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 AGENDA

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 Lollio

Ms. Lollio 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. Lollio to maneuver around. The hardship is that there is no other location to build
that would make logical sense. She explained that the septic field location is their practical difficulty.

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

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

Roll Call Vote: Ayes: Unanimous
Nays: None

**MOTION APPROVED**

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

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

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

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

Mr. Barnwell explained that the Planning Commission knew there was no way to get a large truck in there. They did discuss it at the Planning Commission and they did recommend site plan approval subject to a variance.
Mr. Barnwell stated that the topography and the way the property drains is their practical difficulty. Mr. Phillips explained that the property has unique topography along with the detention/retention areas. The septic field also takes up the majority of the lot.

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

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

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

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

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

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

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

Mr. Barnwell explained that a 50’ wide throat was provided and that will be an adequate area.

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

Mr. Wainwright stated that this is more of a safety concern. Mr. Barnwell stated that the Cross Access Agreement was not for truck traffic. It may be adequate for passengers but not for truck traffic. Emerson was intended for truck traffic. Mr. Wainwright explained that he has been speaking to Wixom Properties and they are well aware of
the situation and he knows this meeting is happening tonight and he is not here to force the Cross Access Agreement.

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

Roll Call Vote: Ayes: Pearsall, Weinburger
Nays: Sellis

MOTION APPROVED TO DENY

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

Representing ZBA Case 05-2015: John Dziuban, owner

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

NEW BUSINESS

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

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

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

OLD BUSINESS - None

APPROVAL OF THE Meeting Minutes
Motion by Pearsall, second by Sellis
To approve the minutes of January 20, 2015 as presented.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

CORRESPONDENCE - None

CALL TO THE PUBLIC - None

ADJOURNMENT

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

Respectfully Submitted,

Kellie Angelosanto

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Recording Secretary