

**City of Marine City  
Zoning Board of Appeals  
August 7, 2013**

A regular meeting of the Marine City Zoning Board of Appeals was held on Wednesday, August 7, 2013, in the Fire Hall, 200 South Parker Street, Marine City, and was called to order by Chairperson Thomas Filo at 7:00 PM.

The Pledge of Allegiance was led by Chairperson Filo.

**Present:** Chairperson Filo; Commissioners McGeachy, Menchaca and Weil; City Commissioner Turner; Building Inspector Bayly; and, City Clerk Kade.

**Absent:** City Manager Gabor

**Approve Agenda**

Motion by Commissioner Weil, seconded by City Commissioner Turner, to approve the Agenda, as presented. All Ayes. Motion Carried.

**Approve Minutes**

Motion by City Commissioner Turner, seconded by Commissioner Weil, to approve the Minutes of the Regular Meeting of the Zoning Board of Appeals held November 7, 2012, as presented. All Ayes. Motion Carried.

**Communications**

There were no Communications presented.

**Public Comment**

No residents addressed the Commission.

## **Unfinished Business**

None

## **New Business**

### ***Public Hearing ~ Appeal #13-01 - Brian J. Horn***

Chairperson Filo announced that the Zoning Board of Appeals would conduct a hearing to receive public comments for and against the proposed variance request by Brian J. Horn, the owner of property located at 128 DeGurse Avenue, to install a six-foot privacy fence along the East side of the front yard of the subject property.

Chairperson Filo opened the Public Hearing at 7:04 PM.

A letter from Harlan Adolphson, property owner of 134 DeGurse Avenue, was received by the City Clerk on July 29, 2013, stating *"We have no objection to Brian Horn putting up a fence up on his property"*.

Motion by Commissioner Weil, seconded by Commissioner McGeachy, to accept the Communication and place it on file. All Ayes. Motion Carried.

Dianne Lovett, 407 North Belle River Avenue, Marine City, stated that the City had Ordinances for a reason, and she saw no valid reason to grant the variance. She commented on a possible sight issue and traffic along DeGurse Avenue. Mrs. Lovett asked the Zoning Board of Appeals to vote *no* on the request.

Arthur Westrick, 120 DeGurse Avenue, Marine City, whose residence is adjacent to Applicant Brian Horn's property, said he did not totally object to the fence, but wanted to know how far out the fence would extend. He did not want to be faced with a problem backing out of his driveway onto DeGurse Avenue.

Commissioner Menchaca asked Mr. Westrick what was his exact objection, and Mr. Westrick responded "the length of the fence".

Commissioner Weil questioned Mr. Westrick and showed him photos of the property in order to determine the property line.

Building Official Brian Bayly stated that a four-foot chain link fence would be allowed to the road, but not a six-foot privacy fence.

Applicant Brian Horn addressed the Commission and explained where he was requesting permission to construct/install a six-foot privacy fence along his East property line. He spoke of shrubs in the area that caused sight issues. Mr. Horn stated that the fence would go as far as the monument on his property although he could not provide the overall length of the fencing.

City Commissioner Turner noted that the Zoning Board's concern was the visibility issue.

Chairperson Filo closed the Public Hearing at 7:20 PM.

Building Official Bayly reported that the Ordinance provided for a six-foot fence to be to the rear of the property. He commented that because of the way the homes set on their property, the applicant's neighbor, Mr. Westrick, could install a six-foot fence to his rear and it would have almost the same results as though Mr. Horn was installing his fence in the front.

Commissioner Menchaca noted that any obstruction would cause a sight problem if it were brought all the way to the road.

Commissioner Weil said he had no objection to the fence coming forward to the first stake, which was indicated in the photos.

When asked, Mr. Westrick responded that he had no objection to the privacy fence being installed to the first stake.

Building Official Bayly recommended that the fence go to the back of the neighbor's home, which sits forward of Mr. Horn's residence.

City Commissioner Turner commented on existing property line shrubbery on DeGurse Avenue, which could be the same type of objection. He said there should be no problem if the fence was a safe distance back from the street. City Commissioner Turner asked Mr. Westrick if he knew the distance between the stake and the curb.

Mr. Westrick said it was about 15 feet.

Building Official Bayly said that the corner clearance was 25 feet.

Motion by City Commissioner Turner, seconded by Commissioner Menchaca, to approve the Applicant's variance request with the stipulation that the fence be installed 25 feet back from the curb; Appeal #13-01. All Ayes. Motion Carried.

**Adjournment**

Motion by Commissioner Menchaca, seconded by Commissioner Weil, to adjourn at 7:30 PM. All Ayes. Motion Carried.

Respectfully submitted,

Diana S. Kade  
City Clerk