

CITY OF SYLVAN LAKE
ZONING BOARD OF APPEALS
OCTOBER 12, 2005

A Special Meeting of the Sylvan Lake City Council, sitting as the Zoning Board of Appeals, was held on Wednesday, October 12, 2005, opening at 7:50 p.m. at the Sylvan Lake Lutheran Church, 2399 Figa, West Bloomfield Twp., with Mayor Conkey presiding.

Present: Conkey, Eriksen Hunger, Lorenz, Maurina **Z-007-05**
Absent: None
Also Present: City Manager Martin and Clerk Clippert
Petitioner: John Shuell
Property: 2124 Avondale
Zoning Ordinance Sections: Sec 78-613 p. CD78: 83

In accordance with the provisions of the Zoning Ordinance, a Public Hearing was held by the Zoning Board of Appeals at the request of the petitioners, to grant a variance from the zoning ordinance to allow the construction of a privacy fence at 2124 Avondale. The zoning ordinance requires that a fence cannot be taller than 6 feet and cannot extend closer to the front of the lot than the rear of the house. The petitioner is seeking approval to construct a fence that will be 6'3" tall and extend into the side yard setback to enclose a side door on the house.

All property owners within 300 feet of the parcel in question having been duly notified of the hearing; Mayor Conkey opened the hearing.

John Shuell, owner of the property, explained the 6'3" request is due to a slope in the driveway. He would also like to have a fence on the other side of the house where there is no door to start at the same distance as the other side would be.

Hunger questioned how six feet is determined when there is a slope. Martin explained, generally the fence follows the slope. Shuell interceded to explained it is the gate which will be 6'3". Martin explained, the owner should have dropped the low side to 5'9" and the high side would have been 6'. Shuell explained the gate was lined up with the neighbor's fence.

Lorenz questioned if the fence has already been built. Shuell acknowledged it has. He was issued a violation. He apologized for not knowing the rules. Lorenz asked if the neighbor had pulled a permit for his fence. Martin didn't know and added that the ordinance officer probably thought all of the new fence belonged to 2124 Avondale, not the neighbor.

Eriksen questioned if the poles are higher than the fence. Shuell explained they are about 3" higher. Martin clarified the fence is measured from the sections of fence, not the pole. The lattice on top of the fence would be included in the 6' requirement.

Martin explained there would be a third variance required since the owner wants to enclose the right side starting at the same point as the side door side. Shuell stated

he would like to match his neighbor s fence also. The neighbor has jogged his fence up into their deck so it really isn t a fence but extends into the side yard. If he goes off the back of his house he would hit their fence at an odd angle. He would like the extra yardage for his dog.

Hunger discussed other options for the other side with Shuell.

Mayor Conkey open the hearing to the public.

Peter Peters, 2234 Garland, asked if the neighbor s fence is in compliance. Martin acknowledged the house to the right is in compliance, the left side he is not sure of.

Maurina discussed the smooth side facing in instead of out.

Moved by Hunger, seconded Eriksen, to approve the variance allowing the fence at 2124 Avondale to extend closer to the front of the lot than the rear of the house to enclose a side door, as outlined in the zoning ordinance. This is the side which has a side door already.

Yes: All
No: None

VARIANCE APPROVED

Moved by Hunger, seconded Lorenz, to approve the variance allowing the fence at 2124 Avondale to extend closer to the front of the lot than the rear of the house on the none side door of the property.

Yes: None
No: All

VARIANCE DENIED

Moved by Hunger, seconded, Lorenz, to approve the request for a 3 height variance for the fence at 2124 Avondale as requested.

Yes: None
No: All

VARIANCE DENIED

Shuell questioned how long he had to fix the height of the fence. Council agreed to 30 days. A permit must be pulled right away.

Dennise Clippert, Clerk