

SCIO TOWNSHIP ZONING BOARD OF APPEALS
827 North Zeeb Road, Ann Arbor, Michigan 48103
MEETING MINUTES OF THURSDAY, MAY 17, 2007

1) ROLL CALL

Present: DeLong, Fuller, Ream, Van Hoek

2) CALL TO ORDER

Chair DeLong called the meeting to order at 7:10 p.m.

3) Swearing in at 7:11 p.m.

4) COMMUNICATIONS AND/OR CORRESPONDENCE

Magazines from Zoning and Planning News and Michigan Planner; Staff communication for correction of minutes for 04/19/2007.

5) Public Hearings

- A. Variance #1501**, Robb Gillespie and Melinda Stuber, regarding property code #H-08-02-375-007, 3627 West Street. Requests a 6 foot side yard setback rather than the required 15 feet for the purpose of constructing a garage, pursuant to Section 4.08.

MOTION BY COMMISSIONER FULLER, SUPPORT BY COMMISSIONER VAN HOEK TO OPEN THE PUBLIC HEARING ON VARIANCE #1501 AT 7:12 P.M.

YES: 4 NO: 0 MOTION CARRIED

A letter has been received from a neighbor indicating no objection to the variance request.

Applicant/representative:

Melinda Stuber, 3627 West Street
Robb Gillespie, 3627 West Street

Public comment:

Citizen inquiry as to content of variance request. (Applicant responded.)

MOTION BY COMMISSIONER REAM, SUPPORT BY CHAIR DELONG TO CLOSE THE PUBLIC HEARING AT 7:13 P.M.

YES: 4 NO: 0 MOTION CARRIED

Discussion by Board:

- Commissioner Fuller has visited this site. The Township Planner has given a favorable review to this application.
- Applicant is not actually changing the setback distance, but rather enlarging in another direction.

MOTION BY COMMISSIONER FULLER, SUPPORT BY COMMISSIONER VAN HOEK,

APPLICANT'S ARE ROBB GILLESPIE AND MELINDA STUBER. PROPERTY IDENTIFICATION IS H-08-02-375-007, 3627 WEST STREET.

IN THE MATTER OF VARIANCE APPLICATION #1501, BASED ON THE FOLLOWING FACTS: THE TESTIMONY SWORN BEFORE THIS COMMISSION DURING THIS HEARING: THE INFORMATION PROVIDED IN THE APPLICATION, AND THE ANALYSIS PROVIDED BY THE TOWNSHIP PLANNER IN HIS REPORT DATED APRIL 11, 2007.

I FIND, UNDER ARTICLE 15.04 SECTION 3,

- 1. THERE ARE EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES OR CONDITIONS APPLICABLE TO THE PROPERTY INVOLVED OR TO THE INTENDED USE OF THE PROPERTY THAT DO NOT APPLY GENERALLY TO OTHER PROPERTIES OR CLASS OF USES IN THE SAME DISTRICT; NOTING THE INFORMATION PROVIDED IN THE APPLICATION CONCERNING EXISTING CIRCUMSTANCES, PLACEMENT OF SEPTIC TANKS, LARGE MATURE TREES AND THE SHAPE OF THE LOT ITSELF, IT IS FELT THAT WHILE THESE CONTRIBUTE TO THE NEED FOR A VARIANCE, THEY ARE NOT UNIQUE WITH RESPECT TO OTHER PROPERTY IN THE DISTRICT.**
- 2. SUCH VARIANCE IS NECESSARY FOR THE PRESERVATION AND ENJOYMENT OF A SUBSTANTIAL PROPERTY RIGHT POSSESSED BY OTHER PROPERTY IN THE SAME ZONE OR VICINITY; IT IS NOTED THAT THE HOUSES IN THIS DISTRICT WERE BUILT BEFORE THE CURRENT SCIO TOWNSHIP ZONING ORDINANCES WERE PUT INTO EFFECT. IT IS FURTHER RECOGNIZED THAT TO BUILD THE PROPOSED GARAGE WHILE MEETING THE REQUIRED SETBACK SECTION OF THE ORDINANCE WOULD RESULT IN THE MOVING OF THE APPLICANTS' EXISTING SEPTIC SYSTEM, TWO MATURE AND HEALTHY TREES, AND COULD DEPRIVE THE APPLICANT OF SUBSTANTIAL JUSTICE POSSESSED BY OTHER PROPERTY IN THE ZONE AND DISTRICT.**
- 3. THE GRANTING OF SUCH VARIANCE OR MODIFICATION WILL NOT BE MATERIALLY DETRIMENTAL TO THE PUBLIC WELFARE OR MATERIALLY INJURIOUS TO THE PROPERTY OR IMPROVEMENTS IN SUCH ZONE OR DISTRICT IN WHICH THE PROPERTY IS LOCATED; WHILE THE PROPOSED STRUCTURE IS SOMEWHAT LARGER THAN THE EXISTING, THE APPLICANT HAS PROVIDED A LETTER FROM THEIR NEIGHBOR THAT THE PROPOSED GARAGE IS ACCEPTABLE TO THEM.**
- 4. THE GRANTING OF SUCH VARIANCE WILL NOT ADVERSELY AFFECT THE PURPOSE OR OBJECTIVES OF THE MASTER PLAN OF THE TOWNSHIP; GRANTING OF THIS VARIANCE WILL HAVE NO ADVERSE AFFECT ON THE PURPOSE OR OBJECTIVE OF THE MASTER PLAN, WHICH CALL FOR THE SITE TO BE *MEDIUM DENSITY RESIDENTIAL*.**
- 5. THE CIRCUMSTANCES OR CONDITIONS UPON WHICH THIS VARIANCE IS BASED DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT OR HIS PREDECESSORS IN TITLE; WHILE THE APPLICANTS' ACTIONS HAVE NOT CONTRIBUTED TO THE NEED FOR THIS VARIANCE, IT DOES APPEAR THAT THE APPLICANTS' PREDECESSORS IN TITLE, BY SELECTING THE LAYOUT OF THE HOUSE AND SEPTIC FIELDS VERY LIKELY DID.**

AND THEREFORE, MOVE TO GRANT RELIEF FROM SECTION 4.08, *SCHEDULE OF REGULATIONS*, OF THE SCIO TOWNSHIP ZONING ORDINANCE TO PERMIT A SIX (6) FOOT SIDE YARD SETBACK RATHER THAN THE REQUIRED FIFTEEN (15) FOOT SIDE

YES: 4

NO: 0

MOTION CARRIED

- B. Variance #1502, Jean C. Walker, regarding property code #H-08-25-325-004, 557 Lakeview, to install a six (6) foot high fence within the required front yard setback rather than a four (4) foot high ornamental fence. The fence is proposed to have a 19 foot front yard setback rather than the required 35 foot setback, pursuant to Section 4.06.(1).C.2**

MOTION BY COMMISSIONER FULLER, SUPPORT BY COMMISSIONER VAN HOEK TO OPEN THE PUBLIC HEARING ON VARIANCE #1502 AT 7:17 P.M.

YES: 4

NO: 0

MOTION CARRIED

Applicant/representative:

Jean C. Walker, 557 Lakeview

Diagrams presented to the Township are different. Applicant has brought the original drawing. The front of the house is irregular. House was built in 1925, and 35 feet back from the center of the road. Setback goes right into the middle of a window. Neighbors have no objection to applicant's request. Proposed addition, deck and ramp are to be constructed also.

Public comment:

None

MOTION BY COMMISSIONER REAM, SUPPORT BY COMMISSIONER FULLER TO CLOSE THE PUBLIC HEARING AT 7:20 P.M.

YES; 4

NO: 0

MOTION CARRIED

Discussion by Board:

- ZBA is required to consider only what was advertised in the newspaper.
- Commissioner Fuller has visited this site and is not clear what the applicant is trying to accomplish. (Applicant: Factors include privacy; to give space at the bottom of ramp; height to prevent deer from entering and other animals. Proposed fence will not cover the entire front of the house.)
- There are no fences on this street at the front of houses.
- Township regulations allow for a four (4) foot fence without requiring any variance. "Only ornamental type fences shall be located in a required front setback, or in a required side setback adjoining a private or public street, and shall not exceed four (4) feet in height." A hedge would not require a variance, because it is not a fence. Would think applicant could accomplish screen for privacy with introduction of a hedge.
- Have serious reservations for allowing a six (6) foot fence at the front of this house.

MOTION BY COMMISSIONER FULLER, SUPPORT BY COMMISSIONER VAN HOEK,

VARIANCE APPLICATION #1502 BY JEAN WALKER, PROPERTY H-08-25-325-004, 557 LAKEVIEW AVENUE.

IN THE MATTER OF VARIANCE APPLICATION #1502

BASED ON THE FOLLOWING FACT: THE INFORMATION PROVIDED IN THE APPLICATION, THE TESTIMONY PROVIDED DURING THIS HEARING, AND THE INFORMATION PROVIDED BY THE TOWNSHIP PLANNER IN HIS ANALYSIS DATED MAY 9, 2007.

I FIND, UNDER ARTICLE 15.04.E.3 THE GRANTING OF SUCH VARIANCE OR MODIFICATION WILL BE MATERIALLY DETRIMENTAL TO THE PUBLIC WELFARE OR MATERIALLY INJURIOUS TO THE PROPERTY OR IMPROVEMENTS IN SUCH ZONE OR DISTRICT IN WHICH THE PROPERTY IS LOCATED; IT IS NOTED THAT SOME HOUSES ALONG LAKEVIEW AVENUE HAVE EXISTING FENCES ALONG THEIR SIDE LOT LINES. THE PROPOSED FENCE WOULD BE UNIQUE WHEN COMPARED TO OTHER FENCES IN THE NEIGHBORHOOD, AND WOULD BE DETRIMENTAL TO NEIGHBORING PROPERTIES. THERE ARE SEVERAL ALTERNATIVES THAT WOULD BE IN CONFORMANCE WITH THE TOWNSHIP ZONING ORDINANCE.

AND THEREFORE, MOVE TO DENY THE REQUESTED VARIANCE PURSUANT TO SECTION 4.06(A) C, TO ALLOW THE CONSTRUCTION OF A SIX (6) FOOT HIGH FENCE RATHER THAN THE ALLOWED FOUR (4) FOOT HIGH FENCE IN THE REQUIRED FRONT SETBACK.

YES: 4

NO: 0

MOTION CARRIED

6) OLD BUSINESS

None

7) APPROVAL OF MINUTES

a. Minutes of April 19, 2007.

MOTION BY COMMISSIONER VAN HOEK, SUPPORT BY COMMISSIONER REAM TO APPROVE MINUTES OF APRIL 19, 2007, AS CORRECTED.

YES: 4

NO: 0

MOTION CARRIED

8) ANY OTHER BUSINESS

None

9) ADJOURNMENT

MOTION BY COMMISSIONER VAN HOEK, SUPPORT BY COMMISSIONER REAM TO ADJOURN AT 7:53 P.M.

YES: 4

NO: 0

MOTION CARRIED

Minute preparation by James H. LaVoie