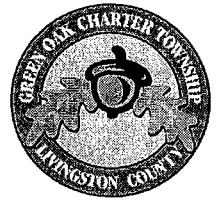


GREEN OAK CHARTER TOWNSHIP

Planning and Zoning Department
Zoning Board of Appeals



AGENDA

Regular Meeting
Tuesday, March 18, 2014
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 06-2014, Mark Davis, 9510 Silverside, South Lyon. Request two variances, one for a 7.1 foot east side yard setback and a 3 foot west side yard setback. 38-136 requires 15 side yard setback on both sides. This would allow a new home to be built.
 - 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 07-2014 Raymond Hurley, 6295 Island Lake Dr. Brighton. Request three variances, one for a waterfront setback, for a single family home, average allowed is 25 feet, proposed 16 feet. Request is for a 9 foot waterfront setback variance. Second variance is for a 2nd floor waterfront balcony that projects into the required yard 15 feet, 5 feet allowed, leaving a setback of 10 feet. The third variance is for an unenclosed main floor waterfront deck which projects into the required yard 20 feet, 6 feet allowed, leaving a setback of 6 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

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

7. ZBA Case 08-2014 Richard F. Biermacher, 8338 Riverside Dr. Brighton, request a 5 foot variance, for a 35 foot front yard setback. 38-136 requires a 40 foot front yard setback. This would allow an attached accessory building.
 - 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

8. New Business
9. Old Business
10. Approval of January 21, 2014 Meeting Minutes
11. Correspondence

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

13. Adjournment

Posted: February 20, 2014

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 18, 2014

Approved: _____

The meeting was called to order by Mr. Weinburger at 7:00 p.m.

Roll Call: Gary Gaylord
Wendy Hoover
Sarah Pearsall
Jim Tuthill
Joe Weinburger

Guests: 11

Also Present: Debra McKenzie, Zoning Administrator
Billy Lintner, Alternate

APPROVAL OF AGENDA

**Motion by Pearsall, second by Tuthill
To approve the agenda as presented.**

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

MOTION APPROVED

A. ZBA Case 06-2014, Mark Davis, 9510 Silverside, South Lyon. Request two variances, one for a 7 foot east side yard setback and a 3 foot west side yard setback. 38-136 requires 15' side yard setback on both sides. This would allow a new home to be built.

**Representing ZBA Case 06-2014: Mark and Lisa Davis
6528 Tamarack Drive, Troy, MI 48098**

Ms. Davis explained that this property has been in her family for 90+ years and the structure is a true summer cottage. There is no heat, running water, insulation and has a post foundation. The applicant requests a side setback variance on each side of the lot, which measure 50 feet in total width. The variances would allow them to build a new, permanent year round single family residence at a reasonable width of 30 feet. They will build on the footprint of the existing footprint. Mr. Davis explained that they are proposing a fireplace that will require an additional 2' for the width of the fireplace so they are asking for 10' instead of 12' in that area.

Ms. Pearsall asked what the practical difficulty is. Mr. Davis stated the width of the house/lot. Ms. Davis explained that a new septic system and well will be installed and the existing garage will be demolished as well.

0 Mr. Weinburger opened the public hearing.

1
2 **Rick Minton, 9514 Silverside Drive** – Mr. Minton stated that he has been the Davis's
3 neighbor for 38 years and they have been great neighbors. He stated that making
4 these improvements will not be infringing on his property at all and he was in support of
5 the request.

6
7 Mr. Weinburger closed the public hearing due to no further comments.

8
9 Mr. Weinburger explained that the lot of record is too narrow to comply with the
0 ordinance.

1
2 **Motion by Gaylord, second by Tuthill**

3 To approve the variance request for ZBA 06-2014 9510 Silverside, South
4 Lyon because the applicant has shown a practical difficulty for the
5 following reasons: there are exceptional or extraordinary circumstances
6 or conditions applicable to the property that do not generally apply to other
7 properties in the area specifically to build a new permanent home a
8 practical difficulty exists with the small 50' lot and the home will be built
9 per the plans that were submitted.

10
11 The variances are necessary for the preservation and enjoyment of a
12 substantial property right possessed by other property in the same zone
13 and vicinity. The variances will allow a single family home on a small lot
14 and the granting of such variance will not be materially detrimental to the
15 public welfare because the sideyard setbacks will enhance the property as
16 well as the surrounding homes allowing proper drainage and a new
17 sanitary system.

18
19 The granting of the variance will not adversely affect the purpose or
20 objectives of the Township's Master Plan because the new home is and it
21 will aesthetically complimentary to the surrounding area and will be a
22 permanent resident. The practical difficulty is not self-created for the
23 reason that it is only 50' and will have the same setbacks as the current
24 structure.

25
26 Roll Call Vote: Ayes: Unanimous
27 Nays: None

28
29 **MOTION APPROVED**

- 30
31 2. ZBA 07-2014, Raymond Hurley, 6295 Island Lake Drive, Brighton. Request
32 three variances, one for a waterfront setback, for a single family home,
33 average allowed is 25 feet, proposed 16 feet. Request is for a 9 foot
34 waterfront setback variance. Second variance is for a 2nd floor waterfront
35 balcony that projects in the required yard 15 feet, 5 feet allowed, leaving a
36 setback of 10 feet. The third variance is for an unenclosed main floor
37 waterfront deck which projects into the required yard 20 feet, 6 feet
38 allowed, leaving a setback of 6 feet.

99
100 Mr. Hurley explained that this lot is a legally platted lot and the size prohibits having a
101 garage with a 9' setback at the rear. The topography of the land rises 8' to 16' from the
102 rear. He explained that there is a park on one side of the property. He explained that
103 he has owned the property and maintained the property for 24 years and has had sewer
104 since 2002. He also has a sea wall to protect the shoreline.

105
106 Mr. Weinburger confirmed that the applicant demolished the existing home. Mr. Hurly
107 stated that there will be a new foundation but he will be using less of a footprint from the
108 original home. Mr. Hurley explained that the lot coverage is ½ of the former house or
109 30% lot coverage which meets the code.

110
111 Ms. Pearsall questioned the deck. Mr. Hurley stated one balcony is 4' x 11' and the
112 other one 6'x 14'6".

113
114 Mr. Weinburger opened the public hearing.

115
116 **John Connolly, 6169 Island Lake Drive** – He explained that he is a new neighbor and
117 he supported Mr. Hurley building a new home.

118
119 Mr. Weinburger closed the public hearing due to no further comments.

120
121 Mr. Weinburger explained that the Township did receive letters from residents who were
122 not in support of this request.

123
124 Mr. Hurley explained that this home will be a residence for him or his daughter may live
125 there. He will not infringe on the park. He explained that he thought the resident's
126 consider his lot as part of the park which is not the case. He explained that he has a
127 building envelope there and he has chosen to build a nice home with a garage on it so
128 that he can store lake equipment. He stated he could build in the envelope but he
129 wouldn't have room to put his stuff. He could build a 1300' cottage but there was still
130 the slope in the backyard to contend with.

131
132 **Motion by Gaylord, second by Tuthill**

133 **To approve ZBA Case application 07-2014 there are exceptional or**
134 **extraordinary circumstances applicable to the property that do not generally**
135 **apply to other properties in the district specifically the lot size creates a**
136 **practical difficulty for re construction. Variances are necessary for the**
137 **preservation and enjoyment of a substantial property right possessed by**
138 **other properties in the same district or surrounding area and is not a**
139 **condition or situation which is general or recurring in nature. A practical**
140 **difficulty does exist with the lot parameters, the building footprint of the**
141 **new home. The granting of the variance will not be materially detrimental**
142 **to the public welfare or adversely affect the surrounding properties in the**
143 **district for the following reasons: Aesthetically the proposed site will fit**
144 **within the neighboring setback parameters. The granting of the variance will**
145 **not adversely affect the purpose or objectives of the Township's Master**
146 **Plan because the building site is a permanent aesthetically pleasing design**
147 **which is experiencing a practical difficulty for construction due to the small**

8 lot size and the practical difficulty is not self-created.

9
0 Roll Call Vote: Ayes: Hoover, Gaylord, Tuthill
1 Nays: Pearsall, Weinburger

2
3 **MOTION APPROVED**

- 4
5
6 3. ZBA Case 08-2014 Richard F. Biermacher, 8338 Riverside Dr., Brighton,
7 request a 5 foot variance, for a 35 foot front yard setback.. Section 38-136
8 requires a 40 foot front yard setback. This would allow an attached
9 accessory building.

10
11 Representing ZBA Case 08-2014: Richard Biermacher

12
13 Mr. Biermacher explained that setback variation will allow for construction of an
14 attached garage to blend aesthetically and architecturally with the existing home and
15 neighborhood. The lot line is approximately 20' from edge of road putting the proposed
16 building 55' from the edge of the road. He explained that the side lot lines are not
17 square to the road and present architectural design variances that would be visually
18 unacceptable. He explained that the side lot line is angled and it won't allow the
19 building to be squared and it would block the window.

20
21 Mr. Weinburger opened the public hearing and closed it due to no one wishing to
22 comment.

23
24 **Motion by Hoover, second by Pearsall**

25 To approve the variance in ZBA Case 08-2014 to allow a 5' variance in the
26 front yard setback to be 35' when the ordinance requires 40'. The practical
27 difficulty is due to the configuration of the lot and how the existing home is
28 set. The granting of the variance would not be detrimental to the health,
29 safety and welfare.

30
31 Roll Call Vote: Ayes: Unanimous
32 Nays: None

33
34 **MOTION APPROVED**

35
36 **NEW BUSINESS** – Mr. Weinburger asked that the ZBA members look over Chapter 38
37 since it will be coming up to amend it.

38
39 **OLD BUSINESS** - None

40
41 **APPROVAL OF MINUTES**

42
43 **Motion by Pearsall, second by Hoover**

44 To approve the January 21, 2014 meeting minutes as presented.

45
46 **Voice Vote: Ayes: Unanimous**

Nays: None

MOTION APPROVED

CORRESPONDENCE – None

CALL TO THE PUBLIC

John Connelly, 6169 Island Lake Drive. He explained that he originally had said he was new to the neighborhood when in fact he has been coming there is entire life. He explained that his great grandparents built a home there and he thanked the Board for doing the right thing in granting the approval for Mr. and Mrs. Davis.

ADJOURNMENT

Mr. Weinburger adjourned the Zoning Board of Appeals meeting at 7:47 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

