

BOARD OF ZONING APPEALS MINUTES

A regular meeting of the Farmington Board of Zoning Appeals was held on Wednesday, August 6, 2014 at 23600 Liberty Street, Farmington, Michigan. Notice of the meeting was posted in compliance with Public Act 1976.

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

ROLL CALL

PRESENT: Aren, Bennett, Crutcher, Dompierre, Kmetzo,

ABSENT: None.

A quorum of Commissioners were present.

CITY OFFICIALS PRESENT: Building Inspector Koncsol

MINUTES OF PREVIOUS MEETINGS

MOTION by Bennett, supported by Kmetzo, to approve the minutes of the previous ZBA meeting of July 2, 2014.

Motion carried, all ayes.

MOTION to receive and file the minutes of the Planning Commission Meeting of June 9, 2014.

Motion carried, all ayes.

APPEAL OF: **Art A. Mikkola**
 30805 Lamar
 Farmington Hills, MI 48336

The Petitioner owns the property at 23117 Lilac, Farmington, Michigan. He is requesting a variance to Sec 35-49(B)(4) to allow for two (2) fences (i.e. 6' wood against a 4' chain link) for approximately 24' at the rear southwest corner of 23117 Lilac. One adjoining neighbor to the rear at 23108 Violet wants to retain the 4' chain link and does not want it removed.

The Petitioner stated he had a fence put up at his daughter's house after speaking to neighbors on both sides and one of the back adjoining properties who were all in agreement for the fence to be installed. The rear adjoining neighbor at 23108 Violet was not home when Petitioner went to ask for her agreement, and Petitioner states she doesn't live there and wasn't able to obtain it. He stated he had the 6 foot wooden fence installed to Code and removed the 50 year old 4 foot chain link that existed for the 24 feet at the rear southwest corner of his lot. Shortly thereafter he received a letter from an attorney stating that Grace Wilson, the neighbor at 23108 Violet was objecting to it. The Petitioner made attempts to rectify the situation by promising Mrs. Wilson he would maintain it, etc. but she still objected saying she wanted her old fence back.

Petitioner replaced the 50 year old chain link fence with a brand new one in the last week and Wilson indicated she didn't want the new fence, she just wanted her old one back. He presented pictures to the Board of the new fence.

BOARD OF ZONING APPEALS MINUTES -2-

Pam Mikkola, the Petitioner's wife, stated that Wilson thinks the fence will deteriorate in time and decrease the value of her home.

Autumn Mikkola, daughter of Petitioner who lives at the 23117 Lilac home stated the old chain link fence was broken and had been fixed with zip ties and part of it was chicken wire before it was taken down.

Bennett asked the Petitioner why he is bringing the appeal to the Zoning Board and not Mrs. Wilson.

Koncsol stated that this was done in an effort to resolve the issue of the double fence if the Zoning Board grants the variance.

Bennett inquired of the Petitioner if the removal of Wilson's fence by the company was legal and Mikkola responded according to Code, yes.

Bennett asked whether Petitioner had the right to remove her fence and Autumn Mikkola stated they didn't know it was her fence.

Dompierre asked if a survey was done and Petitioner responded in the negative.

Koncsol stated that in most cases there's a presumption that the fence line defines the lot line and said there is no requirement per ordinance for the fence to be on the lot line and that 95% of fence situations resolve themselves amongst neighbors. He said the only way to truly determine the lot line is to have a survey done which is costly. He indicated the Petitioner did this in an effort to make a bad situation palatable.

Kmetzo asked if when Wilson put up the fence if it would have required a permit and Koncsol responded that she was an original owner from back in the '40s and '50s and didn't think it was required back then.

Kmetzo asked for clarification of the variance request and further discussion was held.

Bennett made a statement to the Board that he had his mind made up but changed it when he visited the site and cited the reasons why. He asked Koncsol if appeal was denied what would happen and Koncsol responded he would need to seek the opinion of the City Attorney on that.

Bennett asked Petitioner if he had pulled a permit to put the fence back up and he responded in the negative.

Further discussion was held on the options available to the Board.

Crutcher stated that the variance is to have two fences but the wood fence is the second fence and the chain link was always there and adding the wood fence would be in violation of the ordinance.

The question of who the burden of cost would be upon for a survey was discussed.

BOARD OF ZONING APPEALS MINUTES -3-

Bennett stated he did not want the actions of the Zoning Board to create expenses for the parties.

Crutcher stated they would need a boundary survey to determine lot lines.

Kmetzo asked what attempts had been made to reach the property owners and discussion was held. She then inquired of the time span between the fence installation and the notification by the attorney and Petitioner responded the fence went up April 15th and his first notification was May 27th.

The following letters were received in approval of the variance and read into the record:

One unsigned letter of approval.
William Carvers and Tamara Hall, 23129 Lilac.
Brandy Barris, 23170 Violet.

Bennett expounded on the options available for the Zoning Board and discussion was held.

MOTION by Bennett, supported by Dompierre, to move to approve the request for Variance 35-49 (B)(4) to allow a double fence, 6-foot wooden against 4-foot chain link for approximately 24 feet along the rear southwest corner of the property of 23117 Lilac with the following conditions: That the burden of maintenance on both sides would be upon Petitioner if granted access to the property.
Motion carried, all ayes.

PUBLIC COMMENT

(None heard.)

COMMISSION COMMENTS AND ANNOUNCEMENTS

(None heard.)

ADJOURNMENT

MOTION by Crutcher, seconded by Kmetzo, to adjourn the meeting.
Motion carried, all ayes.

The meeting adjourned at 7:45 p.m.

John D. Koncsol , Building Inspector