

**CHARTER TOWNSHIP OF NORTHVILLE**  
**Zoning Board of Appeals**  
**August 19, 2020**

**DATE:** August 19, 2020

**APPROVED: September 16, 2020**

**TIME:** 7:00 p.m.

**PLACE:** Meeting held remotely via video/teleconference

Due to the COVID-19 pandemic, pursuant to Executive Orders issued by Governor Whitmer, participation in the Zoning Board of Appeals meeting was held remotely via Zoom webinar video/teleconference. Members of the public body and members of the public participating electronically were considered present at the meeting and could participate as if physically present, as outlined on the Township website and posted per Open Meeting requirements.

**CALL TO ORDER:** The meeting was called to order by Chair Slatin via video/teleconference at 7:00 p.m.

**ROLL CALL:**

**Present:** Brian Doren, Symantha Heath, Eric Lark, Joseph LoPiccolo, Gary Sixt, Paul Slatin, Paul Smith.

**Excused:** None.

**Staff:** Jennifer Frey, Township Planner

Township Planner Frey confirmed that all property owners within 300 feet of tonight's petition had been notified.

**Approval of Minutes:**

Zoning Board of Appeals – July 15, 2020

**MOTION by LoPiccolo, support by Heath, to approve the minutes from the Zoning Board of Appeals meeting of July 15, 2020.**

Roll Call Vote: Ayes: Doren, Heath, Lark, LoPiccolo, Sixt, Slatin, Smith  
Nays: None

**Motion approved 7-0.**

Chair Slatin made standard introductory remarks explaining the role of the ZBA and the formal procedures of the meeting. Chair Slatin noted that four votes would be required to pass any motion. He also noted that all variance requests approved would be valid for one year.

**Petitions:**

**1. PZON20-0010 Ryan Joss, property owner**  
Location: **15714 Maxwell Ave.**

Request: A variance request to Article 31.1, G. – Fences in Residential Zoning Districts, to allow the continuation of a chain link fence to enclose the rear yard; where the ordinance does not permit chain link fences in residential zoning districts.

Ryan Joss, property owner, was present on behalf of the petition.

Mr. Joss explained that they wanted an extension on the chain link fence that had originally been on the property in order to enclose their yard. The chain link fence would offer the most value for them in order to keep their dogs in the yard. A 50% opacity fence would not do the job and it would be very costly because of the size of the yard. They already had a chain link fence in the rear and along one side and only needed to continue the original fence. The fence would conform with the neighborhood and the color, black, would be more visually appealing and add value.

Responding to a question from Member Doren, Mr. Joss explained that they had already installed the fence because they were unaware that a permit was needed and they had not understood that chain link fences were not allowed because there were already many chain link fences throughout the neighborhood.

Member Doren asked about the original fencing which was galvanized silver and didn't match the new fencing.

Mr. Joss explained that they were planning on painting the original fence black in order to match the addition.

Responding to a question from Member Lark, Mr. Joss that he believed the height of the original fence was four feet and that the addition was the same height.

Chair Slatin recognized that the following correspondence had been received regarding the petition:

- A resident at 15659 Fry Street, had no objection to the variance request.
- George Wolfe, 15812 Maxwell, supported the variance request.

Chair Slatin opened the public hearing at 7:11 p.m.

After confirming that no members of the public wished to speak on this petition, Chair Slatin closed the public hearing at 7:13 p.m. and brought the matter back to the Board.

Member Doren pointed out that chain link fencing was predominate in the area and that strict adherence to the ordinance would result in the petitioner's yard having two different types of fencing in the rear yard which would create an even less uniform appearance.

**MOTION by Doren, support by Heath, that the Zoning Board of Appeals approve Petition PZON20-0010, at 15714 Maxwell Avenue, a variance request to Article 31.1, G. – Fences**

**in Residential Zoning Districts, to allow the continuation of a chain link fence to enclose the rear yard; where the ordinance does not permit chain link fences in residential zoning districts.**

Roll Call Vote:       Ayes: Doren, Heath, Lark, LoPiccolo, Sixt, Slatin, Smith  
                              Nays: None

**Motion approved 7-0.**

**2. PZON20-0011       Wayne Askew and Nichole Dabner, property owners**

Location:           **18248 Shagbark Drive**

Request:            A variance request to Article 18.1 – Schedule of Regulations, to allow a 36.16' setback to the rear property line; where 50' is required.

Wayne Askew and Nichole Dabner, property owners, were present on behalf of the petition.

Mr. Askew explained that their home was originally built right up to the 50' setback. The property backed up to a retention pond and they were constantly bothered by mosquitoes and bats. They had not created the problem and now wanted to add an area with doors and windows which would not impede appearance of the property or create a problem for the neighbors. This structure would be pleasing to the area and allow them to enjoy the area more as well as allow older family members to sit out of the sun.

Ms. Dabner stated that the structure was contained under their deck. They were not building an additional structure.

Member Doren was troubled by adding to a house that was already built to the setback. The house had been purposely designed and what the petitioner was requesting was an addition. The ordinance allowed decks to encroach into the setback, but not additions.

Member Lark agreed with Member Doren. This was not a unique situation. The houses were put on the setback purposefully and many people might like to add an addition. Granting a variance would frustrate the intent of the ordinance.

Mr. Askew shared that the property line backed up to a common area that would provide additional clearance beyond the required 50 feet.

Member Smith wondered if the addition could be added in the indented area (on the drawings) where the chimney was currently situated. That could possibly be an alternative solution within the footprint and would satisfy the 50' setback. There would be no need for a variance.

Mr. Askew stated that there were already pavers in that area. They planned on putting a deck on the upper level where the patio door provided access to the house.

Member Smith and Township Planner Frey discussed the possible alternative location. They agreed that a structure there could be enclosed and still be made to have access to the deck without the need of a variance. The deck could actually be made larger in that scenario.

Answering a question from Mr. Askew, Township Planner Frey explained that once the lower level of the current deck was enclosed, it would become a part of the principal structure. Mr. Askew stated that the enclosure would have glass doors and visibility would be maintained. Township Planner Frey said that visibility would not change the definition; what was relevant was the fact that it was enclosed and not uncovered or open like a deck.

Mr. Askew stated that his neighbors supported the request.

Chair Slatin discussed the building envelope and the need for green space. In recent years, many of the houses, like this one, were built using the full building envelope.

Mr. Askew wondered how it could be considered an addition when there was no direct access to the house and no heat.

Chair Slatin wondered if, under the ordinance, screens could be added to a brick patio under a second story deck.

Mr. Doren stated that a patio without walls was fine but that once it was enclosed whether by screen or glass block windows, it became an enclosure, and would violate the ordinance.

Township Planner Frey clarified that once an area was enclosed and attached to the principal structure, it became a part of the principal structure and was seen as more permanent than an open deck or patio. Patios and pavers were allowed to encroach onto the setback. Responding to a question from the petitioner, Township Planner Frey explained that the ordinance uniformly provided a building envelope for permitted construction in a residential zone. The intent was not to have additions beyond that envelope. The ordinance did not differentiate based on what the property backed up against (either another residence or a common area) and it did not state that the addition had to have access to the primary structure.

Mr. Askew reaffirmed that it backed into a common area.

Member Heath stated that it would then be encroaching on a common area meant for the use of the public.

Mr. Askew stated that the nature of the public area meant that it could not be utilized.

Chair Slatin recognized that the following correspondence had been received regarding the petition:

- Rob and Nicole Puckett, 18232 Shagbark Drive, supported the variance request.

Chair Slatin opened the public hearing at 7:31 p.m.

Robert Russell, 18264 Shagbark Drive, was a neighbor of the petitioner. He had no issues with the request.

Nicole Puckett, 18232 Shagbark Drive, supported the variance request. She felt that builders should be required to make it clear when houses were built on the setback line. The requested addition would not be visible and it would not be a hindrance. She felt that the situation and area warranted the variance.

Seeing that no others indicated that they wished to speak, Chair Slatin closed the public hearing at 7:37 p.m. and brought the matter back to the Board.

Chair Slatin understood that it was a problem when the builders didn't inform the homeowner that the house was built on the setback line. He recalled other similar requests that had been resolved by homeowners having gazebos.

Township Planner Frey stated that an enclosed gazebo would be allowed as long as it was not attached to the deck.

Chair Slatin discussed some of the pressures on similar properties including the need to balance the size of the building with having green space. Builders could build smaller houses within the building envelope but many people wanted the larger houses. There was significant pressure to stay within the building envelope.

**MOTION by Smith, support by Doren, that the Zoning Board of Appeals DENY Petition PZON20-0011, at 18248 Shagbark Drive, a variance request to Article 18.1 – Schedule of Regulations, to allow a 36.16' setback to the rear property line; where 50' is required.**

Roll Call Vote:           Ayes: Doren, Heath, Lark, LoPiccolo, Sixt, Slatin, Smith  
                                  Nays: None

**Motion to DENY approved 7-0.**

**3. PZON20-0012           Kristopher Morris and Lauren Peters, property owners**

Location:               **15391 Marilyn Ave.**

Request:                A variance request to Article 31.5 – Fences in Residential Zoning Districts, to allow an 8' high solid vinyl fence along a portion of the South property line, and a 6' high solid vinyl fence in the rear yard and along a portion of the North property line; where a maximum height of 54" and 50% opacity is permitted.

The Board held a procedural discussion when it became apparent that no was present on behalf of the petition.

Chair Slatin opened the public hearing at 7:47 p.m.

Jan Dunn, 15544 Northville Forest Drive, was present on behalf of the Northville Forest Apartments, who neighbored the petitioners' property on the west. She was seeking clarification on the distance from the proposed fence to the rear property line.

Member Doren mentioned that there was a utility easement between the properties.

Township Planner Frey noted that the proposed fence would enclose half of the back yard which would probably be around 125 feet from the apartments.

Ms. Dunn stated that with that information, she had no problem with the request.

Seeing that no other members of the public indicated that they wished to speak, Chair Slatin closed the public hearing at 7:50 p.m. and brought the matter back to the Board.

**MOTION by Smith, support by LoPiccolo, that the Zoning Board of Appeals POSTPONE Petition PZON20-0012, at 15391 Marilyn Avenue, until the September meeting or when the homeowner would be available.**

Roll Call Vote:       Ayes: Doren, Heath, Lark, LoPiccolo, Sixt, Slatin, Smith  
                              Nays: None

**Motion to POSTPONE approved 7-0.**

#### **Other Business**

None.

#### **Department Reports**

##### **Jennifer Frey, Township Planner**

The Board would meet in September if the tabled petition was brought back before the Board. It was unknown if the meeting would be virtual or in person.

##### **Samantha Heath, Board of Trustees**

None.

##### **Eric Lark, Planning Commission**

Member Lark summarized the July Planning Commission meeting.

#### **Public Comments and Questions**

None

#### **Adjournment:**

**MOTION by Heath, support by LoPiccolo, to adjourn the August 19, 2020 Zoning Board of Appeals meeting at 7:56 P.M.**

Roll Call Vote:       Ayes: Doren, Heath, Lark, LoPiccolo, Sixt, Slatin, Smith  
                              Nays: None

**Motion approved 7-0.**