

**CHARTER TOWNSHIP OF VAN BUREN  
BOARD OF ZONING APPEALS MINUTES  
February 14, 2012**

Chairperson Wardwell called the meeting to order at 7:05 p.m. Present: Glass, DiPietro, Nettro, Jahr, McKenna, and Grissett. Absent-excused Watkins. Staff present: Director Carroll and Secretary Kurtz. McKenna and Associates Representatives: Christopher Khorey. There were (3) three people in the audience.

**MINUTES:**

**Motion Glass; support Jahr to approve the minutes of January 17, 2012 with corrections noted.**

**Motion Carried.**

**OLD BUSINESS: None**

**NEW BUSINESS:**

**ITEM #1:**

**CASE #        BZA 12-001**

**LOCATION: Parcel Number V125-83-095-99-0003-706 also known as 41247 East Huron River Drive. The subject site is located south of East Huron River Drive, west of Haggerty Road.**

**ARTICLE IV, Section 4.30 Fences, Walls and Other Protective Barriers Maximum height permitted for a fence in an n M-2 zoning district.**

**ARTICLE IV, Section 4.30 Fences, Walls and Other Protective Barriers shall be constructed of ornamental/decorative materials such as rod and rail, stockade, or brick.**

Carroll briefed the BZA members on the case request. Electric Guard Dog Fence Company initially requested a permit to install a fence at this location. After some research, a letter submitted to the applicant addressing two distinctive sections in the ordinance, 1) Requirement of a fence not to exceed height of 8 feet, requesting a height of 10 feet and 2) The electric security fence materials proposed are not in the approved fence materials. Applicant filed an application for relief to the BZA.

Cindy Gsell of Electric Guard Dog gave a presentation on behalf of the Client, LKQ of Michigan. LKQ of Michigan, Inc. is an auto parts recycling yard with highly desirable supplies, inventory and equipment for theft. LKQ is requesting a variance to install 10-foot electric fence security system approximately 4 to 12 inches inside the existing 8-foot chain link fence and masonry wall. This close proximity and height is required for safety purposes and preventing access over the existing perimeter fence and wall. The charged

fence powered by 12 V marine batteries, which is charge by solar panel. Signage posted a minimum of every 50' warns of the electric fence. The business is responsible with keeping the fence maintained and litter free to prevent false alarms. Ms Gsell stated crime is a significant enough for the need of the electric fence. Within the last six months four thefts, the existing fence continuously is cut for access and Van Buren PD had performed a stake out for theft. A Knox box would be installed for emergency personnel responders. There is an existing electrical fence located on the neighboring property as indicated on the site plan. LKQs' proposed fence would be located on the north and west sides of property connecting to the neighboring fence. Gsell stated her company did not install the existing neighboring fence, although her company is aware the fence does exist because of a year old maintenance contract her company had signed.

BZA members questioned if wire runs are on top of the masonry wall as the plans indicate such and are materials attached to the top of the masonry wall considered a fence or part of the wall. The plan shows the proposed fence location behind the masonry wall, however, the scaled height of the fence gives the appearance the fence is connected to the top of the wall. The Fence and Special Use Approval Ordinances were read to receive clarity of approved fence materials, permitted location and height requirements. A variance would be required for materials used along the front property line and for the requested height for the perimeter of the property. Review of the site plan indicated the submitted plan incorrectly depicts the actual proposed location of the fence. Furthermore, questioned an approval process or non-approval for the neighboring electrical fence to be constructed. Members expressed concern granting this variance would set a precedent for future applicants based on the action of this Board stating 10 feet security fence is permissible, and this is not the function of this Board to rewrite the ordinance. The rules that allow this Board to grant a variance are based on "Practical Difficulty" relating to the property and that crime is not a practical difficulty.

Motion Depietro, second McKenna to adjourn this matter to allow the applicant to provide additional information and the Township opportunity to research the neighboring property pertaining to the existing fence and a recommendation.

**Motion Carried**

**GENERAL DISCUSSION:**

Training session has been prepared and is ready for presentation by McKenna and Assoc.

The United States flag at the Marathon gas station was because of the condition.

The Township is working with Wellington to locate property lines and submit plans.

**ADJOURNMENT:**

Motion McKenna, second Glass to adjourn at approximately 8:05p.m.

**Motion Carried**

Respectfully submitted,

Brenda Kurtz,  
Recording Secretary