

**CHARTER TOWNSHIP OF CANTON  
ZONING BOARD OF APPEALS  
August 13, 2020**

A meeting of the Zoning Board of Appeals of the Charter Township of Canton was held Thursday, August 13, 2020 at the Township Administration Building located at 1150 S. Canton Center Road, Canton Township, Michigan 48188.

Chairman James Cisek called the meeting to order at 7:00pm and led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

Members Present: James Cisek, Craig Engel, Vicki Welty, and John Badeen

Members Absent: Greg Greco

Staff Present: Jeff Goulet, Robert Creamer

**ACCEPTANCE OF AGENDA FOR August 13<sup>TH</sup>, 2020**

Motion by Vicki Welty, supported by John Badeen to accept the agenda as presented.

Ayes: All

**APPROVAL OF MINUTES FOR THE June 11<sup>TH</sup>, 2020 MEETING**

Motion by John Badeen, supported by Vicki Welty to accept the minutes as presented.

Ayes: All

**Chairman Cisek explained the procedure of the Zoning Board of Appeals to the audience.**

**For the first item on the agenda, John Badeen will sit out based on a conflict of interest, due to having a professional relationship with the Applicant. He stepped off the stage and sat in the audience.**

1. Applicant Jody Mathias, for property located at 265 Brittany between Cherry Hill and Palisades Roads, appealing Chapter 78, Article V- Section 78-131 (4) to allow for 6' fence between houses. Parcel ID # 065-03-0008-000 (Building)

Property Owner, Jody Mathias, explained her need for a fence variance. She stated that the next door neighbor at 253 Brittany has signed the notarized letter agreeing to the 6' fence between their houses. She also provided an email showing the neighbor's authorization. Ms. Mathias explained that due the odd positioning of the homes the ordinance states that she would need to have a span of 9 ft. long, 4 ft. high fencing, in between the 6 ft. high fence that is allowed to surround the rest of the backyard.

Building Official, Robert Creamer stated that the 6 ft. fence would not be as long as it shows in the drawing. The change this will make is very insignificant to what is there now and it will not be noticed from the street.

**Motion by Vicki Welty, supported by Craig Engel to open the Public Hearing. Ayes: All**

Audience member, Bryan Amann, supported Ms. Mathias's request for the variance.

**Motion by Vicki Welty, supported by Craig Engel to close the Public Hearing. Ayes: All**

**Motion by Craig Engel** to approve the requested variance of Article V Section 78-31 (4) of the zoning and ordinance to allow the appeal to construct a 6ft fence between homes at 265 and 253 Brittany Dr., due to the fact there are no objections between the neighbors, the change is insignificant, the fence is not noticeable from the street, and due to the unusual placement of the homes.

**Supported by Vicki Welty.** Ayes: All

**John Badeen has returned to his seat for Agenda Item # 2.**

2. Applicant Tom Yack, representative for The Partnership of the Arts and Humanities, located at 50755 Cherry Hill, on south side of Cherry Hill Road between Ridge and Napier Roads, appealing Section 2.26 to omit the rooftop screens and appealing Article 5 relative to pond landscaping and road frontage landscaping. Parcel ID # 074-99-006-705 (Planning)

Representative for The Partnership of the Arts and Humanities, Tom Yack, explained the need for the variances. He states that Section 2.26 of the Ordinance requires 360-degree screening of rooftop mechanical units and believes only a partial screening is appropriate. He is proposing to screen the units from the view of Cherry Hill Road and the one unit that can be seen from the west. He stated that the Approved Site Plan does not show or require screening of the mechanical equipment, and the issue was only raised after the process had concluded. The Partnership did not design or budget for the requirement.

Representative for the Partnership of the Arts and Humanities, Bryan Amann, also spoke in regards to the screens and noted how the screens were not in the original Site Plans.

In regards to the second request, Tom Yack stated that The Partnership is seeking a partial variance to the landscape requirements imposed under Section 5.02 of the Ordinance. They are seeking to be allowed not to plant any buffering vegetation around the retention pond and a reduction in berm plantings along Cherry Hill Road as well as a reduction in the caliper width required from 3”- 4” to 2”. Mr. Yack explained that the pond is basically surrounded by a forested area or a heavily landscaped berm. He explained the difficulty of finding 3” – 4” caliper width trees.

Mr. Amann, also discussed the difficulty of finding the 3”- 4” caliper trees. This has been a challenge for everyone. He believes that if they plant 2” caliper trees now, they will grow to the 3” size sooner than they would be able to find and purchase the 3” – 4” caliper trees.

Canton Township Planner, Jeff Goulet, stated that given the nature of the site and the visibility of the rooftop units from the road and residences to the west, it is important to complete the required screening of all units that are visible from Cherry Hill Road and Ridge Road. He also stated that all new tenants that require additional rooftop units, would also need the screens installed if seen from the roads.

Mr. Goulet stated that in regards to the landscaping, it appears that the Partnership wishes to reduce the landscaping around the future sign area by 50%, which would be 1.5 evergreen trees and 12 shrubs. In

Cherry Hill Village, there are not many instances where parking is located in the front of the building and adjacent to the street. In these instances, the Township has utilized brick garden walls as a more urban method of screening the parking lot, such as the IHA Medical Building. In this case, the site was allowed to use a low berm with more a streetscape feel between the pedestrian path and curb line of the parking lot. Staff feels that the 3 Black Hills Spruce could be eliminated and replaced with 1 Red Sunset Maple to the north of the sign area in the island area and, re-location of the 24 shrubs into 2 bed areas staggered along the front edge of the berm to help screen the parking a little bit.

Mr. Goulet said that The Partnership is also requesting the removal of 3 trees around the storm pond. Many trees, including several landmark trees, were removed as part of the construction of the pond. After evaluating the plan, the 9 evergreen trees along the west side could be reduced by 6 and the remaining 3 evergreens placed in areas where the tree cover is thinner along the western edge. The other deciduous trees could be moved closer around the top bank of the pond.

Mr. Goulet also noted that the sizes of the trees on the landscape plan are smaller (2 inch caliper vs. 3 inch caliper) than the ordinance requirement, so some flexibility has already been provided on the overall plan to assist with cost effectiveness of the initial planting.

**Motion by Vicki Welty, supported by John Badeen to open the Public Hearing. Ayes: All**

No Audience members wish to address the board.

**Motion by Vicki Welty, supported by Craig Engel to close the Public Hearing. Ayes: All**

### **First Request**

**Motion by Vicki Welty** to require rooftop screens on all mechanical units visible from Ridge and Cherry Hill Roads.

**Supported by** Craig Engel. Ayes: All

### **Second Request**

**Motion by Vicki Welty** to approve the variances from Article 5 for the roadway and pond landscape areas pursuant to the Planner's recommendations as modifications to the approved landscape plan.

**Supported by** John Badeen. Ayes: All

**Motion by Vicki Welty to adjourn meeting. Supported by John Badeen. Ayes: All**

Meeting adjourned at 7:24 pm

Alison Eisenbeis, Recording Secretary