Meeting called to order at 6:03 p.m. by Chairman Levengood.

**MEMBERS PRESENT:** Gene Levengood
Robert Doroshewitz
Harry Jachym
Ray Sturdy, Jr.
Jim Zdanek

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Mark Lewis, Chief Building Official
Alice Geletzke, Recording Secretary
5 members of the public

**ITEM NO. 1 - APPROVAL OF MINUTES**

1. Regular Meetings – May 6, 2010

Moved by Mr. Jachym, supported by Mr. Doroshewitz, to approve the minutes of the regular meeting of May 6, 2010 as printed. Ayes all

**ITEM NO. 2 – NEW BUSINESS**

1. Application No. 1472 - Chris Bomgaars
41711 Five Mile RD
Plymouth, MI 48170

   Location – 41711 Five Mile RD
Plymouth, MI 48170

   Tax I.D. #78-017-99-0008-001


<table>
<thead>
<tr>
<th>Variance No.</th>
<th>Zoning Ordinance Section/Standard</th>
<th>Location</th>
<th>Allowed Maximum Fence Height</th>
<th>Proposed Maximum Fence Height</th>
<th>Variance Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1472</td>
<td>Ordinance 99, Article VI</td>
<td>41711 Five Mile Rd.</td>
<td>Four (4) feet</td>
<td>Six (6) feet</td>
<td>Two (2) Feet</td>
</tr>
</tbody>
</table>
The applicant is requesting one variance:

1. The applicant is in an R-1 zoning district and is proposing a six (6) foot high fence going 20 feet across the driveway and 20 feet down the side yard. The required maximum height is four (4) feet. The applicant is requesting a variance of two (2) feet in fence height.

Mr. Bomgaars' property is located on the south side of Five Mile Road approximately halfway between Bradner Road and Haggerty Road. His lot is 100 ft. wide and 385 ft. deep. The east side of his property abuts the rear of 4 lots in the Lake Pointe Village Subdivision No. 5 that face east along Lakewood Drive. His front yard faces north along Five Mile Road and the front of his home is located 176 feet back from his north property line (116 feet back from the roadway right-of-way line). One lot similar in size to the Bomgaars' lot is abuts the west side of Applicant's property.

Mr. Bomgaars proposes to erect several sections of 6 foot high privacy screening in the northwest corner of his rear yard. He proposes to locate the screening on the west side of his home from the rear corner of his home running approximately 20 feet to the west property line, and then southerly along the property line into the rear yard approximately 32 feet. The north end of the screen would be 154 feet back from the sidewalk and the south end of the screen would be 140 feet from the rear lot line.

Mr. Sturdy indicated that, under the ordinance, privacy screening is allowed to be six feet in height and what appears to be a height variance request seems to be, instead, a placement variance request. The placement provisions of the ordinance require privacy screens to be totally within the rear yard and not located nearer than 20 feet to the rear property line. Neither of those provisions are at issue here. However, the ordinance further provides that privacy screening shall not extend beyond the extension of the side building line of the residence. Mr. Bomgaars wants to locate his screening between the rear corner of his home and his west property line, and thus, would require a placement variance in order to go forward.

Because the proposed screening would be more than 150 feet back from the sidewalk, it would be barely visible to the general public. Mr. Bomgaard's neighbors immediately to the west would be the only neighborhood residents affected by the proposed screening. They were present at the meeting and indicated their full support for the proposal. Even though screening would be remote from his other neighbors, Mr. Bomgaard indicated that he had been able to talk with the four neighbors to the east of his lot and one neighbor to the south and none had any objections to his plans.

The Board noted that the commercial grade vinyl privacy panels proposed appeared to be of sound construction and, to the extent they could be seen by anyone other than the neighbors to the west, would be reasonably attractive. Board members further discussed the concern for rear property line fencing along multiple lots adjacent to sidewalks and roadways which presented an undesirable "stockade-like" appearance. Ms. Debra McMillan of Shadywood Court registered objections to the placement of a six-foot fence when she felt a four-foot fence could provide the same degree of privacy. She was
concerned that the height of the fence could also set a precedent for the construction of other six foot fences along the roadway.

Mr. Sturdy concurred that the avoidance of barricade and stockade-like fencing along roadways and sidewalks is a key planning principle of concern to the Planning Commission and township officials. He noted, however, that the proposal presented by Applicants in this case presented no such danger. First, the front yard of the residence faces Five Mile Rd, not the rear yard. Second, the screening, to the extent it is visible at all, is to be located to the rear of the home more than 150 feet back from the public sidewalk and roadway. Finally, because the subdivision lots to the east and south are configured in a manner very different from Applicant's lot, there is little if any danger of any precedent being set in this case.

Having found from the information provided the exceptional circumstances and other criteria required by the ordinance, Mr. Sturdy moved to approve the variance from the placement sections of the Zoning Ordinance for privacy screens as proposed in Application 1472, Chris Bomgaars at 41711 Five Mile Road, to permit the privacy screening to be located as proposed from the rear west side of the home to the west property line and then extending south along the property line for an additional approximate 32 feet. Supported by Mr. Doroshewitz.

AYES: Sturdy, Doroshewitz, Levengood, Zdanek
NAYS: Jachym

Motion carried.

The Board reviewed the letter to the Board of Trustees regarding the request for appointing an alternate to the Zoning Board as presented by Mr. Jachym with suggested changes made at the last meeting. It was given to Mr. Doroshewitz to present to the Board.

Moved by Mr. Sturdy, supported by Mr. Jachym, to adjourn the meeting. Ayes all. Chairman Levengood adjourned the meeting at 6:31 p.m.

Respectfully submitted,

Raymond O. Sturdy, Jr.

Raymond O. Sturdy, Jr., Secretary
Zoning Board of Appeals

NOTE: Upon granting a zoning variance, a building permit is required.
If denied, the applicant may appeal to Circuit Court.

The Charter Township of Plymouth will provide necessary reasonable aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon two weeks notice to the Charter Township of Plymouth. Individuals with disabilities requiring auxiliary aids or services should contact the Charter Township of Plymouth by writing or calling the Human Resource Office, Charter Township of Plymouth, 26000 W. Huron River Drive, Plymouth, Michigan 48170, or by calling 734-459-1111.