

4. Motion by Mientkiewicz supported by Long to approve the minutes of the regular meeting of the Board of Zoning Appeals held on January 7, 2014. Roll Call Vote: Ayes – Mientkiewicz, Long, Clark, Zilka & Chandler. Nays – None. Motion Carried.
5. Petitions
 - A. BZA-2014-017; Paramount Fence for James Blough, 15923 Ridgebrook Path, requesting a variance to *Section 3.05(b)(2)* of the City of Romulus Zoning Ordinance to allow the unfinished side of a stockade fence to face adjacent property. The finished side of any fence shall face adjacent properties and roadways. DP# 82-80-143-02-0169-000.

Mr. James Blough of 15923 Ridgebrook Path came forward as the petitioner.

- Mr. Blough thanked the board for allowing him to be at the meeting. He explained that his request is to have the unfinished portion of the rear section of the privacy fence face outward. This is a treated wood fence with the finished side facing inward as opposed to facing outward. The reason for the request is that there are two fences along the rear section of property. One is an old chain link and one is a privacy fence. More than 50% of the fence would face into another privacy fence. The request is to allow it to face inward; it was also for ease of building for the fence company.

Mr. Chandler requested anyone who would like to speak in regards to the petition to step forward. No one came forward.

Chairman Chandler closed the public comments portion of the meeting and opened it up to comments from the board members.

Let the record show an affidavit of first class mail has been shown and is on file.

- Mr. Chandler asked the petitioner if anyone has come forward with any complaints about the fence the way it is.
- Mr. Blough stated that no, no one has come forward with any complaint.
- Mr. Chandler clarified, the fence is at the back end of his property.
- Mr. Blough replied it faces two properties, both at the rear of his property. Both sit at an angle, one at a right angle, the other at about a forty-five (45) degree angle to the back of his property. The fence actually jogs back a bit because of the property line of these two properties. There is also a sump pump that drains right there at the fence line and if it were moved any farther forward it would be into the clean out. It was put in by Paramount Fence company and the inspections for the posts and holes were done. No one has complained.
- Mr. Chandler asked when was the fence put in.
- Mr. Blough replied it was put in this summer, he didn't remember exactly, he believes August.
- Mr. Zilka asked if he had the property surveyed before putting the fence up.
- Mr. Blough replied that yes, as far as he is aware Paramount included a survey in his installation. He anticipated the owner of Paramount fence to be there to assist with any questions, but the weather may have kept him from attending. He did the survey, submitted drawings with the property line and location of fence and was approved.
- Mr. Zilka asked why he installed both sides, north and south as they are, and the back fence the opposite way.

- Mr. Blough stated, the house faces west, so the front and the sides of the fence face toward the outside of the property and only the rear fence is facing the opposite way.
- Mr. Zilka replied that he understood that and asked what would happen if the neighbor elected to take his fence down.
- Mr. Blough stated he didn't know.
- Mr. Zilka asked if there was a little gap between the two fences.
- Mr. Blough stated yes there is.
- Mr. Zilka asked who would maintain that.
- Mr. Blough responded that it is a gap of about six (6) inches and he didn't know.
- Mr. Zilka explained that is why he asked if he had a survey done because obviously one of those fences is not on the property line because there is a gap between the two fences.
- Mr. Blough agreed, or perhaps both are inset from the property line. He said that is why he hired the fence company to come out and get approval for that.
- Mr. Zilka questioned if they had received a permit.
- Mr. Blough replied yes they had.
- Mr. Chandler asked generally when they put a fence in they tend to put it inboard from the property line to avoid putting it directly on the property line.
- Mr. Blough believed that may be the case but they just moved to the area and are unsure of how that works in this community. He went through the application process, the permit was applied for and received, the post holes were dug, the posts were put in and were inspected and approved and from there they hung the fence itself.
- Mr. Mientkiewicz asked which would be the east; does he has the posts facing out, and what about the neighbor, are his posts facing your house.
- Mr. Blough said if you look from his house to the back property line, forty (40) percent of the fence is chain link, the other portion is a woven privacy fence. There really are no posts on either side. Their fence is not similar to what he had installed.
- Mr. Mientkiewicz clarified that fence existed when he moved in.
- Mr. Blough agreed that was correct as it had been there quite a while.
- Mr. Clark stated it's a weird property line.
- Mr. Long asked that since the petition only mentions the rear property line, he won't need any change to the sides.
- Mr. Blough stated that no, the sides are correct, they are facing correctly and the front is facing correctly as well, only the rear needs approval.
- Mr. Long asked if he had asked his neighbors about the fence.
- Mr. Blough said he has not had a chance to meet all of his neighbors and with winter upon us he rarely sees his neighbors except to exchange a wave or glance while removing snow. He noted that currently no one has complained.
- Ms. Maise mentioned the surrounding neighbors all were notified.

Motion by Mientkiewicz, supported by Zilka to approve the variance for BZA-2014-017 for Paramount Fence on behalf of James Blough at 15923 Ridgebrook Path to allow a variance to *Section 3.05(b)(2)* of the City of Romulus Zoning Ordinance to allow the unfinished side of a stockade fence to face adjacent property. The finished side of any fence shall face adjacent properties and roadways. DP# 82-80-143-02-0169-000.

Roll Call Vote: Ayes- Mientkiewicz, Zilka, Clark, Long & Chandler. Nays – none. Motion Carried.

6. Old Business

- A. BZA-2014-008; Robert Page, requesting a variance to *Section 3.05(a)(1)* of the City of Romulus Zoning Ordinance to allow a privacy fence that is eight (8) feet in height. The Ordinance allows for a total height of six (6) feet therefore a variance of two (2) feet is required. A variance to *Section 3.05(b)(2)* is also requested to allow an unfinished fence to face an adjacent property.

Motion by Mr. Zilka, supported by Mr. Long to remove from the table the petition for BZA-2014-008; Robert Page, 15920 Huron River Drive, requesting a variance to *Section 3.05(a)(1)* of the City of Romulus Zoning Ordinance to allow a privacy fence that is eight (8) feet in height. The Ordinance allows for a total height of six (6) feet therefore a variance of two (2) feet is required. A variance to *Section 3.05(b)(2)* is also requested to allow an unfinished fence to face an adjacent property. The item was tabled November 5, 2014 for 90 days.

Roll Call Vote: Ayes- Zilka, Long, Clark, Mientkiewicz, & Chandler. Nays – none. Motion Carried.

Robert Page, 15920 Huron River Drive came forward as the petitioner.

- Mr. Chandler asked if Mr. Page remembered the last meeting he attended.
- Mr. Page replied yes, that he had received an estimate from Home Depot and has one coming from a fence place on Plymouth Rd. and Beech Daly, They said they have to wait for the ground to thaw out before they come. He also noted that his attorney and real estate broker are meeting with him the following day to go over the things that should have been done on the home before he moved in. He said he is still dealing with that.
- Mr. Chandler stated the reason they tabled the item at the last meeting was to give him time to come up with an estimate and any other requested information.
- Mr. Page replied yes.
- Ms. Maise asked if the information from Home Depot included a plan or was it only an estimate.
- Mr. Page responded it was only an estimate.
- Ms. Maise asked if he had a survey completed.
- Mr. Page replied that he had not.
- Mr. Chandler explained that is what they are looking for and questioned the fence in regards to the garage.
- Mr. Mientkiewicz clarified that there was discussion about his fence being on the neighbor's property.
- Mr. Page replied yes and that is why he still needs to have a survey done since his neighbor states the fence encroaches his property.
- Mr. Chandler clarified that Mr. Page is requesting a further extension.
- Mr. Page stated that winter had caught up with him and he is looking for additional estimates.
- Mr. Zilka responded if he had remembered correctly, Mr. Page's neighbor had insinuated the fence was on his property.
- Mr. Page stated that is what he said.
- Mr. Zilka asked if when he has the survey completed, is he going to tear the fence down if it is in fact on his neighbor's property.
- Mr. Page stated that he has to have the survey done and will tear the fence down regardless to install a new fence because that is what the board had originally required of him. He stated that is why he had Home Depot come out to give him an estimate on a new fence.
- Mr. Zilka explained to Mr. Page that he had been given ninety (90) days to comply and asked what has been taking so long.

- Mr. Page replied that he does not have the funds to replace the whole fence at this time and he said he will need more time.
- Ms. Maise suggested that if Mr. Page did not currently have the funds, that the board may require him to take down the two (2) foot section that is attached to the existing six (6) foot fence. It would still be compliant and the issue of the fence being on his neighbor's property would be an issue to be resolved between himself and his neighbor.
- Mr. Page said he's going to take down the whole fence.
- Mr. Chandler noted that he would not want to put his new fence where the old fence is; that he would want to make sure it's on his property.
- Mr. Page agreed saying it may be placed closer to the garage but if the existing fence is found to be on his property then he may put the new fence in the same place.
- Mr. Chandler asked how long the fence is.
- Mr. Page replied that it is around 140 feet.
- Mr. Chandler stated that since it has to come down anyway, how hard would it be to remove the two (2) additional feet that are currently at the top.
- Mr. Page responded it wouldn't be that hard, he could do that, the wind has taken a section down and it looked like someone had hit that part, it was weak already and a section had fallen over.
- Mr. Chandler asked how much he thinks he could take care of in thirty (30) days.
- Mr. Page said with the winter weather there isn't a lot he can do.
- Mr. Chandler stated that he could get the estimates with plans drawn up and submitted. He said he could also remove the two (2) foot section at the top of the fence.
- Mr. Long noted that he could have his survey completed.
- Mr. Page said he could take the chainsaw to it and attempt to remove it.
- Mr. Chandler restated that it does have to come down anyway.
- Mr. Page commented that it does have to come down it will come down.
- Mr. Chandler stated that Mr. Page needs to come up with a drawing, a plan of what he intends to do.
- Mr. Long explained that he could extend the eight (8) foot height of the fence just around the grow area and then six (6) foot the rest of the way. Further he clarified, he could put a six (6) foot fence around the length of his property and extend the fence around his grow area by two (2) feet in height. The property lines need to be established and his property needs to be surveyed as soon as possible. That way he at least has an idea of where the fence will be. If the fence is not in compliance and not on his property it won't be his problem but if it is on his property and not in compliance he will have to bring it up to code.
- Mr. Chandler stated he thought a survey had been done.
- Ms. Maise clarified that a survey had been done by his neighbor, but Mr. Page also needs to have a survey done of his property.
- Mr. Chandler asked doesn't the survey that was done establish the property line.
- Ms. Maise agreed that it does, but she didn't know if he had access to the survey the neighbor had completed.
- Mr. Long stated if the fence is not on your property it is not your concern.
- Mr. Page replied it is still going to come down regardless.
- Mr. Long replied that you're not going to take it down if it is not on your property because that would be another problem if you are going on his property to take down his fence.
- Ms Maise asked Mr. Page if there were some legalities going on in regards to encroaching on someone else's property and asked if he was looking into that with his attorney.
- Mr. Page stated yes that he was going over what is happening with the property, period
- Mr. Long stated that a survey would take care of those problems.

- Mr. Page reiterated that he is meeting with his real estate broker whom sold him the home to discuss matters that should have been addressed before he purchased the home. He is also meeting with his attorney in regards to pre-existing problems when the home was sold to him.
- Mr. Long stated that he knows a survey is binding, it would be his first order of trying to get the issues resolved.
- Mr. Page stated that he may be able to have a survey done by March 11, 2015. His funds are still tied up trying to complete the issues within the home that were supposed to be done before he moved in. He's already spent between eight and ten thousand dollars already on things that should have been completed.
- Mr. Zilka asked if he is working with a real estate agent in regards to those things.
- Mr. Page stated yes they will be meeting the following day to discuss the issues and he will be meeting with his attorney also.
- Mr. Zilka asked whether the other outstanding issues should be resolved as a result of his discussion with his agent.
- Mr. Page agreed that they should be resolved.
- Mr. Zilka was in agreement.
- Mr. Chandler asked if he needed an extra thirty (30) days.
- Mr. Page replied at least.
- Mr. Mientkiewicz stated he may need more than thirty (30) days.
- Mr. Long asked about May because the weather will be breaking and the frost would be gone.
- Mr. Chandler asked about the next meeting date.
- Ms. Maise responded that the next meeting would be in March and she is unsure at this point about April or May meetings. She further stated that thirty (30) days from the current meeting would put him into March. She suggests that the board could give him sixty (60) days which would give him until April or they can request him to be back in thirty (30) days to get an update on his status.

Motion by Mr. Zilka, supported by Mr. Clark to grant a thirty (30) day extension for BZA-2014-008; Robert Page, 15920 Huron River Drive.

Roll Call Vote: Ayes – Mr. Zilka, Mr. Clark, Mr. Mientkiewicz, Mr. Long & Mr. Chandler. Nays – none. Motion Carried.

7. Communications

- Ms. Maise stated there have been a few projects added to her report since last meeting. She explained that the outlet mall is one of the projects and they are going to be requesting 4 to 5 variances so they will be coming to see the board.
- Mr. Chandler said he imagined they would be seeing a lot more cases over the next year or so.
- Ms. Maise replied they are not bringing in the sign variances just yet, the current variances they will be looking at are dimensional which are pretty straight forward.
- Mr. Chandler asked when they will be taking their first shovel.
- Ms. Maise replied hopefully this summer. She also informed the board that if they would like more information there will be a presentation regarding the project at the Planning Commission meeting later in the month. She further stated that it is a tight time frame and there are reviews being done, but it should be on the agenda for the February 18th meeting. Ms. Maise noted that also in March they will be reviewing a request from Sunoco for a one (1) foot height variance and a waiver to use barbed wire.

Chairman Chandler asked if anyone had any further questions no one replied thus closing the comments portion of the meeting.

8. Discussion - None

9. Adjournment

Motion by Zilka supported by Long to adjourn at 7:26 p.m. Roll Call Vote: Ayes – Zilka, Long, Clark, Mientkiewicz & Chandler. Nays – None. Motion Carried.

bm



Donald Morris, Secretary
Zoning Board of Appeals