

**CITY OF WIXOM
ZONING BOARD OF APPEALS MEETING
49045 PONTIAC TRAIL
MONDAY, DECEMBER 11, 2023**

**APPROVED
MAY 14, 2024**

The meeting was called to order by Chairman Caplan of the Zoning Board of Appeals at 7:30 p.m. at which time allegiance was pledged to the American flag.

BOARD: Jeff Caplan (Chairman); Roy Thorsell; Steven Winters; Ray Cousineau

ABSENT: J. Hutchens; M. Schira

OTHERS: Ben Carlisle (Carlisle Wortman & Associates), Planner; Drew Benson, Assistant City Manager, and Director of Economic Development; and Mona Freiburger (Recording Secretary)

Determination of a Quorum:

A quorum of the Zoning Board of Appeals was present for this meeting.

Agenda:

No additions or changes were made to the agenda.

Approval of the September 11, 2023 Zoning Board of Appeals Meeting Minutes:

MOTION and seconded by Board Members Winters and Cousineau to approve the September 11, 2023 Zoning Board of Appeals Meeting Minutes.

VOTE: **MOTION CARRIED**

CORRESPONDENCE/INFORMATION

November 14, 2023 City Manager Update
November 28, 2023 City Manager Update

CALL TO THE PUBLIC

There were no comments made by the public.

OLD BUSINESS:

None

NEW BUSINESS:

1. **PUBLIC HEARING FOR VARIANCE REQUEST #PZBA23-005: 3182 THEODORE EAST, WIXOM, MI. 48393:** The applicant is seeking approval to allow a 4’8” fence along an exterior side yard rather than the maximum 3’6” fence pursuant to Section 18.13.050.B. The property is zoned Village Center Area – Low Intensity (VCA – LI). The parcel number is 17-32-301-016.

Discussion:

The applicant is seeking approval to allow a 4’8” fence along an exterior side yard rather than the maximum 3’6” fence pursuant to Section 18.13.050.B.

The property is zoned Village Center Area – Low Intensity (VCA – LI). The parcel number is 17-32301-016.

Variance Analysis dated November 16, 2023 from Carlisle Wortman Associates to the City of Wixom is enclosed in the packet.

Summary: The applicant installed a 4-foot 8 inch open wrought iron style fence along the exterior side yard (corner lot) rather than the maximum height of 3 feet 6 inches. The applicant’s property is a corner lot with “frontage” on both Theodore and Independence Streets. The site’s address is Theodore Street; thus, Theodore is, technically the “front yard”, and Independence is the “exterior side yard.” Both front yards and exterior side yards require the shorter fencing to be installed to in-part help maintain views along internal street.

According to Section 18.22.030.E.2 of the zoning ordinance, a non-use variance may be allowed by the ZBA only in cases where the applicant has shown there is reasonable evidence of practical difficulty and that all the conditions are to be found by the Zoning Board of Appeals which are identified, comments made by Carlisle Wortman Associates and Findings of Fact in the Variance Analysis dated November 16, 2023.

Recommendation by Carlisle Wortman Associates: Based on the criteria noted in the Summary, Carlisle Wortman Associates recommend approval of the subject variance to allow a 4-foot, 8-inch fence in the exterior side yard rather than the maximum fence height of 3 foot 6 inches. With the condition that the fencing remains as an open wrought iron type fence. Other types of fencing would have to come back before the Zoning Board of Appeals for further review.

Mrs. Ximena Evans, 3182 Theodore East, Wixom, MI, applicant, introduced herself to the Board. She commented that they are rule followers, her husband and herself wanted children and pets. The applicants hired a fence company. They installed the same fence as their neighbors and was assured they would take care of everything. They paid a premium for the size of yard. The fence is there to prevent someone from approaching their home as crime has risen. Earlier this year, there was a break in near their home, a peeping Tom, and the insurance company says a fence would discourage criminals. They take safety and security measures effectively. The fence gives them peace of mind, that their children are safe and to keep criminals away from their home.

Mr. Gregory Evans, 3182 Theodore East, Wixom, MI, applicant, introduced himself, and indicated his wife made their point. Several residences around the City have been approved for this type of fencing. It is not a chain link fence, it is a nice-looking fence, protects their home, kids, and dogs. The fencing allows them to have full access to their yard. They thought they were following the rules. It is not a privacy fence, not obscene looking and matches other fences in the neighborhood.

Board Member Cousineau commented he drove through the neighborhood. There are at least a half dozen fences that exceed the 3-foot, 6-inch height; multiple homes have the identical fences. The applicants would not be setting a precedence.

Chairman Caplan asked the applicants when the fence was installed. Mr. Evans answered the fence was installed in 2016. Chairman Caplan stated Robertson Brothers has their rules and the Ordinance is different. This problem is unique, the applicants are on a corner lot with two front yards. It is a wrought iron fence; it is in good shape, and you can see through the fence.

Board Member Cousineau asked if notices were sent out to the neighbors. Assistant City Manager Benson stated yes, there were no responses.

Open public hearing.

Ms. Katie Donnelly, 3198 Curtis Street, friend, and neighbor of the applicants, introduced herself to the Board. Ms. Donnelly commented she never thought the fence was an obstruction and appreciates the fence. She appreciates an officer in the community and appreciates having extra protection.

Public hearing closed.

Board Member Cousineau stated he drove through the neighborhood, saw a half dozen fences of that type and height. If the Board doesn't approve the fence, The City should be prepared to send out violations to come before the Board.

MOTION and second by Board members Cousineau and Winters to approve **VARIANCE REQUEST #PZBA23-005: 3182 THEODORE EAST, WIXOM, MI. 48393:** The applicant is seeking approval to allow a 4'8" fence along an exterior side yard rather than the maximum 3'6" fence pursuant to Section 18.13.050.B. The property is zoned Village Center Area – Low Intensity (VCA – LI). The parcel number is 17-32-301-016.

VOTE: MOTION CARRIED

2. APPROVAL OF 2024 ZONING BOARD OF APPEALS MEETING DATES

MOTION and second by Board members Winters and Thorsell to approve 2024 Zoning Board of Appeals Meeting Dates and start time from 7:30 p.m. to 7:00 p.m.

VOTE: MOTION CARRIED

CALL TO THE PUBLIC:

No public comments

STAFF COMMENTS:

Assistant City Manager Benson commented that he plans to revisit with City Manager Brown regarding the open ZBA Board Member position. He encouraged the Board to reach out to residents and apply.

Mr. Carlisle wished the Board happy holidays.

COMMISSION COMMENTS:

Board Member Winters commented the Wixom Dental Office has two signs. Assistant City Manager Benson indicated the two signs are not permitted. They have had a discussion, and they are working on the changes.

ADJOURNMENT:

The meeting of the Zoning Board of Appeals was motioned and adjourned at 8:00 p.m.

Mona Freiburger
Recording Secretary

