

CITY OF CHARLOTTE, COUNTY OF EATON, STATE OF MICHIGAN

ZONING BOARD OF APPEALS RESOLUTION 2021 – 063

A RESOLUTION TO AUTHORIZE A MODIFICATION TO THE HEIGHT AND AREA REGULATIONS FOR 704 ST. MARY’S BOULEVARD

WHEREAS, the City of Charlotte has received a Zoning Board of Appeals application for consideration of a modification to the height and area regulations at 704 St. Mary’s Boulevard; and

WHEREAS, the purpose of this modification would be to allow the placement of a privacy fence on the north Right-of-Way line; and

WHEREAS, the Zoning Board of Appeals has the authority to grant modifications to height and area regulations in order to secure an improvement of a lot that cannot otherwise be improved without such modification; and

WHEREAS, the Zoning Board of Appeals has made the following determinations in relation to this request:

- The proposed modification will not impair an adequate supply of light and air to adjacent properties.
- The proposed modification will not unreasonably increase the congestion in public streets.
- The proposed modification will not increase the danger of fire or endanger to the public safety.
- The proposed modification will not unreasonably diminish or impair established property values in the surrounding area.
- The proposed modification will not impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.
- The proposed modification will secure the improvement of a parcel that, due to its relationship to surrounding development and physical characteristics cannot be appropriately improved without such modification.

THEREFORE, BE IT RESOLVED that the City of Charlotte Zoning Board of Appeals hereby grants the requested modification to height and area regulations for the development at 704 St. Mary’s Boulevard.

The foregoing resolution offered by Council member _____ and supported by _____.

Upon roll call vote, the following voted:

Aye:

Nay:

Absent:

I, the undersigned, the duly qualified and acting Clerk of the City of Charlotte, County of Eaton, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City of Charlotte at a regularly scheduled meeting held on Monday, April 19, 2021, relevant to the Michigan Open Meetings Act, the original of which is on file in m48.y office as part of council minutes.

IN WITNESS WHEREOF, I have hereunto set my official signature this 19th day of April 2021.

Pearl Tidwell, City Clerk / Treasurer
City of Charlotte



TO: Zoning Board of Appeals

FROM: Bryan Myrkle, Community Development Director

SUBJECT: Request for modification at 704 St. Mary's Boulevard

DATE: APRIL 15, 2021

Your agenda for Monday, April 19 includes a ZBA public hearing and a resolution that would allow the construction of a residential privacy fence on the north Right of Way line of the parcel located at 704 St. Mary's Boulevard.

The resident, Katie James, would like to enlarge the area of her yard that is enclosed by a privacy fence. However, due to the unusual width of the public Right of Way in that block of Shepherd Street (this is a corner lot), I have had to reject her application for a fence permit and refer her to the ZBA for relief.

The public Right of Way on the north side of her property is approximately 100 feet, which is significantly wider than the more standard 60 or 66 feet found in most location throughout the City. To be clear, there are other 100-foot street ROW's in the City, but most extend more-or-less the full length of the street, not just a single isolated block.

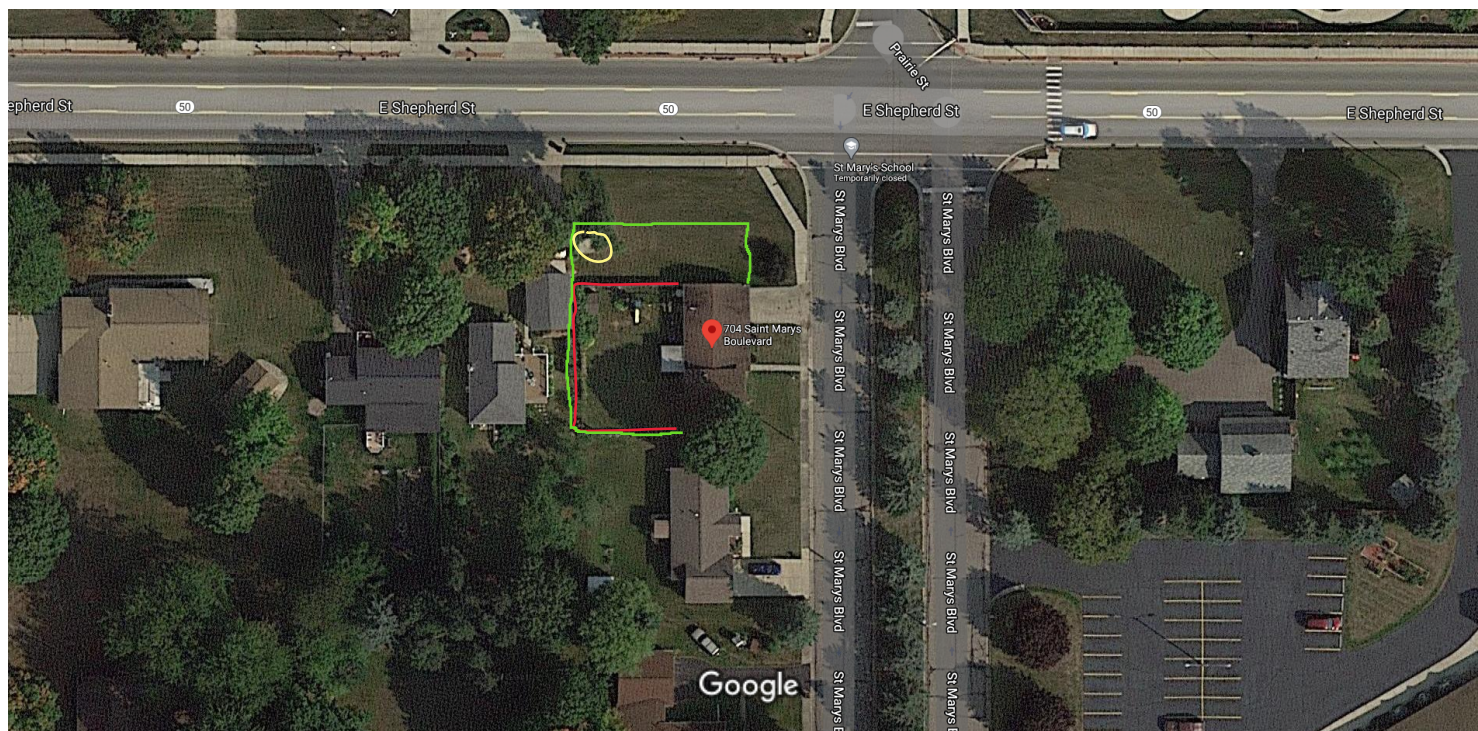
Under most circumstances, a privacy fence can be built on the setback line for structures, which is 25 feet back from the property line. Depending on the unique circumstances of individual properties, they can sometimes be built even closer. Ms. James' request would fully comply with this setback requirement in most other areas of the City. It is only because of the uniquely wide ROW that it does not.



I have evaluated her request and determined that it does not encroach on public property, and does not encroach into any protected 'corner clearance' areas that protect line-of-sight for vehicles entering or exiting driveways. I have not identified anything that should prohibit this fence installation other than a strict adherence to rules that do not appear to provide any community benefit in this location.

In simplest terms, what this action would do is allow Ms. James to install the same type and location of fencing that most residents are already allowed to do. I do not, however, have the authority to grant her this modification and issue a permit. That authority lies with the Zoning Board of Appeals.

We have included supporting materials for this request in your meeting packet. Should you have any questions about this matter prior to the meeting, I would be happy to answer them.



Map data ©2020, Map data ©2020 20 ft

My current fence is outlined in RED. I would like to replace my fence and expand it which is outlined in GREEN. There is a cement slab in my side yard which is circled in YELLOW.

Best case scenario I would like to expand my fence out another 36 feet towards Shepherd. However, the north side of the cement slab is about 26 feet out from my current fence. Being allowed to expand from the front of my garage instead of the back and going out between 26 - 36 ft would impact us immensely.

PLOT PLAN

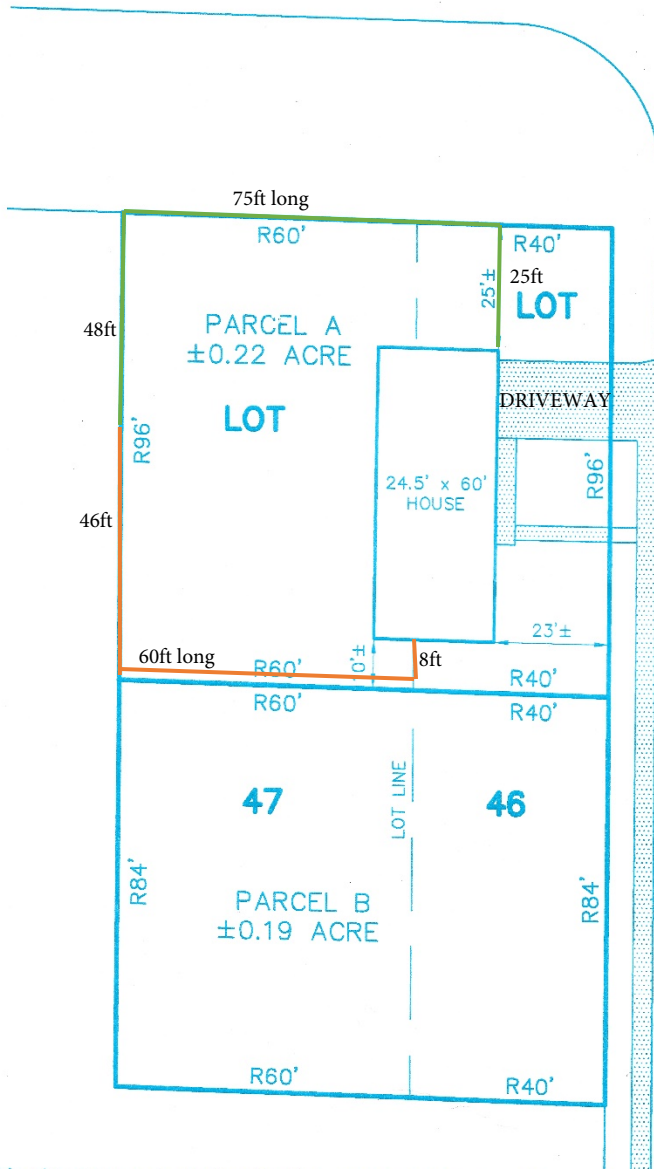
For:
 RE/MAX Home Advantage
 128 S. Cochran Ave.
 Charlotte, MI 48813

Parcel A: Lot 47 and the West 40 feet of Lot 46, Dayfair Manor Addition, according to the recorded plat thereof as recorded in Liber 2 of Plats, Page 68, Eaton County Records, except the South 84 feet thereof.

Parcel B: The South 84 feet of Lot 47 and the South 84 feet of the West 40 feet of Lot 46, Dayfair Manor Addition, according to the recorded plat thereof as recorded in Liber 2 of Plats, Page 68, Eaton County Records.

SHEPHERD STREET

GREEN line - 6ft tall
ORANGE line - 4ft tall



1" = 30'

A LOT SURVEY IS REQUIRED FOR THE EXACT LOCATION OF FENCE AND PROPERTY LINES.

ST. MARY'S BOULEVARD

This plan was made at the direction of the parties named herein.

CITY OF CHARLOTTE
NOTICE OF PUBLIC HEARING
ZONING BOARD OF APPEALS

Pursuant to the provisions of the City's Zoning Ordinance, NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals will meet in the Council Chambers in the City Complex, 111 E. Lawrence Ave., Charlotte, MI at **7:00 P.M. on the 19th day of April, 2021** for the purpose of considering:

Zoning Condition Appeal Request for: 704 St. Mary's Blvd.

Zoning Condition Appeal Requested: To allow a privacy fence to be built in a required yard area, i.e. closer to the Right-of-Way than normally allowed due to abnormal Right-of-Way width.

Questions regarding this notice should be directed to Bryan Myrkle, City of Charlotte Community Development Director at (517) 543-8853.

At said time and place any person interested will be heard. Written responses will be received by the City Clerk's office. The City of Charlotte will provide necessary reasonable auxiliary aids and services to individuals with disabilities upon 10 days' notice to the City.

Pearl Tidwell, City Clerk
City of Charlotte
111 E. Lawrence
Charlotte, MI 48813