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PITTSFIELD TOWNSHIP ZONING BOARD OF APPEALS MINUTES

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**Members Present** Glenn Tarcea, Scott Fisher, George Ralph, Karen Zera, Gerald Krone

**Members Absent:** None

**Others Present:** Luis Montero, Bill Hines, Dustin Davidson, Beau Davidson, Belinda Kingsley, Code Enforcement Officer, Matthew Bourke, Planning and Zoning Administrator, and Recording Clerk, Lisa Smerek

**1.0 Call Meeting to Order/Determination of a Quorum**

Chairperson Zera called the meeting to order at 6:30 p.m. A quorum was present.

**2.0 Approval of Agenda**

**Motion by Member Ralph, supported by Member Krone, to move Item 7.1 to follow Item 5.1, move Item 7.2 to follow Item 5.2, move Item 7.3 to follow Item 5.3 and to approve the agenda as recommended.**

**MOTION CARRIED**

**3.0 Communications and Announcements**

None

**4.0 Items from the Floor**

None

**5.0 Public Hearings**

**5.1 ZBA 16-01 Verizon Sign - 3143 Ann Arbor-Saline**  
[Submitted for a variance]

Matt Bourke, Planning and Zoning Administrator, stated Verizon Wireless has submitted a proposed revision to the sign package for the Versa Pittsfield development. The proposed revision is to allow for a third wall sign for the Verizon Wireless tenant space. Verizon currently has a wall sign on both the parking lot and Ann Arbor-Saline Road elevations. The proposed third sign would be located along the elevation that faces to the northeast towards the adjacent Starbucks. Approval of the variance would allow the applicant to exceed both the maximum number of wall signs and the maximum square footage of wall signs as specified in Section 15.07 of the Zoning Ordinance and as approved in the sign package. The applicant has indicated that they are requesting a variance because store business has been lower than forecasted and because some customers have indicated that they have difficulty finding the store location.

As permitted in the Form Based District, the Versa Pittsfield development has an existing, approved sign package for the entire development. The intent of a sign package is to ensure that properties with multiple buildings provide signage that is well designed

and consistent throughout that building, property, or area. In exchange for design consistency, a sign package permits the Planning Commission to grant the additional signage allowances:

- a. To increase the sign area of a sign by no more than thirty-three and one-third percent (33 $\frac{1}{3}$  %).
- b. To increase the height of a sign by no more than thirty-three and one-third percent (33 $\frac{1}{3}$  %).
- c. To permit one (1) additional sign on any lot, provided that no relief shall be granted to permit an additional Ground Sign.

Staff worked closely with the Versa development team to create a sign package that was consistent and fit the design aesthetic of the development, and Planning Commission approved the sign package as part of the site plan approval for the project. The tenant has already been permitted one additional wall sign beyond the single wall sign that is normally allowed in the Form Based district. The current wall signage for the tenant complies with ordinance requirements.

The sign package for the Versa Pittsfield development is the only sign package approved in the Township. Though the Planning Commission does not have the authority to grant the requested variance, since they approved the original sign package they were asked to provide a recommendation for the Zoning Board of Appeals to consider.

At the July 14, 2016 meeting, the Planning Commission considered Verizon Wireless' variance request for additional wall signage and made the following motion with five Yes votes and zero No votes:

*Motion to strongly recommend that the Zoning Board of Appeals deny the variance application, ZBA 16-01, requesting an amendment to the CSPA 12-14 Versa Pittsfield sign package for additional wall signage at the Verizon Wireless store located at 3143 Ann Arbor-Saline Road in Pittsfield Township. The additional signage would be inconsistent with the approval for the signage of other tenants in the development and approving this variance request could set a precedent that undermines and detracts from the intent of sign packages as specified in the Zoning Ordinance.*

Member Krone asked for clarification on the details for the Versa Pittsfield sign package.

Planner Bourke explained the details of the Versa Pittsfield sign package and the Pittsfield Township sign ordinance.

Member Tarcea inquired about sign size for the businesses and if the size varied.

Belinda Kingsley, Code Enforcement Officer for Pittsfield Township, stated the sign size for a business is based on the amount of frontage the business has. The sign package has granted an additional sign at the rear of each of the businesses that would normally had not been allowed.

Member Tarcea asked Member Ralph if he attended the Planning Commission meeting on July 14, 2016.

Member Ralph stated he was in attendance of the July 14, 2016 Planning Commission meeting. He indicated that he voted in support of the recommendation to the Zoning Board of Appeals to deny the additional signage request.

Planner Bourke stated the sign package was created for allowing some flexibility for tenants in their space for signage than what is normally allowed within the ordinance.

Belinda Kingsley, Code Enforcement Officer, explained the Zoning Ordinance regarding signs.

Member Krone stated he felt that when driving south along Ann Arbor-Saline Road the Verizon tenant space is hard to see from a distance.

Member Tarcea agreed with Member Krone's statement.

Planner Bourke stated the blank wall where the proposed sign would go will have awnings installed and not look as bare as it appears currently.

Member Tarcea asked who is responsible from making sure the awnings get installed.

Planner Bourke stated it is the tenant's responsibility for the awning installation.

Chairperson Zera reminded the Zoning Board of Appeals the applicant has already been allowed an additional sign.

Bill Hines, Verizon Wireless Real Estate Manager, stated the store traffic is slow at that location and traffic is substantially down as compared to the prior location at Jackson and Stadium Road.

Member Tarcea asked if there had been complaints by customers having difficulty finding the new store.

He also indicated the traffic to this store is down about thirty percent as compared to the old store located at Jackson Road and Stadium Road. Verizon is looking to improve their visibility by having a third sign which could be seen from the traffic light if you're heading south on Ann Arbor-Saline Road. Mr. Hines offered to have renderings drawn and bring them to a future Zoning Board of Appeals meeting. He further stated it could take a few years for the customer traffic to increase at this new location.

**Motion by Member Ralph, supported by Member Fisher, to close the public hearing.**

Member Tarcea stated he is conflicted with this request for a third sign. He said on the one hand he feels there could be an argument made that this is a third frontage and it is difficult to see the signage installed on the front of the building facing Ann Arbor-Saline Road. However, on the other hand, it is hard to determine the lack of customer traffic is solely based on the existing signage.

Chairperson Zera stated she agrees with the Planning Commission recommendation. She stated she can appreciate Verizon's concern with the customer traffic decrease from the old location to the new one, however she isn't convinced it is due to signage or the lack thereof.

Member Ralph stated he feels it is possible the customers that used the west side of Ann Arbor location do not want to drive to the new south side location because it is too far and that could be a reason for the drop in sales.

Member Fisher stated he agreed with Member Tarcea and he also is conflicted by the petition. He stated on the one hand, there is a wide open side and compared to stores with corners and have three signs he can see why Verizon would request this variance. However, if the developer continued to build out that location, there wouldn't be a need for discussion for additional signage. He also stated after reading the sign package it was apparent a lot of time and consideration was taken when creating it for this development.

Member Tarcea inquired if any other stores have requested additional signage.

Ms. Kingsley gave examples using Menchie's and Starbucks. She stated she is certain both of them would request variances for additional signage since additional sign applications were denied for both locations in the past.

Member Krone stated he is conflicted as well regarding the variance request.

Planner Bourke reiterated the importance of setting a poor precedent with this being the first sign package approved within a Form Based District in the Township if they were to grant additional flexibility and call into question the effort that went into creating the package.

Chairperson Zera read the findings for ZBA 16-01 Verizon Sign – Ann Arbor-Saline in the Staff Report:

1. *That strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such regulations unnecessarily burdensome.*

Member Tarcea questioned the finding.  
Member Fisher agreed with the finding.  
Member Ralph agreed with the finding.  
Member Krone agreed with the finding.  
Member Zera agreed with the finding.

2. *That the granting of a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.*

Member Krone agreed with the finding.  
Member Ralph agreed with the finding.  
Member Fisher agreed with the finding.  
Member Zera agreed with the finding.  
Member Tarcea questioned the finding.

3. *That the plight of the applicant is due to unique circumstances of the property and not to general conditions in the area.*

Member Fisher agreed with the finding.  
Member Ralph agreed with the finding.  
Member Tarcea questioned the finding.  
Member Krone disagreed with the finding.  
Member Zera agreed with the finding.

4. *That the plight or problem is not self-created.*

Member Ralph agreed with the finding.  
Member Tarcea agreed with the finding.  
Member Fisher agreed with the finding.  
Member Krone agreed with the finding.  
Member Zera agreed with the finding.

5. *That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts, shall be considered grounds for the issuance of a variance.*

Member Krone agreed with the finding.  
Member Fisher agreed with the finding.  
Member Ralph agreed with the finding.  
Member Zera agreed with the finding.  
Member Tarcea agreed with the finding.

6. *That the variance observes the spirit of the Ordinance, secures public safety, and does substantial justice.*

Member Tarcea disagreed with the finding.  
Member Krone disagreed with the finding.  
Member Ralph disagreed with the finding.  
Member Fisher disagreed with the finding.  
Member Zera disagreed with the finding.

**Motion by Member Fisher, supported by Member Ralph, to deny petition ZBA 16-01 Verizon Sign – 3143 Ann Arbor-Saline on the finding that the variance request does not meet the required standards for a variance as set forth in Section 17.04 of the Zoning Ordinance.**

#### **ROLL CALL**

**YES: TARCEA, KRONE, ZERA, FISHER, RALPH**  
**NO: None**  
**ABSENT: None**  
**ABSTAIN: None**

#### **MOTION CARRIED**

- 5.2 ZBA 16-02 Allied Fence**  
[Submitted for a variance]

Planner Bourke stated the applicant is requesting a variance to allow a fence in a front yard. Section 13.06.C.2 of the Township Zoning Ordinance does not permit fences in the front yard of a parcel in a commercial district.

The site is located along Carpenter Road north of US-94 in the northeast portion of the Township.

Surrounding land uses include:

North: Indoor Recreation Facility (C-2)

West: Movie Theater (C-2)

East: Landscaping Yard (C-2)

South: Automobile Repairs (C-2)

The subject parcel is located on Carpenter Road in a commercial area of the Township and is used for a fence and security business. The property currently has a legal non-conforming fence located in the front yard extending into the Washtenaw County Road Commission Right-of-Way. This fence is composed of a number of different fencing materials and the fenced-in area is used to store material used by the business.

The applicant has indicated that they are requesting the variance primarily to construct a 6-foot tall wooden fence that would secure their site from theft and serve as a barrier between their property and the driveway of the business located behind the subject parcel. The neighboring business generates truck traffic which the applicant indicates is a safety hazard and nuisance. Historically the businesses shared a driveway without a legal agreement, but the applicant would like to separate the two properties for safety and security reasons.

In addition to addressing the aforementioned traffic issue, the proposed fence would create a larger fenced-in area in front of the business. The applicant has indicated, though, that they plan to move the materials currently stored in the fenced-in area to the back of the property, where it will not be visible, which will eliminate the storage area currently in the Right-of-Way. The applicant has indicated a willingness to be flexible with the fencing material used for the portion of the proposed fence that fronts Carpenter Road. The new fenced-in area would be accessed through a twenty-five (25) foot gate on the northwest corner. Some storage would continue to occur on the south side of this fenced-in area, and customer parking would continue to be located near the storefront. Landscaping has also been proposed in between the fence and the road.

In accordance with Section 17.04.C of the Township Zoning Ordinance, prior to granting a variance the Zoning Board of Appeals shall make findings that the following requirements have been met by the applicant for the variance.

Dustin Davidson, Allied Fence owner and applicant, explained they would like to define their property. Traffic has greatly increased with the landscape company that is sharing the driveway.

Beau Davidson, Allied Fence owner and applicant, expounded on the reasons for requesting the variance: Deliveries using large vehicles during the day; high traffic volume of the landscaping company; to secure their inventory they keep out in the open yard; and provide a safer environment for their customers who come to the office, just to name a few.

Member Krone inquired if they store materials in the rear of the building.

Mr. Davidson stated approximately ten percent of their material is housed in the rear of the property and large vehicles, sometimes semi-trucks, need to unload inventory there.

Member Krone inquired what would the fence materials consist of.

Mr. Davidson stated the proposed fence would be a six-foot, white, pressure-treated wood, privacy fence.

Member Ralph stated he visited the site and found the driveway confusing and this fence would also help eliminate Washtenaw Country Road Commission Right-of-Way set back issues.

Ms. Kingsley agreed this variance would solve the road Right-of-Way issues.

Chairperson Zera inquired if there would be a safety issue with a privacy fence.

Mr. Davidson stated the gate would have a "Knox Padlock" that the Fire Department is able to unlock in the event of an emergency.

Member Krone inquired what the Township Ordinance says regarding privacy fences along frontage.

Ms. Kingsley stated the Township Zoning Ordinance doesn't permit a front yard fence but, this is a unique commercial setting where there isn't a lot of foot traffic with customers using a front door.

Member Krone inquired if there was a different, more attractive type of fencing that could be used for this frontage.

Mr. Davidson stated the Zoning Ordinance specifies wood, privacy fencing be used with outdoor storage. Also, the fencing material would provide a better sound and dust barrier for their building.

Member Ralph stated he wondered what the impact will be on the fence in the winter with repeated plowing of the driveway.

Mr. Davidson stated wood fencing is easy to repair and less expensive to maintain.

Chairperson Zera inquired if the fence would need to be signed off on by the neighboring businesses that abut the property in question.

Ms. Kingsley stated as long as the fence is six inches off of the property line, signatures of neighboring businesses would not be needed.

Member Fisher stated he would like to know what kind of landscaping was planned for the new fence.

Mr. Davidson stated shrubbery, flowers and mulch would be possibilities for landscape materials in front of the new fencing.

**Motion by Member Tarcea, supported by Chairperson Zera, to close the public hearing.**

**MOTION CARRIED**

Member Tarcea stated he feels this is a win-win situation.

Member Ralph agreed and added he felt it would aid in safety and security for the business.

Member Fisher stated he agreed with the variance request.

Member Krone stated he agrees as well.

Member Fisher stated he wondered if that would cause any fire safety issues.

Ms. Kingsley stated the Fire Marshal approved the requested variance.

Member Krone inquired if the landscape company was aware of the proposed fence.

Ms. Kingsley indicated the neighbor was aware of the proposed fence. A public notice was sent out, a representative from the landscape company inquired about the variance proposal at the Township Administration Building and did not object to it.

Chairperson Zera read the findings for ZBA 16-02 Allied Fence in the Staff Report:

1. *That strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such regulations unnecessarily burdensome.*

Member Zera agreed with the finding.  
Member Fisher agreed with the finding.  
Member Ralph agreed with the finding.  
Member Krone agreed with the finding.  
Member Tarcea agreed with the finding.

2. *That the granting of a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.*

Member Krone agreed with the finding.  
Member Tarcea agreed with the finding.  
Member Zera agreed with the finding.  
Member Ralph agreed with the finding.  
Member Fisher agreed with the finding.

3. *That the plight of the applicant is due to unique circumstances of the property and not to general conditions in the area.*

Member Zera agreed with the finding.

Member Fisher agreed with the finding.  
Member Ralph agreed with the finding.  
Member Tarcea agreed with the finding.  
Member Krone agreed with the finding.

4. *That the plight or problem is not self-created.*

Member Fisher agreed with the finding.  
Member Tarcea agreed with the finding.  
Member Zera agreed with the finding.  
Member Ralph agreed with the finding.  
Member Krone agreed with the finding.

5. *That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.*

Member Tarcea agreed with the finding.  
Member Zera agreed with the finding.  
Member Krone agreed with the finding.  
Member Ralph agreed with the finding.  
Member Fisher agreed with the finding.

6. *That the variance observes the spirit of the Ordinance, secures public safety, and does substantial justice.*

Member Krone agreed with the finding.  
Member Tarcea agreed with the finding.  
Member Zera agreed with the finding.  
Member Ralph agreed with the finding.  
Member Fisher agreed with the finding.

**Motion by Member Tarcea, supported by Member Krone, to approve petition ZBA 16-02 Allied Fence, a variance to permit a fence in the front yard of a commercial property for the parcel known as L-12-13-200-025, located at 4189 Carpenter Road, based on the finding that the standards for a variance have been met as set forth in Section 17.04 of the Zoning Ordinance.**

**ROLL CALL**

**YES: KRONE, RALPH, FISHER, ZERA, TARCEA**  
**NO: None**  
**ABSENT: None**  
**ABSTAIN: None**

**MOTION CARRIED**

**5.3 4233 Merritt Road**  
[Submitted for a variance]

Planner Bourke stated the applicant is requesting a variance to allow a 6 foot tall fence in a required yard which adjoins a public street. Section 13.06.C.1.a of the Township

Zoning Ordinance only permits ornamental fences in a required yard which adjoins a public or private street provided such fences shall not exceed three (3) feet in height.

Surrounding land uses include:

North: Single Family Residential (R-1A)

West: Single Family Residential (R-1A)

East: Single-Family Residential (AG)

South: Agricultural (AG)

The subject parcel is located at the corner of Merritt Road and Ruby Street, which effectively means that the property has two front yards. The residence is part of the Oak Hill neighborhood in a largely agricultural section of the Township.

The applicant has already constructed the fence in question, which is located a few feet past the front line of the building and wraps around the yard behind the house. The front line of the building defines the boundary of the front yard. The fence, a 6-foot tall wooden fence with no transparency, was constructed without a fence permit being approved. The Township was made aware of the fence by a neighbor who questioned whether the applicant had secured a fence permit to construct the fence. Township staff have been working with the applicant on a fence permit application and to correct other code violations on the property.

The applicant has indicated that he constructed the fence so that the back yard of the house can be fully enclosed to create a safe place for his child to play.

In accordance with Section 17.04.C of the Township Zoning Ordinance, prior to granting a variance the Zoning Board of Appeals shall make findings that the following requirements have been met by the applicant for the variance.

Member Tarcea stated he would like to know what is considered the front of the house.

Planner Bourke defined and explained the boundaries of the yard.

Chairperson Zera inquired if the fence is not compliant because it is six feet tall.

Planner Bourke stated the fence is not compliant because it is six feet tall and has been erected past the front line of the building.

Ms. Kingsley stated there is a 35-foot setback along the east property line that needs to be considered when determining this variance.

Member Ralph stated he visited the property and it appears the poles have been put in for the east side of the fence.

Ms. Kingsley explained the property setbacks and where the fence was in relation to the house and the street.

Luis Montero, 4233 Merritt Road, stated he bought the home in November. He has wanted to improve upon the existing fence and give his daughter a safe place to play. The property had five different fencing types at that time. Mr. Montero approached the Zoning Board of Appeals and pointed out items on the site plan he felt were important.

Ms. Kingsley was asked to join them to provide Zoning Ordinance clarification.

Ms. Kingsley stated it would be helpful to have a mortgage survey to determine the property lines because Geographic Information System (GIS) mapping can be off plus or minus five feet.

**Motion by Member Ralph supported by Member Tarcea to close the public hearing.**

**MOTION CARRIED**

Chairperson Zera read the findings for ZBA 16-03 4233 Merritt Road in the Staff Report:

1. *That strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such regulations unnecessarily burdensome.*

Member Zera agreed with the finding.  
Member Tarcea agreed with the finding.  
Member Krone agreed with the finding.  
Member Fisher agreed with the finding.  
Member Ralph disagreed with the finding.

2. *That the granting of a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.*

Member Ralph agreed with the finding.  
Member Fisher agreed with the finding.  
Member Zera agreed with the finding.  
Member Tarcea agreed with the finding.  
Member Krone agreed with the finding.

3. *That the plight of the applicant is due to unique circumstances of the property and not to general conditions in the area.*

Member Tarcea agreed with the finding.  
Member Krone agreed with the finding.  
Member Zera agreed with the finding.  
Member Ralph agreed with the finding.  
Member Krone agreed with the finding.

4. *That the plight or problem is not self-created.*

Member Fisher disagreed with the finding.  
Member Tarcea disagreed with the finding.  
Member Zera disagreed with the finding.  
Member Ralph disagreed with the finding.  
Member Krone disagreed with the finding.

5. *That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.*

Member Krone agreed with the finding.  
Member Tarcea agreed with the finding.  
Member Zera agreed with the finding.  
Member Fisher agreed with the finding.  
Member Ralph agreed with the finding.

6. *That the variance observes the spirit of the Ordinance, secures public safety, and does substantial justice.*

Member Fisher agreed with the finding.  
Member Tarcea agreed with the finding.  
Member Zera agreed with the finding.  
Member Ralph agreed with the finding.  
Member Krone agreed with the finding.

**Motion by Member Fisher, supported by Member Krone, to approve ZBA 16-03 4233 Merritt Road, a variance to allow for the existing six-foot (6') high wooden fence within a required yard which adjoins Ruby Road and for the construction of a fence along the south yard which adjoins to Merritt Road such that that fence will extend no further south than the northeast corner of the existing garage as it stands on July 25, 2016, for the parcel known as L-12-25-355-001, located at 4233 Merritt Road, based on the finding that the standards for a variance have been met as set forth in Section 17.04 of the Zoning Ordinance.**

#### **ROLL CALL**

**YES: FISHER, RALPH, TARCEA, KRONE, ZERA**  
**NO: None**  
**ABSENT: None**  
**ABSTAIN: None**

#### **MOTION CARRIED**

#### **6.0 Old Business**

None

#### **7.0 New Business**

##### **7.1 ZBA 16-01 10 Verizon Sign – 3143 Ann Arbor-Saline**

Item 7.1 of New Business moved to follow Item 5.1 of the Public Hearing.

##### **7.2 ZBA 16-02 Allied Fence**

Item 7.2 of New Business moved to follow Item 5.2 of the Public Hearing.

##### **7.3 ZBA 16-03 4233 Merritt Road**

Item 7.3 of New Business moved to follow Item 5.3 of the Public Hearing.

**8.0 Zoning Administrator's Report**

None

**9.0 Member's Report**

None

**10.0 Secretary's Report**

None

**11.0 Chairperson's Report**

Chairperson Zera took the Michigan Citizen Planner online class. She found it very helpful and recommended the other members look into taking the course as well. Planner Bourke will send the information to the members.

**12.0 Approval of Prior Minutes**

**12.1 Minutes of February 22, 2016**

**Motion by Member Krone, supported by Member Ralph, to approve the February 22, 2016 minutes.**

**MOTION CARRIED**

**13.0 Adjournment**

**Chairperson Zera adjourned the meeting at 8:34 p.m.**

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s/George Ralph, Secretary

November 28, 2016