

**CITY OF WILLIAMSTON
ZONING BOARD OF APPEALS
JUNE 11, 2019
REGULAR MEETING MINUTES**

1. Call To Order:

The meeting was called to order at 7:00 p.m. in the City Hall Council Chambers by Chairman Robert DeGarmo and the Pledge of Allegiance was recited.

3. Roll Call:

Chairman Robert DeGarmo, Board Members Bruce Bellingar, Derik Feldpausch, Dan Rhines, and Peter Schall. Absent: None.

Also Present:

City Clerk Holly Thompson, City Attorney Timothy Perrone, City Planner Erin Schlutow, applicant Gary Theis and other members of the public.

4. Audience Participation:

Chairman DeGarmo called for public comments at this time and there were none.

5. Approval of Agenda:

Motion by **Rhines**, second by **Schall**, to approve the agenda as presented.

Motion passed by voice vote.

6. Zoning Board of Appeals Regular Minutes of September 11, 2018:

Motion by **Schall**, second by **Rhines**, to approve the September 11, 2018 minutes as presented. **Motion passed by voice vote.**

7. Public Hearing- Variance Request for Parcel ID: 33-18-07-01-201-006-Williamston Lakes:

7a. Open Public Hearing:

Chairman DeGarmo opened the public hearing at 7:02 p.m.

7b. Chair States the Purpose of the Hearing and Rules of Procedure:

Chairman DeGarmo explained the purpose of the public hearing and rules of procedure.

7c. Presentation by Staff Summarizing the Item:

City Planner Erin Schlutow went over her written report and recommendations for the variance request for Williamston Lakes parcel number 33-18-07-01-201-006.

7d. Questions from Board to Staff:

None.

7e. Presentation by Applicant:

None.

7f. Questions from Board to Applicant:

None.

7g. Testimony from Public:

1. **Presentation of Written Comments:** One written comment was received in favor of the fence.
2. **Presentation of Oral Comments:**
Residents of Williamston Lakes were in favor of the Variance Request for a fence.

7h. Concluding Comments from Staff:

Attorney Perrone presented three resolutions for consideration by the board on the requested variance.

7i. Concluding Questions or Comments from Applicant:

None.

7j. Concluding Questions or Comments from Board:

None.

7h. Close Public Hearing:

Chairman DeGarmo closed the public hearing at 7:12 p.m.

8. Action Items

8a. Fence Variance Consideration ID: 33-18-07-01-201-006- Williamston Lakes:

Motion by **Rhines**, second by **Feldpausch**, to adopt resolution Option 2 Granting the Variance With Conditions as presented for Williamston Lakes. Yes: Rhines, Feldpausch, Bellingar, DeGarmo, Schall. No: None. **Motion passed.**

RESOLUTION OPTION 2 – GRANTING VARIANCE WITH CONDITIONS

BE IT RESOLVED that the Williamston Board of Zoning Appeals hereby finds, with respect to the request for a one-foot variance requested by Williamston Lakes, LLC, Applicant/Property Owner, of 2300 E. Grand River Ave., Williamston, Michigan, from the three foot maximum height requirement for a front yard fence in the MH Manufactured Housing District under the City of Williamston Zoning Ordinance, Article 5, Section 74-5.305(A)(1), for the property located at 2300 E. Grand River Ave. Williamston, Michigan, as follows:

1. That the fence height variance is necessary because compliance with the strict letter of the height requirements will unreasonably prevent the owner from using the property for a permitted purpose, or will render conformity with the standards unnecessarily burdensome. Replacement of the current 3' high fence with a 4' fence is necessary, because the current fence is insufficient to deter or prevent entry. The fence separates a public sidewalk from a private body of water on the site. Without proper fencing, there is increased potential for persons to enter the site and gain access to the body of water, which poses a safety hazard.
2. That the fence height variance is necessary because a grant of the variance will do substantial justice to the applicant as well as to other property owners in the zoning district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the district. A proper fence will protect the residents of the manufactured housing district from public trespassing onto the site, and will protect the public from potentially falling into the private body of water. A lesser variance would not be feasible.
3. That the plight of the applicant is due to the unique circumstances of the property. The private body of water is in close proximity to the public sidewalk. The fence serves to separate the public use of the sidewalk from the private property so as to prevent unlawful entry. Compliance with the current maximum fence height requirement (a) would not adequately prevent unlawful entry, (b) would prevent the Applicant from properly securing the site, and (c) would pose a safety hazard to the public.
4. That the problem to be addressed by the variance is not self-created. The problem stems from the close proximity of the public sidewalk to a private body of water, which poses a public safety hazard. Replacement of the 3' fence with a 4' fence would deter trespassers, and better protect the safety of the public and the residents of the manufactured housing district.
5. That the fence height variance will allow the spirit of the Zoning Ordinance to be observed, public safety and welfare secured, and substantial justice done. A grant of the fence height variance would ensure that the site, including the private body of water, is adequately protected from trespass and the danger of a person falling into the water. The purpose of the fence height requirement is to prohibit privacy fences that obscure the view of the property from the road. The proposed fence is similar in character to other fences along Grand River Avenue, and would not visually impede the view of the property.
6. That the fence height variance will not impair adequate supply of light and air to adjacent properties, unreasonably increase the congestion in public streets, increase the danger of fire or endanger public health, or

unreasonably diminish established property values within the surrounding area. The proposed 4' fence would allow for the view of the property from the road, while maintaining greater security for the property, its residents, and the public.

BE IT FURTHER RESOLVED, that based on the aforementioned findings of practical difficulties the 1 foot fence height variance requested by Applicant is hereby granted to permit the construction of the requested fence at a height not to exceed 4 feet.

BE IT FURTHER RESOLVED, that the variance granted to Applicant shall be subject to strict compliance with the following conditions:

1. The variance must be used within one (1) year from this date.
2. The fence shall be of the design and shall be located on the property as shown on the plan and drawings submitted to the Zoning Administrator.

8b. Consideration of 2019 Meeting Dates & Times:

Motion by **Rhines**, second by **Bellingar**, to approve the 2019 meeting dates and times resolution as presented. **Motion passed by voice vote.**

11. Audience Participation:

Gary Theis asked if he could pick up the permit tomorrow.

Planner Schlutow answered he could pick up the permit application tomorrow at City Hall.

12. Member Comments:

None.

13. Adjournment:

Meeting Adjourned at 7:22 p.m.

***THE PRECEDING MINUTES ARE A SYNOPSIS OF A ZONING BOARD OF APPEALS MEETING AND DO NOT REPRESENT A VERBATIM RECORD.**

Respectfully Submitted by: _____
Holly M. Thompson, City Clerk

Date Approved: _____