

CHARTER TOWNSHIP OF CANTON
THE ZONING BOARD OF APPEALS
JUNE 13, 2019

A meeting of the Zoning Board of Appeals of the Charter Township of Canton was held Thursday, June 13, 2019 at the Township Administration Building located at 1150 S. Canton Center Road, Canton, Michigan 48188.

James Cisek called the meeting to order at: 7:00 p.m. and led the Pledge of Allegiance to the Flag.

ROLL CALL:

Present: James Cisek, Craig Engel, Greg Greco and Greg Demopoulos.

Absent: Vicki Welty and James Malinowski. Staff Present: Robert Creamer, Jeff Goulet

ACCEPTANCE OF AGENDA

Motion by Craig Engel to accept the agenda for April 11th, 2019 and Support by Greg Greco. Ayes: All

APPROVAL APRIL 11th, 2019 MEETING MINUTES

Motion by Craig Engel to approve the Zoning Board of Appeals Meeting Minutes dated April 11th, 2019 as presented. Support by Greg Greco. Ayes: All

James Cisek explained the procedure of the Zoning Board of Appeals to the audience.

1. Applicant Raymond Goldsmith, for property located at 44330 Duchess, on the east side of Sheldon Road between Fair Oaks and Cherry Hill Road, Zoning R-5, appealing Article V Fences, Walls and Borders, Section 78-121 Definitions, Section 78-129(h) General Construction Standards, Prohibited Fences; Maintenance, Location in Front Yard and 78-131.4(b) Zoning District Restrictions, All Other Zoning Districts Corner Lots. Parcel ID 71-060-02-0078-000 (Building)

Sara Goldsmith stated that she is speaking on behalf of her dad, Raymond Goldsmith. He lived at 44330 Duchess for over 33 years and when he and her mother first looked at the house, one of the first things that they loved was the size of the backyard. The cyclone fence is now starting to deteriorate and would now like to put up a privacy fence for more quietness from Sheldon Road. We are hoping to continue with the maturity of the backyard as much as we are able to.

Robert Creamer stated the applicant is requesting a variance to replace an existing non-conforming five foot cyclone fence with a six foot privacy fence. The existing fence is on a corner lot which has two front yard setbacks. The fence past the rear of the subjects building and in the front yard setback is not in conformance with Section 78-129 (h) and Section 78-131.a and b. The fence has been there for a very - very long time and there are three sections that doesn't meet the ordinance. They want to replace it where it is as is but with an opaque privacy fence.

James Cisek asked if they had an existing picture.

Sara Goldsmith said she didn't have a photo.

Discussion was held on locations and setbacks and the required vision triangle at Sheldon Road.

Craig Engel stated that he is OK with replacement of the existing fences.

Robert Creamer stated that if you go down Sheldon Road you will see lots of fences out to the sidewalk.

Jeff Goulet stated that the variance you should be granting would be allowing them along Sheldon Road but not allow along Fair Oaks and they can come from the corner of the house back.

Motion by Greg Greco, support by Craig Engel to open the Public Hearing. Ayes: All
No one from the audience wished to address the Board on this issue.

Motion by Craig Engel, support by Greg Demopoulos to close the Public Hearing. Ayes: All

James Cisek stated that for the record the ZBA received a letter from Dennis Rogale, 44329
Duchess Drive stating that he does not have a problem with the request.

Sara Goldsmith stated that they have a lot of neighbors talk to them because they received
notification in the mail of this hearing and pretty much everyone she spoke too said the same thing.

James Cisek stated that the only issue they have now is that it is a corner lot and corner lots shall
maintain a front yard along each street frontage.

Craig Engel stated that he is ok with just replacing the existing fence as it has been there for over
thirty years. There are a lot of fences in that area and I assume many of them are non-conforming
anyway so I would be incline to approve the request.

Greg Demopoulos stated that he remembers when he did his first Zoning Board appointment, we
never granted these. I do not know if that has changed or not over the years.

James Cisek stated that he tends to agree. The reason for the ordinance is so that they are trying to
eliminate all those fences that came out to the sidewalk on those areas.

Jeff Goulet spoke about a required vision triangle. Right now a chain link fence doesn't violate the
vision triangle because you can see through it. He stated that one option would be to allow for a
replacement of the existing chain link with more of a picket fence along the property line and then
allow them to have 6' privacy fence outside of the 25' vision triangle along Sheldon Road. They might
want to bring back another concept given what your concerns are.

Discussion was held on location for corner lots and viewing safety distances. James Cisek explained
to Sara Goldsmith several options on the drawing and suggested using other types of fences.

Greg Demopoulos asked if you would like to table this and think about it and come back before the
Board. We held the public hearing so it does not have to be advertised. You could come back next
month. Bring a sample of what you want to put up so we could see it with a few pictures. Even if it is
on your phone. You do not have to print them out.

Craig Engel asked if she understood what they are looking for.

Sara Goldsmith stated yes, they would like to come back and next month will be OK. Thank you.

Motion by Craig Engel to table Item #1 on the agenda to the next meeting. Support by Greg Greco. Ayes: All

2. Applicant Jim Truax, for property located at 6250 Haggerty Road, on the east side of Haggerty Road between Warren and Ford Roads, Zoning LI, appealing 4.01c.6 Off-Street Parking Requirements, Minimum Number of Spaces Required for Each Use, and Section 26.04 Requirements for Industrial Districts Front Yard Setback in Industrial Districts. Parcel ID 71-047-01-0001-000 (Planning)

Jim Truax stated that he is going to let Mike Priest speak here since he is the engineer but to give you a scope of what we are trying to do is expand the warehouse portion of the building which they use as a distribution center. We have about 25 – 30 semis a day and have about 20 – 25 people max. The automotive business is taking off in the last couple of years and we have grown. Now we have some restrictions that we have to comply with. We need space and we are trying to expand as big as we can get without effecting anybody. Mike is going to explain what we are planning on doing. We are looking to expand towards the freeway. There is a section of woods which they call a Scenic Area which we thought we actually owned but do not. Mike is going to explain and we may or may not need a variance.

Michael Priest stated he is a civil engineer and land surveyor for Canton. I have done a lot of work for Canton over the last 25 years. We found out that, Jeff advised us that there was a 40' setback from the I-275 R.O.W. The reason we are here is because there is a water main already there. A 12 foot water main which we certainly do not want to disturb or relocate. We left a 10' in addition to the 12' water main easement and we thought that would be fine and to build the building out to that particular line. Then Jeff wrote a letter the other day, a recommendation.

Jeff Goulet stated the comments were based on the information that was provided on the plan.

Michael Priest stated based on what we provided to you, which was my fault and researching it further, I couldn't get over the fact that the R.O.W. jogged to the west. 180 – 170' to the south side and 190' on the north side. I couldn't figure out why that was so I researched the official MDOT R.O.W maps yesterday. It turns out that area is not the R.O.W. It is a Scenic Area and the R.O.W. is 190' east of that on the north side and 70' east of that on the south side. (He then showed a picture of the woods there; the property from the freeway) Discussion was held on the lines on the map.

Greg Demopoulos mentioned that if we approve the variance, it will go with the property. What if they need more; if it is more intense with employees? Are they going to be able to do that?

Jeff Goulet stated that they would be back to me to add parking. Their use will be restricted to the amount that would be supported by the building. The total amount required is 118 and they currently have 93 parking spaces. Staff really does not have an issue with it because it is a large building and they are planning on being there for a long time. The only issues would be if they outgrow the facility and sell it there would be some limitations as to what the building could be used for in the future if the parking is not there to accommodate it. The variance from Section 26.04 we can just strike that off the request as it was determined that a setback was not needed due to the new information. They are not even using the amount of parking that is already there so I do not have big concerned about the parking variance. In many cases, we would modify that administratively or if it went to the Planning Commission. The Planning Commission could modify it administratively. I do not have the authority to modify parking. That is why it is before you.

Motion by Greg Demopoulos, support by Craig Engel to open the Public Hearing. Ayes: All
No one from the audience wished to address the Board on this issue.

Motion by Craig Engel, support by Greg Greco to close the Public Hearing. Ayes: All

James Cisek stated that he doesn't see any issues with it.

Motion by Craig Engel to approve the variance from Section 4.01C.6 as the warehouse addition will not increase the number of employees. If the use ever changes in the future, parking will need to be evaluated prior to a change in occupancy. Support: Greg Greco.
Ayes: All

Motion by James Cisek to adjourn at 7:29 p.m. Support by Greg Greco. Ayes: All

Renee' DeVos
Recording Secretary