, Community Business District, and the parcel identification number is 96-17-30-200-016.

VOTE: MOTION CARRIED

- 2. PUBLIC HEARING FOR VARIANCE #015-18: JASON AND HEATHER THOMAS, 3119 EAST MAPLE ROAD, MILFORD, MI, 48380:** The applicant is seeking a variance to allow: a six-foot (6') privacy fence in a front yard of a corner lot where only 3.5-feet is permitted. The encroachment would be fifteen-feet into the front yard from the front of the house. The Wixom Municipal Code requires approval of a dimensional variance from the Zoning Board of Appeals when it can be shown that ordinance standards have been met. The property is zoned R-3, One Family Residential, where single family residential uses are permitted in that district. The parcel number is 96-17-31-151-027.

Jason and Heather Thomas, 3119 East Maple Road, Milford. Ms. Thomas said that they have two dogs, one of which is an active, adopted dog and which can easily clear the smaller fence. Their neighbors have other dogs off leash which can be a problem. There is a third dog on the way and it is a puppy. They have been rescuing these dogs for 14 years. They bought the house not realizing it would be a potential issue. Their realtor told them it would be fine. Chairman Caplan informed the applicants that because they have a corner lot, they have two front yards.

Boardmember Winters asked the applicant whether they have tried using an electric fence. Ms. Thomas said that the dogs can run 45 m.p.h. and would go right through it. None of their neighbors leash their dogs and the neighbors want the applicants to have the fence since that means they will not have to fence their own yards. Their other neighbors have chickens and dogs. Because it is a dirt road, there is no place for the dogs to walk and people travel very quickly down that road. Also, an electric fence would allow other people’s dogs to come into their yard.

Boardmember Behrmann noted that the applicants want the fence in their front and side yards and that it can only be 3 feet tall; however, the applicants want a 6-foot fence. Ms. Thomas stated that they questioned whether it was 1 or 2 feet but they said it was 1 foot. Mr. Avantini said that the issue is not where it is located on the property but that it is more than 3.5 feet tall at that location on the property. Boardmember Behrmann noted that it is allowed where they are putting it in their yard. There is still a greenbelt between them. Mr. Avantini said that if the applicants are granted a variance for height, then it is okay. Boardmember Winters confirmed with Mr. Avantini that the variance is for height only. Boardmember Behrmann asked how far it is. Ms. Thomas said it is inside the tree line. Their property is 15 feet in from the street. The property does not end until past the trees. Mr. Thomas noted that there are currently three houses on that court and another couple under construction.

Boardmember Behrmann asked whether the applicants filed their property transfer affidavit. The applicants said that they did. Boardmember Behrmann noted that it is a nice fence. Boardmember Winters noted that the ZBA keeps running across corner lots with two front yards. Chairman Caplan noted that may not be fixable with the Ordinance. In this case, they are not addressing that fact since they are so far off the property line. This is a height issue. He does not see an issue. Boardmembers Marcucci and Thorsell said that they do not see an issue with the applicants’ request. Chairman Caplan noted that people fly down that road.

**MOTION** and second by Boardmembers Behrmann and Winters to grant Variance #015-18, Jason and Heather Thomas’ request for a 2-1/2 foot variance to allow a six-foot (6’) privacy fence in a front yard of a corner lot where only 3.5-feet is permitted. The property is located at 3119 East Maple Road, Milford, Michigan 48380, is zoned R-3, One Family Residential and the parcel number is 96-17-31-151-027.

**VOTE:**

**MOTION CARRIED**

**3. Proposed 2019 Zoning Board of Appeals Meeting Dates**

**MOTION** and second by Boardmembers Winters and Berry to approve the proposed 2019 Zoning Board of Appeals meeting dates as published.

**VOTE:**

**MOTION CARRIED**

**4. Proposed 2019 Joint Meetings Dates**

**MOTION** and second by Boardmembers Winters and Barts to approve the proposed 2019 Joint meeting dates as published.

**VOTE:**

**MOTION CARRIED**

**Call to the Public:**

Mike \_\_\_\_\_ (last name inaudible), Commerce. He has a big tree in his front yard. He wants to get rid of it. Does he have to come here? Chairman Caplan said that he would have to go to Commerce Township since that is where he lives. Mr. Avantini noted that there is a tree permit. They make sure you are not unnecessarily removing trees.

**Staff Comments:**

Mr. Avantini noted that there will be a ZBA meeting in December. The Bridgestone Tire store is going for site plan review and special land use. They are creating an outlot at Meijer’s with a storage container which will exceed the height requirement. It will be enclosed. The Ordinance limits the number of tires but they will exceed that. Boardmember Behrmann asked how many outlots are in front of Meijer’s. Mr. Avantini said it is currently one but they are being split

and there may eventually be three to four. They will be using the existing entrances off Grand River. Boardmember Winters asked about the signage. Mr. Avantini said they have to meet the Ordinance requirements.

**Board Comments:**

Chairman Caplan wished everyone a Happy Thanksgiving.

**Adjournment:**

This meeting of the Zoning Board of Appeals was motioned and adjourned at 8:02 p.m.

Nancy Fisher  
Recording Secretary