

**CHARTER TOWNSHIP OF CANTON
ZONING BOARD OF APPEALS
September 8, 2022**

A meeting of the Zoning Board of Appeals of the Charter Township of Canton was held Thursday, September 8, 2022, at the Township Administration Building located at 1150 S. Canton Center Road, Canton Township, Michigan 48188.

Alan Okon called the meeting to order at 7:00 pm and led the Pledge of Allegiance to the Flag.

ROLL CALL:

Members Present: Greg Demopoulos, Clarence Lee, Alan Okon, Mark Quimby, Aaron Tassell

Members Absent: John Badeen

Staff Present: Patrick Sloan, Community Planner

APPOINTMENT OF CHAIR

Motion by Clarence Lee, supported by Greg Demopoulos to appoint Alan Okon as Chairperson for tonight's meeting.

Ayes: All

Nays: None

ACCEPTANCE OF AGENDA FOR September 8, 2022

Motion by Mark Quimby, supported by Greg Demopoulos to accept the agenda.

Ayes: All

Nays: None

APPROVAL OF MINUTES FOR THE August 11, 2022 MEETING

Motion by Greg Demopoulos, supported by Clarence Lee to approve the minutes.

Ayes: All

Nays: None

1. Applicants Nicholas and Kelli Paparelli for property located at 46418 Briargate which is located on the east side of Briargate, south of Warren Rd. (Parcel ID 034-03-1297-000), Zoning R2, Single Family Residential. Applicants are requesting a variance from the following section of the Township Code of Ordinances: Section 78-129(h) for a fence located in a front yard setback area; and Section 78-131(4)(b) for a fence on a corner lot located in a front yard setback area.

Nicholas and Kelli Paparelli reside at 46418 Briargate Dr in Canton. They are requesting a variance for a six-foot white privacy fence behind the house in the north side facing Warren Road. The neighbors to the east already have a six-foot white privacy fence and they would like to align with that fence, take it along the side of their property and then corner it off at the back of the house. The current ordinance states that since they have a corner lot, they would have to take it straight off the back of the house which would cut

off a portion of their back yard. This would make it unusable and it could possibly affect property values and resale. Kelli Paparelli stated that if granted the variance they would have more backyard area and it would maintain the current fence along Warren Rd. This would be more aesthetically pleasing overall. There would be no adverse effect on safety or line of sight as the fence would be entirely in the rear of the house.

Patrick Sloan, Canton Township Community Planner, noted that there is a variance report dated August 28th from Vidya Krishnan with McKenna, the Township's Planning Consultant. The recommendation from the consultant is approval. Her summary notes that the Planning Commission will soon be in the process of receiving relevant information from the Township Staff to amend the fence ordinance. Patrick Sloan said that they are hoping to have that on the Planning Commission Agenda as early as October.

The desire to have an enclosed yard behind the home along a major street with privacy, is not an unreasonable request. Sloan read through the standards and findings in the letter. Therefore, we recommend that the ZBA grant approval for the proposed 6' tall privacy fence to be located 11' from Warren Road right-of-way, in line with the fence to the east as shown on the plot plan. This recommendation is based on the following findings of fact:

1. Strict compliance with the ordinance standards would unfairly burden the applicant.
2. There appears to be an existing precedent with multiple properties in the subdivision having fences in the same location as requested by the applicant, including the adjacent properties to the west and east.
3. The proposed variance would allow for enclosing the rear yard and providing protection to the homeowner without impacting the neighbor adversely.
4. The variance would provide substantial justice to the applicant and is not averse to the intent of the Township Ordinances.
5. The proposed fence will not impede line of sight or affect traffic movement on abutting streets.
6. The proposed fence is not likely to create any issues for health, safety and welfare.
7. The proposed fence will not alter the essential character of the neighborhood.
8. The issue raised with the variance will likely be reviewed by the Planning Commission in the near future.

Patrick Sloan continued to say that the fence is behind the east line of the house so as you enter the subdivision from Warren Road on to Briargate, it is not close to that entry point. There is nothing with that fence that encloses the front or side yard that would give it any kind of a fortress-like appearance as entering the sub. Finally, there is about 11 feet from the Warren Road right-of-way, so there is some green space between the sidewalk and where the fence will be along Warren Road.

Motion by Greg Demopoulos, supported by Aaron Tassell, to open the Public Hearing.

Ayes: All

Nays: None

No one wished to speak.

Motion by Greg Demopoulos, supported by Aaron Tassell to close the public comment.

Ayes: All

Nays: None

Clarence Lee stated that he is supportive of the variance requests based on the findings. The fence will not obstruct any view and it will align with the other fences.

Alan Okon also does not have any objections with this.

Mark Quimby said that he visited the property and the request is consistent with the adjoining neighbor's. He said that this is a reasonable request.

Greg Demopoulos is in favor of the request.

Aaron Tassel is in favor as well.

Motion by Greg Demopoulos to approve the requested variance for the proposed six-foot tall privacy fence to be located 11 feet from Warren Rd. right away in line with the fence to the east as shown in the plot plan. He adopts the eight findings of facts as presented in the McKenna Report.

Supported by Clarence Lee.

Ayes: All

Nays: None

Variance is approved.

Motion by Clarence Lee to adjourn meeting. Supported by Mark Quimby.

Ayes: All.

Nays: None

Meeting adjourned at 7:12pm.

Alison Eisenbeis, Recording Secretary