



GREEN OAK CHARTER TOWNSHIP

Planning and Zoning Department Zoning Board of Appeals

AGENDA

Regular Meeting
Tuesday, March 17, 2015
7:00 p.m.

Green Oak Charter Township Hall
10001 Silver Lake Road
Brighton, MI 48116

1. Call to Order
2. The Pledge to the Flag
3. Roll Call of the Board
4. Approval of the Agenda
5. ZBA Case 03-2015, 6520 Davis St., Brighton, MI, 48116 Parcel # 4716-06-401-020, Request a variance from Section 38-136, the ordinance states that the required **rear yard setback** be 45 feet. The applicant is requesting a variance of 7 feet leaving the rear setback at 38 feet instead of the required 45 feet
 - a. Applicant's Presentation of the Case – maximum of ten minutes
 - b. Board members may question the Applicant
 - c. Open Public Hearing – a maximum of three minutes shall be allotted to individuals, and a maximum of five minutes to a group representative
 - d. Close Public Hearing
 - e. Rebuttal by Applicant – a maximum of two minutes allotted
 - f. Decision of the ZBA
6. ZBA Case 04-2015, Vacant parcel # 4716-11-201-002, located on the corner of Emerson Dr. & Kensington Rd, Brighton, MI 48116, Request a variance from 38-316 (c). **Off-street loading requirements**. Backing into a site from a public or private road right-of-way shall be prohibited
 - a. Applicant's Presentation of the Case – maximum of ten minutes
 - b. Board members may question the Applicant
 - c. Open Public Hearing – a maximum of three minutes shall be allotted to individuals, and a maximum of five minutes to a group representative
 - d. Close Public Hearing
 - e. Rebuttal by Applicant – a maximum of two minutes allotted
 - f. Decision of the ZBA
7. ZBA Case 05-2015, Vacant Parcel # 4716-31-300-010, Located on Green Oak Industrial Dr. Whitmore Lake, 48189. Request variance from Section 38-311 (f), **Parking Regulations** to allow 10 parking spaces that are within the front yard setback.
 - a. Applicant's Presentation of the Case – maximum of ten minutes
 - b. Board members may question the Applicant
 - c. Open Public Hearing – a maximum of three minutes shall be allotted to individuals, and a maximum of five minutes to a group representative
 - d. Close Public Hearing
 - e. Rebuttal by Applicant – a maximum of two minutes allotted
 - f. Decision of the ZBA

ZONING BOARD OF APPEALS

Joe Weinburger, Chairperson
Sarah Pearsall, Vice Chairperson
Wendy Hoover, Secretary

Jim Tuthill, Twp. Board Rep.
Deborah Sellis, Member
Billy Lintner, Alternate

8. ZBA Case 06-2015, Vacant Parcel # 4716-16-407-008, Hidden Lake Estates 2 Unit 8. Request variance from Section 38-136, **Maximum Building Height 28 feet**. The applicant is requesting a variance of 3 feet 3 inches totaling 31.3ft. to allow a new single family residence to be constructed
 - a. Applicant's Presentation of the Case – maximum of ten minutes
 - b. Board members may question the Applicant
 - c. Open Public Hearing – a maximum of three minutes shall be allotted to individuals, and a maximum of five minutes to a group representative
 - d. Close Public Hearing
 - e. Rebuttal by Applicant – a maximum of two minutes allotted
 - f. Decision of the ZBA

9. New Business

10. Old Business

11. Approval of January 20, 2015 Meeting Minutes

12. Correspondence

13. Call to the Public – maximum of three minutes shall be allotted to individuals, and a maximum of five minutes to a group representative

14. Adjournment

Posted March 9, 2015

ZONING BOARD OF APPEALS

Joe Weinburger, Chairperson
Sarah Pearsall, Vice Chairperson
Wendy Hoover, Secretary

Jim Tuthill, Twp. Board Rep.
Gary Gaylord, Member
Billy Lintner, Alternate

Green Oak Charter Township
Zoning Board of Appeals
Regular Meeting Minutes
March 17, 2015

Roll Call: Sarah Pearsall
Deborah Sellis
Joe Weinburger

Absent: Wendy Hoover
Jim Tuthill

Guests: 10

Also Present: Debra McKenzie, Zoning Administrator

APPROVAL OF AGENDZA

Ms. McKenzie removed ZBA Case 06-2015 per the applicant's request to be heard at a later date.

**Motion by Pearsall, second by Sellis
To approve the agenda as revised.**

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

Mr. Weinburger explained that the full ZBA Board is not present and any applicant who would rather wait for a full board can do so and will be placed on the agenda for 4/21/15.

- 1. ZBA Case 03-2015, 6520 Davis St., Brighton, MI, 48116 Parcel #4716-06-401-020, request a variance from Section 38-136, the ordinance states that the required rear yard setback be 45 feet. The applicant is requesting a variance of 7 feet leaving the rear setback at 38 feet instead of the required 45 feet.**

Representing ZBA Case 03-2015: Catherine & Anthony Lollo

Ms. Lollo explained that her husband is a veteran and is a quadriplegic and they need to make their home wheelchair accessible. They would like to have a small wheelchair accessible bathroom at the back of the home which would be the easiest since the plumbing is already existing in that location. She explained that there is an existing temporary ramp and they have applied for a VA grant to modify the home and it will include a permanent ramp. This will also increase the Master Bedroom which will allow Mr. Lollo to maneuver around. The hardship is that there is no other location to build

49 that would make logical sense. She explained that the septic field location is their
50 practical difficulty.

51

52 Mr. Weinburger opened the public hearing at 7:20 p.m. and closed it due to no
53 comments.

54

55 **Motion by Sellis, second Pearsall**

56 **To approve ZBA Case 03-2015 regarding parcel # 4716-06-401-020, requesting**
57 **a variance from the rear yard setback requirement due to the practical**
58 **difficulty of the existence of the septic field in the way of where the change to**
59 **the home would typically be permitted. The variance of 7' leaving the rear yard**
60 **setback at 38' instead of the required 45'.**

61

62 **Roll Call Vote: Ayes: Unanimous**
63 **Nays: None**

64

65 **MOTION APPROVED**

66

67 **2. ZBA Case 04-2015, vacant parcel #4716-11-201-002, located on the corner**
68 **of Emerson Dr. and Kensington Rd., Brighton, MI 48116, request a variance**
69 **from 38-136 (c) off street loading requirements. Backing into a site from a**
70 **public or private road right-of-way shall be prohibited.**

71

72 **Representing ZBA Case 04-2015: Jim Barnwell, Desine Inc.**
73 **Michael Wainwright, Owner Sporttech**
74 **Keith Phillips, Architect**

75

76 Mr., Barnwell explained that they would like to reserve the option to table for the full
77 board. Mr. Weinburger explained that would need to be decided now. Mr. Barnwell and
78 his group decided to move forward.

79

80 Mr. Barnwell explained that the piece of property is rectangular in shape and measures
81 220' x 220'. He explained that this site is unique in the neighborhood and the site is
82 extremely hilly. The property starts off at the corner of Emerson and Kensington at an
83 elevation and goes up around 20'. The development becomes hard and difficult to turn
84 a large truck around because a large truck takes about 100' to make the radius. They
85 are asking to be able to back in off of Emerson Drive. This would be for larger trucks
86 only, smaller trucks would not have an issue. Setbacks that force the building into the
87 corner, the drainage is all to the front as is the septic tank. Between the shape, size
88 and topography of the lot creates a situation where there isn't enough room to allow the
89 trucks to turn around in that small area.

90

91 Mr. Barnwell explained that the Planning Commission knew there was no way to get a
92 large truck in there. They did discuss it at the Planning Commission and they did
93 recommend site plan approval subject to a variance.

94

95 Mr. Barnwell stated that the topography and the way the property drains is their practical
96 difficulty. Mr. Phillips explained that the property has unique topography along with the
97 detention/retention areas. The septic field also takes up the majority of the lot.

98
99 Ms. Sellis asked how the large trucks enter the property. Mr. Barnwell explained that
100 they will back in. Mr. Wainwright stated that when he bought the parcel 3 years ago and
101 he bought it thinking they would enter off of Emerson. He explained it is very heavy
102 truck traffic and it is a dangerous situation entering off of Kensington.

103
104 Ms. McKenzie questioned if the applicant was aware of the Cross Access Agreement?
105 Mr. Wainwright stated yes. Mr. Wainwright stated that the owner to the north was not
106 going to push that agreement per their realtor.

107
108 Mr. Weinburger opened the public hearing at 7:35 p.m.

109
110 **Bob Moran** – Mr. Moran stated that Mr. Weinburger had asked the applicant how the
111 Planning Commission reacted to this item. Mr. Moran explained that the Planning
112 Commission neither supported nor felt that they could deny because it was a topic that
113 would need to come to the ZBA.

114
115 **Phil 5293**, He explained that he owns the parcel immediately to the south, parcel 3. He
116 stated that he has grave concerns about this. In theory it is nice that the truck traffic
117 could pull in and back out, without cutting into his property but the reality is that there
118 will be damage to his property. He felt that the truck drivers will pull into his drive and
119 they will cut their wheels in his driveway, tearing up his asphalt, or sprinklers/lawn. The
120 parcel in question, when he built his property he was told he had to put in a common
121 drive, south of Emerson, circular path around that so truck traffic can manipulate. He
122 split the parcel further south of him to create this maneuvering. He didn't realistically
123 see how this would work without damaging his property on a regular basis.

124
125 Mr. Weinburger closed the public hearing at 7:39 p.m. due to no further comments.

126
127 Mr. Wainwright explained that the space to the west is the space that he leases today,
128 he is on site there every day and the trucks that use this space have never come close
129 to his lease space, they have a significant amount of truck traffic and his would be very
130 limited and from his experience leasing across the street there was not an issue.

131
132 Mr. Barnwell explained that a 50' wide throat was provided and that will be an adequate
133 area.

134
135 Mr. Wainwright stated that buying more property was not an option. This project has
136 been two years in the making and will be a major improvement in the area, with
137 additional jobs and tax dollars.

138
139 Mr. Wainwright stated that this is more of a safety concern. Mr. Barnwell stated that the
140 Cross Access Agreement was not for truck traffic. It may be adequate for passengers
141 but not for truck traffic. Emerson was intended for truck traffic. Mr. Wainwright
142 explained that he has been speaking to Wixom Properties and they are well aware of

143 the situation and he knows this meeting is happening tonight and he is not here to force
144 the Cross Access Agreement.

145
146 **Motion by Pearsall, second by Weinburger**

147 **To deny the variance request in ZBA Case 04-2015, parcel #4716-11-201-002**
148 **because there is a means that the applicant does have access through the**
149 **Cross Access Agreement and there is no practical difficulty shown other**
150 **than the size of the lot is not large enough and allowing such a variance**
151 **would be a danger to the area with traffic.**

152
153 **Roll Call Vote: Ayes: Pearsall, Weinburger**
154 **Nays: Sellis**

155
156 **MOTION APPROVED TO DENY**

- 157
158 **3. ZBA Case 05-2015, Vacant Parcel #4716-31-300-010, locate on Green Oak**
159 **Industrial Drive., Whitmore Lake, 48189. Request variance from Section 38-**
160 **311(f), Parking Regulations to allow 10 parking spaces that are within the**
161 **front yard setback.**

162
163 **Representing ZBA Case 05-2015: John Dziuban, owner**

164
165 Mr. Dziuban stated that he would like to defer his application until the April 21, 2015
166 meeting.

167
168 **NEW BUSINESS**

169
170 Mr. Jewell, Building Official asked for clarification of a prior case ZBA #12-2014 in
171 reference to a setback issue. He explained that the directional words of north and
172 south needed to be corrected in the motion that was made.

173
174 **Motion by Pearsall, second by Weinburger**

175 **To clarify the motion in ZBA Case #12-2014 which was approved in a**
176 **motion made by Gary Gaylord for 11423 N. Shore Drive on 5/20/14 a**
177 **variance of 16' to allow a 14' yard setback and a variance of 2 feet on the**
178 **south side yard leaving an 8' side yard setback and a 7' variance leaving a**
179 **3 ft. north side variance which would allow the house without flipping it in**
180 **accordance with the intentions of the ZBA's first motion of 5/20/14.**

181
182 **Voice Vote: Ayes: Unanimous**
183 **Nays: None**

184
185 **MOTION APPROVED**

186
187 **OLD BUSINESS - None**

188
189 **APPROVAL OF THE Meeting Minutes**

191 **Motion by Pearsall, second by Sellis**
192 **To approve the minutes of January 20, 2015 as presented.**

193
194 **Voice Vote: Ayes: Unanimous**
195 **Nays: None**

196
197 **MOTION APPROVED**

198
199 **CORRESPONDENCE - None**

200
201 **CALL TO THE PUBLIC - None**

202
203 **ADJOURNMENT**

204
205 The Zoning Board of Appeals meeting was adjourned at 8:00 p.m. due to no further
206 business.

207
208
209 Respectfully Submitted,
210
211 Kellie Angelosanto
212
213 Kellie Angelosanto
214 Recording Secretary
215