
PITTSFIELD TOWNSHIP ZONING BOARD OF APPEALS AGENDA

- 1.0 Call Meeting to Order/Determination of a Quorum**
- 2.0 Approval of Agenda**
- 3.0 Election of Chairperson, Vice-Chairperson, and Secretary**
- 4.0 Communications and Announcements**
- 5.0 Items from the Floor**
- 6.0 Old Business**
- 7.0 New Business**
 - 7.1 ZBA 11-01 Beech Drive Fencing**
[submitted for a variance]
(East side of Beech Drive, Section 12)
- 8.0 Zoning Administrator's Report**
- 9.0 Member's Report**
- 10.0 Secretary's Report**
- 11.0 Chairperson's Report**
- 12.0 Approval of Prior Minutes**
 - 12.1 Minutes of November 15, 2010**
- 13.0 Adjournment**

Beech Drive Fencing



Meeting Date:
June 27, 2011

Project:
ZBA 11-01

Applicant:
Pittsfield Charter Township

Action:
Variance Request

6	5	4	3	2	1
7	8	9	10	11	12
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19	20	21	22	23	24
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Pittsfield Charter Township
Department of Utilities & Municipal Services

6201 West Michigan Avenue, Ann Arbor, MI 48108
Phone: (734) 822-3101 • Fax: (734) 944-1103
Website: www.pittsfield-mi.gov

Craig Lyon
Director of Utilities &
Municipal Services
lyonc@pittsfield-mi.gov

Mandy Grewal, Supervisor

ZONING BOARD OF APPEALS REVIEW

TO: ZONING BOARD OF APPEALS
FROM: PAUL MONTAGNO, AICP, SENIOR PLANNER
SUBJECT: ZBA 11-01, BEECH DRIVE FENCING
DATE: JUNE 22, 2011
CC: ENGINEERING & PLANNING

Pittsfield Charter Township, submitted an application for a variance from Article 56, Section 56.11.D.1.a of the Township Zoning Ordinance to allow for the placement of an up to six (6) foot high fence within 20 feet of the property line in a front yard setback on the west side of Helen Drive for all properties between Beech and Helen Drives.

Location

The site(s) is zoned Single Family Suburban Residential (R-1B). The site(s) is located on the west side of Beech Drive.

Surrounding land uses include:

All of the surrounding lands include single-family suburban residential neighborhoods in an R-1B Zoning District.

History of the Project

This site was developed through the site plan approval process with the Township. The homes in this development front on both Beech Drive and Helen Drive. The homes all face Beech Drive. Where properties have frontage on multiple public streets, the Zoning Ordinance requires the front yard setback for that district to be enforced on all public road frontages. According to Section 56.11 of the ordinance, only three (3) foot fences can be placed within the front yard setback in residential districts. Up to six (6) foot fences can be placed in the side and rear yards.

At the time this site was developed, the plans were approved with a substantial vegetated barrier in the rear yards along Helen Drive. It is assumed that this was done to provide privacy for those homes in lieu of having privacy fences. The area where this vegetation was placed is under high-tension wire within an easement to the power company.

In 2010, ITC, the owner of the easement, elected to remove the vegetation from under the power lines within their easement, thereby removing the vegetative barrier for the "back" yards of the homes along Beech Drive.

In order to alleviate the need for each individual homeowner along Beech Drive, who may desire, to apply for a variance to the fence setback requirements the Township has elected to petition on their behalf.

Variance

In accordance with Section 60.04 B, 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.

I have the following comments for the Zoning Board of Appeals to consider while making its findings:

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.**

Under normal circumstances homeowners in R-1B zoning districts can install six (6) high privacy fences along the perimeter of their rear and side yards. If the front yard setback were enforced to its full extent, a fence of this nature would have to be placed 35 feet into the "back" yards of these homes thereby depriving them of the use of a substantial portion of their yard.

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.**

The granting of a variance would do substantial justice for the applicant, by allowing them to construct a privacy fence at a more reasonable location in their yard. The proposed 20 foot setback is essentially the location of the previously existing vegetative buffer.

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

The plight is due to the actions of the power company removing the vegetation, which previously provided privacy to the homes along Beech Drive.

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

Homeowners who bought property here had a reasonable expectation that the existing vegetative buffer would remain in place, as it was a condition depicted on the approved site plan.

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.**

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

Granting a variance would observe the spirit of the Ordinance because allowing for homeowners to install a fence in this location would replicate the function of the previously existing vegetation.