

**CHARTER TOWNSHIP OF CANTON
ZONING BOARD OF APPEALS
April 13, 2023**

A meeting of the Zoning Board of Appeals of the Charter Township of Canton was held Thursday, April 13, 2023 at the Township Administration Building located at 1150 S. Canton Center Road, Canton Township, Michigan 48188.

Meeting began at 7:00 p.m.

Mark Quimby led the Pledge of Allegiance to the Flag.

ROLL CALL:

Members Present: Greg Greene, Clarence Lee, Alan Okon, Mark Quimby, Aaron Tassel

Staff Present: Patrick Sloan, Community Planner

ACCEPTANCE OF AGENDA FOR APRIL 13, 2023

Motion by Alan Okon, supported by Clarence Lee to accept the agenda.

Ayes: All (5-0)

Nays: None

APPROVAL OF MINUTES FOR THE FEBRUARY 9, 2023 MEETING

Motion by Greg Greene, supported by Aaron Tassel to approve the minutes.

Ayes: All (5 - 0)

Nays: None

GENERAL CALENDAR

1. Application 129-ZBA-7688. Applicants, Scott Griffin and Gary Crosby, for property located at 4364 Old Canton Center Rd, which is located on the north side of Michigan Ave. between Canton Center Rd and Old Canton Center Rd. (Parcel ID 71-129-99-0002-710), Zoning is C-3 Regional Commercial. Requesting two (2) variances from the following sections of the Charter Township of Canton Zoning Ordinance: Section 6.02(D)(2) to allow for the construction 7 additional vacuums in a front yard and within the front yard setback from Old Canton Center Rd.; and Section 26.03 to allow vacuums to be 44'-3½" from the front lot line along Old Canton Center Rd. A minimum front yard setback of 85' is required, resulting in a variance of 40'-8½".

Patrick Sloan, Community Planner, summarized the Staff Report dated for the meeting on April 13, 2023. He noted that the Quick Pass Car Pass on Old Canton Center Rd. has previously had Special Land Use approval and Site Plan approval and it is actively under construction. Sloan stated that at its meeting on December 21, 2020, the ZBA granted two variances related to the proposed project to construct a carwash facility and exterior vacuum stations on the east side of the subject site, along Old Canton Center Rd. The ZBA held the required public hearing and granted two variances from the Zoning Ordinance related to the proposed project: 1. Section 26.03 – variance for the required 85-ft. front yard setback for the car wash building and vacuums for proposed vacuums east of the building; and, 2. Section 6.02(D)(2) – variance to allow vacuuming activities in a front yard. Based on the configuration of the lot, the ZBA determined that moving the vacuum structures westward to comply with the required setback from Old Canton Center Rd. was not practical for the development of the rest of the site, and would create a practical difficulty in regards to the circulation of the car wash facility. The applicants are proposing an additional seven vacuums farther north on the site as shown on the plans. Sloan noted that the staff findings in this report

are the same as they were when the original variance was approved, with some updates. He noted that the shape, configuration, and depth of the lot makes it a practical difficulty that prevents compliance with the vacuums to be in the rear of the building. He said that there are no adjacent land uses that are negatively impacted by the placement of the additional vacuums. There are no residential zones that would be impacted. Sloan stated that the standards of Section 27.05(D) of the Zoning Ordinance have been met to justify a variance from Section 6.02(D)(2) and Section 6 26.03 of the Zoning Ordinance to allow seven additional vacuum stations to be located less than 85 feet from the eastern lot line and within the required front yard setback along Old Canton Center Rd., provided the vacuum stations are installed per the submitted plans and maintained according to the manufacturer's specifications. One other item that Mr. Sloan mentioned was that the standards for noise will still apply for any noise that comes from the vacuum and hours of operation will still remain in effect if the variance is approved.

Greg Greene asked if the original vacuums already approved by the ZBA when this came before the Planning Commission.

Patrick Sloan said, "Yes, the ZBA approved those variances."

Greg Greene asked that if those additional vacuums would have been on the original plan, we wouldn't be here tonight?

Patrick Sloan said that that is correct.

Greg Greene said that he is ok with the approval on this.

Gary Cosby, applicant, wanted to add that his first site in Canton has nine vacuum spaces and then they opened the Plymouth site, after the paperwork for this property was already turned in. Plymouth has twice as many vacuum spaces and the flow is so much better. The Old Canton Center address will have drying and vacuum stations all the way down.

Mark Quimby stated that he was going to ask what changed.

Gary Cosby said that it will be the better traffic flow.

Clarence Lee asked how many locations they have.

Gary Cosby stated that they have one already in Canton on N. Canton Center Rd., one on Ann Arbor Rd. in Plymouth, and one at Five Mile Rd. and Levan Rd. in Livonia. This will be their 4th one, and there is also one coming in Novi.

Motion by Clarence Lee, supported by Greg Greene, to open the Public Hearing at 7:11 pm.

Ayes: All (5-0)

Nays: None

No one in the audience wished to speak.

Motion by Clarence Lee, supported by Greg Greene to close the public hearing at 7:11 pm.

Ayes: All (5-0)

Nays: None

Motion by Clarence Lee (based on the model motion) to approve the request for a 40 ft.-8 ½ in. front yard setback variance from Section 26.03 of the Zoning Ordinance to allow the seven (7) additional vacuum stations to be located 44 ft.-3 ½ in. from the eastern front lot line and to approve a variance from Section 6.02(D)(2) of the Zoning Ordinance for the front yard location of the vacuums, per the submitted plans, and based on the staff analysis and the noted required standards of Section 27.05(D) of the Zoning Ordinance as listed in the staff report.

Supported by Greg Greene.

Ayes: All (5-0)

Nays: None

Variance is approved (5-0).

2. Application 042-ZBA-7722. Applicant, Robert Kowalski, for property located at 7026 London Ct., which is located south of Warren Rd. between Morton Taylor Rd. and N. Lilley Rd. (Parcel ID 042-01-0045-000), Zoning is R-5, Single Family Residential. Requesting a variance from Section 78-131(4)(a) of the Code of Ordinances to allow for a 6-foot-high fence in front of the rear building line of the subject property's home and in front of the rear building line of the home on the adjacent lot.

Patrick Sloan, Community Planner, summarized his staff report dated for the April 13, 2023 meeting. He said that the applicant is requesting a variance to install a 6-foot-high fence along the side yard of his house in order to provide additional privacy barrier and protection of his property. The owner currently has a 6-foot-high fence in part of the side yard, and proposes to remove the existing four-foot chain link fence along the side yard and replace it with the six-foot wooden fence. The proposed section of the 6-foot-high fence would begin at the rear corner of the home and extend two (2) feet toward the front line of the home. He noted that the Planning Commission has been reviewing the fence ordinance regulations for fences on residential properties for the past several months; specifically, the regulations for fences in the front and side yard on corner lots and side yard on interior lots. Patrick Sloan said that the Township Planning staff has updated the applicant periodically on the progress of the discussions with the Planning Commission but the draft ordinance changes are still several months from possible adoption. During the fence ordinance review portion of the March 6, 2023 Planning Commission meeting, the Planning Commissioners recommend proposing text to permit 6-foot high fences to be constructed in a side yard of an interior lot provided they are at least 15 feet behind the front corner of the home. While this recommended text has not been formally voted on for recommendation or adoption, the fence proposal submitted by the applicant would not be in conflict with the proposed ordinance text recommended by the Planning Commission at this time. The applicant is eager for the fence to be installed, as the first discussions with the applicant took place several months ago. Therefore, he has applied for a variance. The applicant is only requesting that this 6-foot fence go two feet in front of the rear corner of the residence. Sloan noted the findings listed in his staff report and stated that standards of Section 27.05(D) of the Zoning Ordinance have been met to justify a variance from Section 78-131(4)(a) of the Code of Ordinances to allow the installation of a 6-foot high fence in the north side yard of a residential property as proposed by the applicant, provided the 6-foot-high fence does not extend more than two (2) feet from the rear building line towards the front of the house, as illustrated on the plans. Therefore, staff's recommendation is to grant a variance from Section 78-131(4)(a) to permit the installation of a 6-foot high fence in front of the rear building line of the subject property's home and in front of the rear building line of the home on the adjacent lot, up to two (2) feet from the rear building line of the subject property.

Greg Greene asked if there is a pattern that Planning and the ZBA has seen about the 6-foot fence in the side yard.

Sloan said that from what he has seen many homes that have 6-foot high fences in a side yard, the fences often come as far forward into the side yard to enclose a side garage door or trash cans in that rear part of the side yard.

Robert Kowalski, of 7026 London Ct. stated that his home has a family room, and his neighbor does not. He said without that extra two feet of fence, he can sit in his family room and see right in the neighbor's kitchen window. He noted that he has lived there for 39 years with only replacing the fence one time. He is just asking to keep the fence the same way it has been.

Mark Quimby said that he understood what Mr. Kowalski is saying and it seems as though you could just replace a fence with the same but unfortunately that's not the way it works.

Motion by Clarence Lee supported by Aaron Tassell to open the Public Hearing at 7:26 pm

Ayes: All (5-0)

Nays: None

No one in audience wished to speak on this variance.

Motion by Alan Okon, supported by Clarence Lee, to close the public hearing at 7:26pm

Ayes: All (5-0)

Nays: None

Motion by Clarence Lee (based on the model motion) to approve the request for variance from Section 78-131(4)(a) of the Code of Ordinances to allow a 6-foot-high fence on the north side of the lot at 7026 London Ct. to be constructed 2 feet in front of the rear building line of the subject property's home and in front of the rear building line of the home on the adjacent lot, as illustrated on the plans, based on the staff analysis and the noted required standards of Section 27.05(D) of the Zoning Ordinance as listed in the staff report.

Supported by Alan Okon.

Ayes: All (5-0)

Nays: None

Variance is approved (5-0).

Motion by Aaron Tassell to adjourn meeting. Supported by Greg Greene.

Ayes: All, (5-0)

Nays: None

Meeting adjourned at 7:28 pm.

Alison Eisenbeis, Recording Secretary