

**Alma Zoning Board of Appeals  
December 21, 2023  
Meeting Minutes**

A special meeting of the Alma Zoning Board of Appeals was called to order at 5:00 p.m. by Chairperson David Justin in the Alma Municipal Building, 525 E. Superior Street, Alma, Michigan. A quorum of the Board was present.

Present: Josh Cromer, Tadd Godfrey, Nina Guerrero, David Justin, and Russ Wight.  
Absent: none.

Also present: Paul Blanco, Adam Flory, Mike Karr, Aeric Ripley, Bonnie Sumerix, and Mark Williams.

**Motion by Godfrey, seconded by Guerrero, to open a public hearing at 5:01 p.m. regarding a variance request for 933 Charles Avenue. Motion carried.**

**Yes: Cromer, Godfrey, Guerrero, Justin, and Wight.**

**No: none.**

Chairman Justin provided the following information: A public hearing has been called to consider a request for a variance from the maximum side yard fence height of 6' in an R1, Single Family Residential zoning district, along the north property line located at 933 Charles Avenue, Alma, MI, parcel #51-334-251-00. The applicants, Jayson & Bonnie Sumerix are requesting a side yard fence height of 12'. Fences do not require a permit to be constructed, but the height and placement is regulated by the ordinance.

Attorney for the City of Alma, Adam Flory, addressed the Board, noting for the record, the box marked "challenge to administrative decision" had been marked on the variance request, but prior to the hearing no administrative decision had been made. Flory noted the fence constructed exceeds the maximum allowable height. Flory went on to review the following six requirements that must be met for granting a variance:

1. The proposed variance will not be contrary to the public interest and will not be contrary to the spirit and intent of this chapter.
2. The proposed variance shall not permit the establishment within a zoning district of any use that is not permitted by right within the district.
3. The proposed variance will not cause any adverse effect to property in the vicinity or in the zoning district of the city.
4. The proposed variance is not where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.
5. The proposed variance affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity and have not resulted from any act of the applicant.
6. The proposed variance must be granted in order to avoid practical difficulties or unnecessary hardship that would result from enforcement of the strict letter of this chapter.

Comments:

Cromer offered thanks to Flory for the walk-through of the provisions.

Justin asked Code Enforcement Officer Mike Karr to explain the case history.

Karr provided an extensive timeline of contacts with the property owners regarding the fence, beginning with his initial sighting of the fence, numerous contacts with the property owners, attempts to work out a temporary option, and ending with Mr. Sumerix's notice to him that an appeal would be filed. Karr noted he had been working with them to gain compliance regarding the fence height for five months.

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Guerrero referred to an extension Karr had mentioned in his timeline and asked if there had been an additional extension.

Karr indicated no infraction was issued at the end of that September 29<sup>th</sup> extension as there had been open communication with the property owners.

Flory told the Board that generally when the word “temporary” is used in an ordinance, it does not mean recurring, and that an up and down fence wouldn’t fit requirements.

Paul Blanco, counsel for the property owner/applicant, asked if the ordinance defined temporary.

Flory indicated if the ordinance did not define temporary, the definition would revert to the ordinary dictionary definition, which would also apply.

Justin asked the property owner to present her case.

Blanco spoke on behalf of the property owners, explaining he had first been approached in the fall and asked to review the situation and communication with Karr. He said he had advised them to seek a variance. He presented a printout of emails from neighbors in favor of the fence to the Board. He added that he disagreed with Flory’s characterization of the requirements. Blanco said the fence was erected as a backstop to a basketball hoop to prevent balls from going into an area unsafe for children and showed a map of the area to Board members.

Sumerix indicated the property beyond the fence was swampy, muddy, and dangerous.

Blanco went on to explain the unique conditions presented by the open area beyond the fence in question and reviewed each of the six requirements and their relation to the property owners’ situation. He concluded by saying his client was open to modifications to the fence, but believed more attention needed to be paid to the condition of the land that necessitated the fence.

Sumerix added the fence can’t be seen during the summer through the foliage of the surrounding trees and the height affected no one.

Godfrey indicated the comments from neighbors could not be used in consideration for granting or not granting the variance. At a question from Blanco asking where that was located in the ordinance, Godfrey explained the neighbors’ comments could be information only. He said if this variance was granted, it would open up opportunity for similar properties to make the same request.

Blanco said this situation is still unique, as would be those other situations, and each should be considered on a case-by-case basis.

Flory agreed with Godfrey that the letters would be information only unless they spoke directly to one of the six requirements. He asked Board members to consider the fifth provision, saying the need for a variance resulted from the act of the property owners. He encouraged them to consider the entire package and conditions presented to determine if the case is exceptional or extraordinary.

Blanco disagreed with Flory’s interpretation saying that timing didn’t matter, and the situation was still unique.

Guerrero asked how probable it was that a basketball would travel through the trees and onto the rail trail.

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Sumerix answered the rail trail was not necessarily the issue, but the several feet of wooded area between the fence and the trail was a problem as it was swampy, and filled with poison ivy, and that was the reason for the backstop fence.

Ripley asked if the list of comments from neighbors included a comment from Jeff Plott, as it was sent to city staff.

Justin answered that it was included.

No other comments were offered.

**Motion by Godfrey, seconded by Cromer, to close the public hearing regarding a request for variance at 933 Charles Avenue at 5:57 p.m. Motion carried.**

**Yes: Cromer, Godfrey, Guerrero, Justin, and Wight.**

**No: none.**

A motion was made by Godfrey to deny the request for variance. Godfrey cited the six requirements in his motion, and also indicated documents from staff and counsel should be included as attachments. No second was received for the motion and the motion failed.

**Motion by Cromer to approve the variance based on the fourth and fifth requirements and the extraordinary circumstances presented by the property owners. The motion was seconded by Wight.**

Discussion:

Godfrey asked if all six requirements must be satisfied.

Flory answered in the affirmative and asked if the motion was to grant in total with no conditions.

Cromer said yes.

Godfrey noted the *land to the north of the old Episcopal Church* property is identical with the same situation, and they could make the same request.

Cromer said he was confused by that, adding others could also request a variance and asking if the concern was that they would be setting precedent for forgiveness rather than permission.

Godfrey said approval of this request would open doors to others with similar situations including busy streets. He went on to say that the property owners had had several alternate options at the property for placement of hoop or type of fencing. He expressed concern at "opening the door" to other similar issues.

Cromer said he didn't wish to set precedent but understood the property owners' situation.

Godfrey reminded the Board that all six conditions must be met to approve the variance.

Blanco said a resolution would need to include all six conditions.

Flory agreed they would need to be stated in minutes.

Godfrey said the situation was a Pandora's Box, and that if variances were granted for each unique situation, they would be shooting holes through ordinances and each hole would reduce usefulness.

Wight asked why fence permits are not required by the City.

City Manager Aeric Ripley explained that such an ordinance would require a property owner to obtain a survey for any fence they wished to put up, in order to protect the city from liability. Additionally, the cost of a survey would be an added burden for a property owner, and the City does not wish to place such a burden on residents unless absolutely necessary.

Godfrey said it was not okay to simply ask for forgiveness, and if the City had been consulted regarding requirements prior to the erection of the fence, this would not be an issue.

No additional comments were offered.

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***Roll Call Vote***

**Cromer:** no.  
**Guerrero:** no.  
**Wight:** no.  
**Godfrey:** no.  
**Justin:** no.

***Motion failed.***

Godfrey asked if he needed to re-introduce his motion to deny the variance request.

Guerrero asked if exceptions would be a possibility.

Godfrey indicated he wouldn't be willing to consider such as it would still be a violation of the ordinance. He said if the property owners had requested the variance first, the fence could have been different.

Guerrero said she believed an exception would help.

Godfrey said he would accept their consideration of options already proposed. Options proposed could bring the fence into compliance.

Guerrero said she understood the property owners' situation and could see the area in question could be hazardous.

Godfrey said the *land to the north of the old Episcopal Church* also had the same situation.

**Motion by Godfrey, seconded by Wight, to deny the variance request for the property located at 933 Charles Avenue, owned by Jayson and Bonnie Sumerix, parcel #29-51-334-251-00 for the following reasons:**

1. The granting of this variance would impair the intent and purpose of the ordinance. The city may now have requests for many different fence heights that each homeowner feels would relieve their special or unique conditions. Nearly every person has some situation that they may consider as unique. Potential harm could be in the form of restricted access or view, noise, lights, or any other effect not normally experienced by property owners in similar circumstances.
2. The applicant could have chosen a different barrier to accomplish the same purpose without a variance (tall bushes or a mound). This fence is not required because of circumstances unique to the property but unique to the property owner (retrieving basketball and choice of location). A variance should not be granted because of a perceived special condition related to the applicant, that condition may no longer exist if the applicant leaves the property. To grant such relief would be unfair to owners who remain subject to the general restrictions of the zoning ordinance, and it would endanger the community plan by a piecemeal exemption.
3. A variance should not be granted where the applicant contributed to or created the practical difficulty that is complained of (self-created). The applicant did not consult the city to determine the maximum permitted fence height prior to erecting the fence. The applicant should have exercised due diligence and investigated this matter before constructing a fence.

The following attachments are included in support of this motion:

1. Documents from Adam Flory, Smith-Bovill. (Attachment A)
2. Documents from Donald Wortman, Carlisle/Wortman. (Attachment B)
3. Copies of case notes from Code Enforcement Officer Mike Karr. (Attachment C)

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***Roll Call Vote***

**Cromer: yes.**

**Guerrero: yes.**

**Wight: yes.**

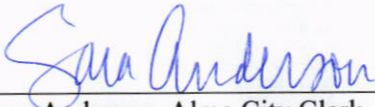
**Godfrey: yes.**

**Justin: yes.**

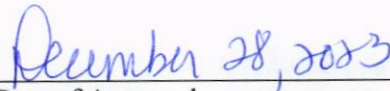
***Motion carried.***

No new business was presented, and no public comment was offered or received.

**Motion to adjourn at 6:20 p.m. by Cromer, seconded by Guerrero. Motion carried unanimously.**



Sara Anderson, Alma City Clerk



Date of Approval

SMITH BOVILL

A PROFESSIONAL CORPORATION  
Attorneys at Law

Reply To:  
Saginaw Office  
200 St Andrews Road  
Saginaw, MI 48638  
989.792.9641 Telephone  
989.792.1116 Facsimile  
<http://www.smithbovill.com>

Adam D. Flory  
[aflory@smithbovill.com](mailto:aflory@smithbovill.com)

December 14, 2023

City of Alma Zoning Board of Appeals  
c/o Aeris Ripley, City Manager  
525 E. Superior St.  
Alma, MI 48801

Re: *In re Sumerix Variance Application*

Dear Mr. Ripley:

*I. Introduction*

Please allow this memorandum to address the Variance Application ("the Application") filed with the City of Alma ("the City") Zoning Board of Appeals ("ZBA") on or about November 8, 2023. The Application concerns certain real property located at what is commonly known as 933 Charles Ave., Alma, MI 48801, bearing Tax Parcel Identification Number: 51-334-251-00 ("the Subject Property").

The intention of this memorandum is to provide an analysis of the Application, the law relating to same, and the ZBA's options with regard to the disposition of the Application. To that end, each of these issues will be discussed in turn.

*II. Statement of Pertinent Facts*

As noted above, on or about November 8, 2023, Jason Sumerix and Bonnie Sumerix ("the Applicants") filed an Application to the City's ZBA. In the Application, the Applicants indicated that they are seeking *both* a Variance in Zoning and an Appeal of an Administrative Decision.

In their Application, the Applicants aver that they have erected a 20-foot-long fence ("the Fence") on the Subject Property. The City's Zoning Ordinance ("ZO") prescribes a maximum-height requirement of no more than 6 feet for all fences. See *City of Alma Zoning Ordinance at Sec. 60-184(a)*. The Applicants acknowledge that the Fence exceeds the maximum-height requirement prescribed by the City's Zoning Ordinance. As to this point, the Applicants state as follows:

The fence itself is not an issue but the height of the fence is the issue. The height was elevated to provide a backstop for the basketball hoop, therefore preventing the basketball from continuing to roll onto city property and

FRANKENMUTH OFFICE  
140 West Tuscola Street, Suite B  
Frankenmuth, MI 48734-1548  
989.652.9923 Telephone  
989.652.3607 Facsimile

ALMA OFFICE  
214 E. Superior Street  
Alma, MI 48801  
989.463.2101 Telephone  
989.463.2104 Facsimile

CARO OFFICE  
121 W. Grant St.  
Caro, MI 48723  
989.652.9923 Telephone  
989.652.3607 Facsimile

DAVID B. MEYER  
ROBERT A. JAREMA  
ANTHONY G. COSTANNO  
ANDREW D. CONCANNON  
SHARON A. BURGESS  
PAMELA S. MUNDERLOH  
ERRICK A. MILES  
ADAM D. FLORY  
KATELYN A. SWEENEY  
ALEX C. BARRONS

into a swampy area in the woods. The woods separating our property and the bike trail is mostly wet and retrieving a basketball from that area can be difficult for my family. A six-foot fence will not stop the ball from falling into the woods and water. It is practical to have a tall fence to encompass a basketball court, tennis court to keep from constantly chasing the ball unnecessarily.

In support of their request for a Variance, the Applicants assert the following:

- The Fence was erected at its current height “to provide a backstop for the basketball hoop [that is located on the Subject Property], therefore preventing the basketball from continuing to roll onto city property [which is adjacent to the Subject Property] and into a swampy area in the woods.”
- A Fence that complies with the City’s Zoning Ordinance, i.e., a six-foot fence, would “not stop the ball from falling into the woods and water.”
- The Applicants allege that the Fence as it is currently situated “has no adverse effect to anyone in the city, or issue with public interest.”
- The Applicants allege that “[h]aving this fence placed in the location creates an extraordinary circumstance that does not apply to other properties in the city limits.”
- The Applicants allege that they, as well as the company that was hired to erect the fence, were unaware of the height limitation prescribed by the City’s Zoning Ordinance.
- The Applicants allege that the fence is not contrary to the public interest, is not an eye sore to the community, and that they have received “numerous” compliments from local community members “on what a nice addition it [i.e., the Fence] is to our home.”

*III. Applicable Law*

The City has established a ZBA pursuant to the Michigan Zoning Enabling Act (“MZEA”), MCL 125.3601. See ZO at Sec. 60-345. Among the powers of the ZBA is to consider applications requesting a variance and, where appropriate, grant variances. See ZO at Sec. 60-350(2) & (3). Likewise, the City’s ZBA has the authority and jurisdiction to consider any appeal from any administrative decision. See ZO at Sec. 60-350(1).

In order to grant a variance, the ZBA must determine that *all* of the following requirements are satisfied:

- The proposed variance will not be contrary to the public interest and will not be contrary to the spirit and intent of this chapter.
- The proposed variance shall not permit the establishment within a zoning district of any use that is not permitted by right within the district
- The proposed variance will not cause any adverse effect to property in the vicinity or in the zoning district of the city.

SMITH BOVILL, A Professional Corporation 140 W Tuscola Street, Suite B, Frankenmuth MI 48734-1548  
989-652-9923 Fax: 989-652-3607 <http://www.smithbovill.com>

- The proposed variance is not where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.
- The proposed variance affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity and have not resulted from any act of the applicant.
- The proposed variance must be granted in order to avoid practical difficulties or unnecessary hardship that would result from enforcement of the strict letter of this chapter.

See ZO at Sec. 60-350(3)(a)(1)-(6).

If the ZBA were to elect to grant a Variance, the ZBA is permitted to impose reasonable conditions upon the use of a variance. However, any conditions that are imposed by the ZBA onto an applicant *must* do all of the following:

- Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land, use or activity under consideration, residents and land owners immediately adjacent to the proposed land use or activity, and the community as a whole.
- Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- Be necessary to meet the intent and purpose of the zoning regulations, be related to the standards established for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

See ZO at Sec. 60-350(3)(b)(1)(i)-(iii).

Additionally, the following requirements apply to any variance considered by the City's ZBA:

- No more than the minimum variance from the terms of this chapter shall be granted which is necessary to relieve the practical difficulty or unnecessary hardship.
- An application for a variance which has been denied wholly or in part by the zoning board of appeals shall not be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the board to be valid.
- Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within six months after the granting of the variance.
- Prior to granting a variance, all other existing infractions related to this chapter or other city codes shall be resolved.

See ZO at Sec. 60-350(3)(b)(2)-(5).

Notably, the ZBA's decision as to a variance application may be appealed to the Gratiot County Circuit Court by any "person having an interest affected by the decision." See ZO at Sec. 60-351(a). Thus, if the ZBA were to deny a variance application then the applicants may appeal that decision to the Circuit Court. Likewise, however, if the ZBA were to grant a variance application then a neighbor to the property at issue (who presumably opposes the requested variance) could also appeal the decision to the Circuit Court so long as the neighbor could show that they have an interest affected by the variance being granted.

As a general matter, there are two types of variances: Use Variances and Non-Use Variances. *Grabow v Macomb Twp*, 270 Mich App 222, 225 n 3; 714 NW2d 674 (2006); *National Boatland Inc v Farmington Hills Zoning Bd of Appeals*, 146 Mich App 380, 387; 380 NW2d 472 (1985) "Use variances permit a use of the land which the zoning ordinance otherwise proscribes. Non-use variances are not concerned with the use of the land but, rather, with changes in a structure's area, height, setback, and the like." *Grabow*, 270 Mich App at 225 n 3; *National Boatland*, 146 Mich App at 387.

The proposed variance at issue in this case is a Non-Use Variance because the Applicants are not seeking to change their use of the Subject Property; rather, the Applicants are seeking to enlarge a dimensional limitation.

In addition to the above, it is well settled that an applicant may not obtain a variance where the applicant contributed to or created the hardship that is complained of. *City of Detroit v City of Detroit Zoning Bd of Appeals*, 326 Mich App 248, 263-264; 926 NW2d 311 (2018); *Johnson v Robinson Twp*, 420 Mich 115, 126; 359 NW2d 526 (1984); *Bierman v Taymouth Twp*, 147 Mich App 499, 502; 383 NW2d 235 (1985). Stated differently, a self-imposed hardship will not justify the granting of a variance. *Id.*

#### IV. Analysis

In this case, the ZBA has four primary options in regard to the Applicant's Variance Application.

- **Option #1:** The ZBA could GRANT the Variance Application in full.
- **Option #2:** The ZBA could GRANT IN PART and DENY IN PART the Variance Application. Under this Option, the ZBA would allow the Applicants to exceed the six-foot maximum-fence-height requirement, but the ZBA would find that the current height of the fence exceeds the minimum-variance required as prescribed by the City Zoning's Ordinance at Sec. 60-350(3)(b)(2). So, under this Option, the ZBA would Order that the fence's height must be reduced to a height somewhere between 6 feet (the maximum height prescribed by the Zoning Ordinance) and the current height of the fence. The height that is chosen would be whatever height the ZBA determines is the "minimum variance" necessary to sufficiently cure the unreasonable harm suffered by the Applicants.
- **Option #3:** The ZBA could GRANT the Variance Application WITH CONDITIONS. Under this Option, the ZBA may grant the Variance Application and then attach any

reasonable conditions determined to be appropriate by the ZBA. The ZBA would also need to ensure that any conditions that are imposed comply with the requirements of Sec. 60-350(3)(b)(1)(i)-(iii) of the City's Zoning Ordinance (outlined in greater detail above).

- **Option #4:** The ZBA could DENY the Variance Application. The ZBA would elect to deny the Variance Application if, among certain other reasons, the ZBA determined that the Application failed to comply with all of the requirements set forth in Sec. 60-350(3)(a)(1)-(6) of the City's Zoning Ordinance (outlined in greater detail above).

In this case, ultimately, the decision as to the appropriate disposition of the Application is left to the ZBA. I would, however, offer my view that there does appear to be ample evidence present so as to allow the ZBA to deny the Applicant's Variance Application (if the ZBA were inclined to do so). Indeed, the City's Zoning Ordinance at Section 60-350(3)(a)(5) provides that a Variance may only be granted if the Variance "[a]ffects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity, and have not resulted from any act of the applicant."

Here, it does not appear that the Applicant/the Subject Property is/are subject to "exceptional or extraordinary circumstances or conditions." On the contrary, being forced to contend with a basketball running loose after a missed shot appears to be a commonplace problem that would affect any number of City property owners. Granting a variance under these circumstances may provide other similarly-situated property owners to pursue their own respective variances in an effort to *not* comply with the strict letter of the City's Zoning Ordinance. Indeed, at the end of the day, it does not appear that being forced to chase a basketball constitutes the type of exceptional or extraordinary circumstances or conditions that our caselaw would suggest justifies the granting of a variance.

In addition, it would also appear that the Applicants have contributed to their own hardship which is also contrary to Section 60-350(3)(a)(5) of the City's Zoning Ordinance. Indeed, the Applicants did not consult the City's Zoning Ordinance or any City official to determine the maximum permitted fence height prior to erecting the fence. It would have been proper for the Applicants to exercise due diligence and investigate this matter prior to erecting the fence; then, at that time, prior to the fence being erected, the Applicants could have applied for a Variance. Instead, the Applicants have applied for a Variance after the Zoning-Ordinance violation has already occurred. This method of "asking for forgiveness rather than permission" is strongly disfavored. Simply stated: There appears to be more than sufficient evidence that the Applicants contributed and/or caused their own hardship by erecting the fence and committing a Zoning-Ordinance violation without conducting any due diligence to ensure that the fence was erected in conformity with the City's Zoning Ordinance. Notably, where an applicant has contributed to or caused their own hardship, a variance should generally not be granted.

In addition, from a legal perspective, the Applicant's assertion that they simply lacked knowledge on the law, i.e., the maximum-height requirement for fences, does not hold water. Indeed, it is well settled that every person is presumed to know the law; that legal maxim has been the law of the State of Michigan for more than 120 years, and it has been reaffirmed numerous times throughout the years by the Michigan Supreme Court. See *Dumphy v Hilton*, 121 Mich 315, 317; 80 NW 1 (1899); *Krushew v Meitz*, 276 Mich 553, 558; 268 NW 736 (1936); *Grand Rapids Ind Pub Co v City of Grand Rapids*, 335 Mich 620, 630; 56 NW2d 403 (1953); *Mudge v Macomb Co*, 458 Mich 87, 109 n 22; 580 NW2d 845 (1998).

In addressing this issue, the *Krushew* Court stated in pertinent part: "Every one is presumed to know the law, both civil and criminal, and is bound to take notice of it, and hence has no right to rely on such representations or opinions and will not be permitted to say that he was misled by them." *Krushew*, 276 Mich at 558 (emphasis added). Simply stated: Every person in the State of Michigan is tasked with knowing the law particularly as it relates to his/her/their own conduct and actions.

Regardless of the decision made by the ZBA, the ZBA should be sure that the reasoning for its decision is clearly set forth in the minutes/record of proceedings. This is critical to defend against a Circuit Court appeal (if one were to be filed). To be sure, the minutes/record of proceedings must state more than simply the decision of the ZBA and the vote relating to same. The minutes/record of proceedings must clearly state the *reasoning* for the ZBA's decision along with references to the City's Zoning Ordinance to identify relevant provisions that support the decision of the ZBA.

Lastly, as discussed above, in addition to the Variance Application that has been filed by the Applicants, the Applicants have also indicated that they are appealing an administrative decision. However, at this point, it does not appear that an administrative decision has actually been issued. Indeed, at this time no citation has been issued to the Applicants. And, upon information and belief, no other administrative decision has been made by the City relating to the Applicants or the Fence on the Subject Property. Accordingly, as there is no administrative decision to appeal, I would recommend that the Administrative Decision portion of the ZBA appeal be dismissed as moot.

I hope that the above memorandum provides a useful overview of the Application that is at issue as well as the law relating to same. Should you have any questions at all or wish to further discuss, please do not hesitate to contact me.

Very truly yours,

SMITH BOVILL, P.C.

/s/ Adam D. Flory

ADAM D. FLORY



**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

August 28, 2023

Aeric Ripley, City Manager  
City of Alma  
525 E. Superior St.  
Alma, MI 48801

Re: Fence Zoning Violation - 933 Charles Ave.

Dear Mr. Ripley:

As planning consultant to the City of Alma, you have asked our opinion regarding the constructed side yard fence at 933 Charles St. The side yard fence, adjoining the basketball backboard, is over ten (10) feet in height and therefore is in violation of Sec. 60-184(a) of the City of Alma Zoning Ordinance. This section of the ordinance restricts side yard fences to a maximum of six (6) feet in height.

Because of this violation, the property owner will need to modify the fence to no more than six (6) feet in height. Failure to comply will result in continued violation of the City Zoning Ordinance and associated penalties. The property owner also has the right to appeal this violation to the Zoning Board of Appeals in accordance with Sec. 60-350 of the Zoning Ordinance.

If you should have any questions regarding this matter, please feel free to contact me.

Very truly yours,

**CARLISLE/WORTMAN ASSOCIATES, INC.**

R. Donald Wortman, AICP

Principal

7.24.23

Noticed. Fence - sent Letter

8.7.23

email Meeting requested + Set up for 8.14.23 @ 10:30

8.14.23

Meeting w/ Owner + City manager. All present acknowledged the fence was in violation. Owner asked for time to go over options Act in good faith w/ open communications

8.29.23

Letter from certified planner states that it is a violation and should be altered

9.1.23

Copy of above ref letter were sent 9-15 Deadline was given

9.11.23

email <sup>from owner</sup> acknowledging receipt of letter. Asking what next step is asking Definition of fence  
reply email: Given def of fence from Code, Directing the owner to change the height -

9.18.23

Meeting w/ Owner + Dir. Williams @ Residence. Options were discussed. Owner asked for time Extension granted in good faith.

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Email sent reiterating the ~~good~~ expansion to 9-29

9-15-23

email from owner stating that the contractor is working on it

9-26

email from owner asking if lowering the sides/height would be okay.

9-28

Reply to owner. That request would not work. Option suggested. Amazon link to product sent.

10-2

Email from owner. 12' in spring 6' in fall.

10-3

asking how permanent it would be. Option suggested

10-8

From owner asking if it fully meets

10-6

Again from owner asking if it really matters  
asking if it is okay for 7-8-9-w (24)

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10-9

Recall to owner if loan in present but can  
arguably semi-permanent.  
Req. firm date from contractor

10-17

Loan owner: 30ish days.

10-17

To owner asking for more firm date.

10-17

Vacuum! Loan owner

Ret. Owner not happy. 11-15 deadline set.

11-17

Cancel loan owner Appeal to be filed.

11-22 Henry Set.

