

BOARD OF ZONING APPEALS MINUTES

A regular meeting of the Farmington Board of Zoning Appeals was held on Wednesday, August 1, 2012 in Council Chambers, 23600 Liberty Street, Farmington, Michigan. Notice of the meeting was posted in compliance with Public Act 1976.

Chairperson Buyers called the meeting to order at 7:00 p.m.

ROLL CALL

PRESENT: Bennett, Buyers, Dompierre, Scott.

ABSENT: Kmetzo, Majoros.

CITY OFFICIALS PRESENT: Building Inspector Koncsol.

MINUTES OF PREVIOUS MEETINGS

MOTION by Dompierre, supported by Scott, to approve the minutes of the Planning Commission Meeting of June 11, 2012.

Motion carried, all ayes.

APPEAL OF:

**Trevor Tipton
33810 Hamlin Court
Farmington, MI 48335**

Chairperson Buyers stated Trevor Tipton is requesting a variance to Sec 35-49(B)(4) to allow for a second fence on approximately 36' of the rear lot line. This is due to an existing wooden fence on this line that the adjoining property owner does not want removed.

The applicant presented the Board with additional data supporting his request for variance. He also gave a history of the communications he had had with his neighbor regarding the removal of the old fence, offering to bear the burden of the costs involved with replacing same.

Bennett inquired about the placement of the fence on the lot line and the applicant responded it would be completely on his side, having found all the irons that stake out the yard and would keep it a foot inside the irons at the least. An inquiry was also made on the maintenance of the foot in between the two fences.

Buyers stated there was a photograph attached to the acquiescence from Pasqualone at 23132 Hamlin Court.

Inspector Koncsol indicated he had had discussion with Pasqualone also.

Scott inquired as to the reason he chose the 6 foot privacy fence and the applicant responded to use it as a backdrop and he would prefer to have more barrier.

BOARD OF ZONING APPEALS MINUTES -2-

Bennett asked why applicant didn't choose to carry through with the current fence that is already on lot line and applicant responded it was due to the maintenance involved in wooden fences.

Further discussion was held regarding the lot line.

Bennett inquired if a lot line survey should be conducted prior to the erection of any fence.

Koncsol stated that practical difficulty under the Ordinance could include external factors, i.e. neighbors, and having exhausted all other measures including the cost to put in new fence.

Scott inquired as to the existing fence on Lots 70 and 71 and discussion was held on the present shrubbery existing.

Buyers stated variance request may be premature in light of a stake survey not being provided.

Bennett stated that a stake survey would be a good guard against a lawsuit and would encourage same and applicant replied it was cost prohibitive, being \$1,000 for 36 feet of boundary.

Chairperson Buyers informed the applicant that the Zoning Board is a five member body, only four being present, thereby requiring three out of the four to approve and that he may table his request and come back at a later date to present it to a full body and the applicant responded he wished to go forward with the four members.

Motion by Bennett, supported by Dompierre, to move to grant the variance request concerning the property at 33810 Hamlin Court sought by Trevor Tipton because the Petitioner has established a practical difficulty, Petitioner has established that compliance with the strict letter of the restrictions of the Ordinance would unreasonably prevent the use of the property or unnecessary burdens because of protecting his family and the Petitioner has established unique circumstances regarding the subject of the property because cooperation and compliance with the neighbors has been unable to be reached and that the Petitioner has established that the need of the variance is not self-created.

ROLL CALL:

Ayes: Bennett, Dompierre, Scott.

Nays: Buyers.

Motion carried three to one.

Scott further commented that fence should be placed as close to property line as possible and Bennett concurred.

PUBLIC COMMENT

BOARD OF ZONING APPEALS MINUTES -3-

No public comments were heard.

COMMISSION COMMENTS AND ANNOUNCEMENTS

Scott asked for clarification of agenda item “defining participating members”.

ADJOURNMENT

MOTION by Scott, seconded by Dompierre, to adjourn the meeting.
Motion carried, all ayes.

The meeting adjourned at 7:42 p.m.

John D. Koncsol , Building Inspector