AGENDA

Regular Meeting
Tuesday, May 15, 2018
7:00 p.m.

1. Call to Order

2. The Pledge to the Flag

3. Roll Call of the Board

4. Approval of the Agenda

5. ZBA Case 02-2018, Parcel # 4716-21-403-009, Located at 9901 Sunflower Lane, South Lyon MI 48178. Request a variance from Section 38-136 side yard setback. The applicant is requesting an 8-foot variance from the required 15 foot setback leaving the side yard at 7 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. New Business

7. Old Business

8. Approval of March 20, 2018 Meeting Minutes

9. Correspondence

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

11. Adjournment

April 26, 2018
Roll Call:  Sarah Pearsall
Dan Rainko
Steven Showerman
Joe Weinburger
Jim Yuill

Absent:  Dan Rainko
Joe Weinburger

Guests:   4

Also Present:  Debra McKenzie, Zoning Administrator

APPROVAL OF AGENDA

Motion by Showerman, second by Yuill
To approve the agenda as presented.

Voice Vote:  Ayes: Unanimous
Nays: None

MOTION APPROVED

1.  ZBA Case 02-2018, Parcel #4716-21-403-009, Located at 9901 Sunflower Lane, South Lyon, MI 48178. Request a variance from Section 38-136 side yard setback. The applicant is requesting an 8 foot variance from the required 15 foot setback leaving the side yard at 7 feet.

Representing ZBA Case 02-2018:   Shawn Tyrrell and TJ Tyrell
Contractor

Mr. Tyrell explained they are on a lot where there is limited area where they can add an additional building. There is a septic tank behind the house that restricts moving it to the south and a reserve field to the east and next to that is a significant slope. There is a severe slope on the south and east of the parcel which prevents them from doing any building there, it is part of the drain that was built into the subdivision. The drain commission did look at the plan and they were ok with the plan. The well head is located to the west. The north is the only spot where they can add an additional building.

Mr. Tyrell explained they are looking to add the garage, so they have room to store their assets and he is part of the Mountain Biking Team and they often have a number of
bicycles that need storage. The cycling team started out with 6 kids and this year they hope to have around 60.

The applicant would like to construct a one story 27' by 27' attached garage to the existing single family residential unit. The applicant is requesting a side yard setback variance to allow the construction of a 27' x 27' attached garage 7' feet from the north side property line.

Ms. Pearsall confirmed the practical difficulty is the slope, the location of the septic field and the well. Mr. Tyrrell stated there is not room behind the house because the slope drops away right there.

Mr. Yuill confirmed the applicant has an active and reserve septic field and there is room to service it if needed.

Mr. Showerman asked if there was a reason they have to have an attached garage? Mr. Tyrrell explained the subdivision by-laws to not allow a detached garage. Mr. Showerman questioned if they looked at expanding the garage to make it a front entry instead of a side entry. Mr. Tyrrell stated they would be asking for the same setback to make a front entry.

Mr. Tyrell confirmed that his neighbor did not mind the plan as long as they didn’t block their view of the wetlands from their deck they didn’t care if they went to the property line. He also explained there is an architectural committee in the subdivision and they did approve the attached garage.

Ms. Pearsall opened the call to the public at 7:21 p.m.

**Todd Krebs** – He did look at the property and there are other options that exist. His overall impression is that this is not optimal, and he felt it could be reviewed further.

Ms. Pearsall closed the public hearing at 7:23 p.m. due to no further comments.

Mr. Tyrrell explained arguably they are looking at more of the use of garage vs. the cost of it. It may be able to be produced at a lower cost, but they were looking at in terms of utility.

Mr. Showerman asked if there is a variance available within the subdivisions rules to have it detached. Mr. Tyrrell stated the subdivision by laws said it had to be attached so they didn’t pursue it. They would also be on the septic field if that was done.

Ms. McKenzie explained they can table until the next meeting if there was further information needed. The contractor explained there isn’t another area to place the structure. Mr. Tyrrell also explained if it was detached it would block the neighbors view.

**Motion by Showerman, second by Yuill**
To approve ZBA Case 02-2018, Parcel #4716-21-403-009, Located at 9901 Sunflower Lane, South Lyon, MI 48178. There are exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to other properties in the same district. The area is predominately residential in nature. Physical conditions and circumstances exist that now limit the options on where an attached garage addition can be placed. The position of the existing home on the property limits possible locations of any additional structure. The lot is narrow which restricts the placement of the proposed garage. The septic field interferes with the placement of the garage.

The variance is necessary for the preservation or enjoyment of a substantial right possessed by other property owners in the same district. Attached garages are permitted in the R-2 single family residential zoning district. The location of the existing septic field interferes with the ability to erect the garage within the area on property appropriately.

The granting of the variance would not be detrimental to the public welfare and injurious to the other properties in the area. Reducing the side setback to allow for a garage should not affect neighboring properties values.

The granting of the variances would not adversely impact the objectives of the Master Plan. The location is on property zoned and planned for residential use.

The purpose and intent of requiring setbacks for accessory structures is primarily to maintain uniform lot development, as well as maintaining similar architectural appearance on each lot. If granted, reducing the side setback to allow placement of the garage should not impair the purpose and intent of the Master Plan.

The condition or the intended use is of a general or recurrent nature. The 17 parcels in the Mystic View subdivision range in size from 21,750 sq. ft. to 43,750 sq. ft. (approx.) with an average lot width of 125 feet. The variance request is not so recurrent in nature as to require an amendment to the Zoning Ordinance. The request is specific to the needs of the applicant, site conditions and shape of the subject parcel.

The practical difficulty is not self-created. The problem was not created by the applicant but was created by the placement of the house.

Roll Call Vote: Ayes: Showerman, Yuill  
Nays: Pearsall

MOTION APPROVED  

NEW BUSINESS – Ms. McKenzie reported the billboard case did file and they are proceeding forward with their case.
OLD BUSINESS - None

APPROVAL OF THE Meeting Minutes

Motion by Showerman, second by Yuill
To approve the minutes of March 20, 2018 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 7:32 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto

Recording Secretary
GREEN OAK CHARTER TOWNSHIP
Planning and Zoning Department
Zoning Board of Appeals

AGENDA

Regular Meeting
Tuesday, May 15, 2018
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 02-2018, Parcel # 4716-21-403-009, Located at 9901 Sunflower Lane, South Lyon MI 48178. Request a variance from Section 38-136 side yard setback. The applicant is requesting an 8-foot variance from the required 15 foot setback leaving the side yard at 7 feet.
   a. Applicant’s Presentation of the Case – maximum of ten minutes
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6. New Business
7. Old Business
8. Approval of March 20, 2018 Meeting Minutes
9. Correspondence
10. Call to the Public – maximum of three minutes shall be allotted to individuals, and a maximum of five minutes to a group representative
11. Adjournment

April 26, 2018

ZONING BOARD OF APPEALS

Joe Weinburger, Chairperson
Sarah Pearsall, Vice Chairperson
James Yuill,

10001 Silver Lake Road, Brighton, Michigan 48116-8361

Steven Showerman, Member

(810) 231-1333 Fax (810) 231-5080
GREEN OAK CHARTER TOWNSHIP
PLANNING AND ZONING DEPARTMENT
10001 Silver Lake Road, Brighton, MI 48116
Phone: 810-231-1333 ext.104  Fax: 810-231-5080

Zoning Board of Appeals Report

Case Number: ZBA-02-2018
Date of Application: April 16, 2018
Hearing Date: May 15, 2018
Applicant: Shawn Tyrrell
Property ID: 4716-21-403-009
Property Address: 9901 Sunflower Lane, South Lyon MI 48178
Action Requested: Variance from 38-136 Side Yard Setback
Nature of Application: Request a variance from Section 38-136
Zoning District: R-2 Single Family Residential

PROJECT AND SITE DESCRIPTION

On March 19th the applicant applied for a building permit to construct a one story 27' by 27' (729 square foot) attached garage to the existing single family residential unit. The property was developed as R-2 Single family residential in 1995. The subject property is approximately 21,750 square feet in size with 127.5 feet of frontage along Sunflower Lane, South Lyon, MI 48178. The property meets the minimum requirements for development. The applicant is requesting a side yard setback variance to allow the construction of a 27' x 27' attached garage 7' feet from the north side property line; a minimum side yard setback of 15' feet is required for residential structures in the R-2, Single-Family Residential District.

Aerial Image of Subject Site and Vicinity
The applicant is requesting one variance from Section 38-136 a side yard setback of 7' feet instead of the required 15' feet.

The surrounding properties are predominately single-family dwellings.

The subject property, Lot 9, was created as part of the seventeen lots within Mystic View subdivision in 1995. As shown on the site plan, Lot 9 is approximately 21,750 square feet in size, and the maximum buildable area permitted under R-2 zoning is 30% of the site. The dwelling is currently considered to be a legal-conforming building. The intent of the side yard setback requirements is to allow adequate space between structures on neighboring properties. The reduction in setbacks would not impact site coverage. Without the approval of the requested setback variance, construction of the new attached garage as designed will not be possible.

The Zoning Board of Appeals shall have the authority to authorize site variation or modification of the provisions of the Zoning Ordinance, with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Zoning Ordinance, and so that public safety and welfare will be secured and substantial justice done, where, owing to special conditions, a literal enforcement of the provisions of the Zoning Ordinance would involve practical difficulties or unnecessary hardship.
According to the Zoning Ordinance, no such variance or modification of the provisions of the Zoning Ordinance shall be granted unless it appears that, at a minimum, all the facts and conditions listed in Section 38-95. of the Zoning Ordinance exist.

a. Are there exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone. (including the land or a structure or building thereon) rather than the individual situation or desire of the applicant or property owner. In other words, the problem or exception or extraordinary circumstances or conditions must be inherent in the land, structure, or building involved.

The property is zoned R2 – Single Family Residential and is of sufficient size for residential development. The subject site is uniform in shape with many of the other parcels of the Mystic View Subdivision that was created in 1995. Other properties in the district have been developed for single family residential uses.

B. The variance must be necessary for the preservation and enjoyment of a substantial property right which is similar to that possessed by other properties in the same zoning district and vicinity. (NOTE—a possible increased financial return shall not, of itself, be deemed sufficient to warrant a variance.)

As stated in the applicant’s letter and site plan, the site is constrained by septic and well placement which requires a drain field and replacement drain field to be located on the back side of the property. Placement of the garage in the back of the property could not occur due to the location of the drain field and replacement drain field.

C. Would granting of such variance or modification be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.

The setback requirements for residential land was established to protect those residential uses. The proposed attached garage addition would be located 7 feet from the property line. The adjacent property owner home is located 55 feet from the existing home. Staff defines the public interest to be the welfare or well-being of the public. Staff finds no evidence that the placement of the structure 7 feet from the property line would create conditions that conflict with the welfare or well-being of the public. The variance does not appear to create material injury or unsafe conditions to adjacent property owners or deprive them from the use of their property.

D. Does the granting of the variances adversely impact the objectives of the Master Plan.

The variance does not adversely impact the objective of the Master Plan.
E. Is the condition or situation of the specific piece of property, or the intended use of such property, for which the variance is sought is of so a general or recurrent a nature.

The conditions are related to the placement of the existing structure on the lot. The use is currently single family residential the proposed project will not change the use of the property.

F. The ZBA must also find that the applicant has practical difficulty complying with the Ordinance provision or provisions at issue.

The applicant is unable to place the attached or detached structure elsewhere on the property because of existing conditions. The septic field which is located in the back of the property interferes with the located of the garage.

RECOMMENDATIONS

Staff recommends the ZBA open the public hearing, take testimony, close the public hearing, evaluate the proposal for conformance with the applicable regulations, and deny or approve the application. In the motion to deny or approve the project the ZBA should incorporate the ZBA’s discussion and analysis of the project and the findings in the staff report.

Staff recommends that the Zoning Board evaluate the applicant’s requests based on the considerations in Section 38-95. of the Zoning Ordinance, listed above.

If the Zoning Board cannot find in favor of the applicant for each of the consideration listed in the Zoning Ordinance the Board should deny the request.

If the Zoning Board of Appeals determines the requested variance is not justified, the following facts and conclusions can be used as a basis of that decision.

There are no exceptional or extraordinary circumstances or conditions applicable to the applicants site that does not apply generally to sites in the same zoning district. The minimum lot size for property located in the R-2 (Residential, Single-Family,) zoning district is 21,750 square feet. The subject site’s lot size is approximately 21,750 square feet. The minimum lot width for R-2 zone lot is 125 feet. The subject lot width is 127.5 feet. The subject property is rectangular and complies with minimum lot size and lot width requirements.

Granting the application is not necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship. There are design alternatives that would afford the property owner storage. The fact that an additional garage could not be physically
located on the property does not deprive the property owner the right to develop the land as permitted.

The granting of the variance would be detrimental to the public welfare and injurious to other properties in the area. The setbacks were established to protect those in residential uses. The site is in the R-2 Zoning District Master Plan area. Parcels in this area are primarily residential and regulated under the intent of the Single Family Residential Zoning District requirements. The proposed project would not adversely affect the purpose or objectives of the Master Plan.

The condition or the intended use is of a general or recurrent nature. Because of the lot depth and the location of the existing home on the lot, it appears that the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature.

The practical difficulty is due to the location of the septic field. And was not self-created.

If the Zoning Board of Appeals determines the requested variance is justified, the following facts and conclusions can be used as a basis of that decision:

There are exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to other properties in the same district. The area is predominately residential in nature. Physical conditions and circumstances exist that now limit the options on where an attached garage addition can be placed. The position of the existing home on the property limits possible locations of any additional structure. The lot is narrow which restricts the placement of the proposed garage. The septic field interferes with the placement of the garage.

The variance is necessary for the preservation or enjoyment of a substantial right possessed by other property owners in the same district. Attached garages are permitted in the R-2 single family residential zoning district. The location of the existing septic field interferes with the ability to erect the garage within the area on property appropriately.

The granting of the variance would not be detrimental to the public welfare and injurious to the other properties in the area. Reducing the side setback to allow for a garage should not affect neighboring properties values.

The granting of the variances would not adversely impact the objectives of the Master Plan. The location is on property zoned and planned for residential use.
The purpose and intent of requiring setbacks for accessory structures is primarily to maintain uniform lot development, as well as maintaining similar architectural appearance on each lot. If granted, reducing the side setback to allow placement of the garage should not impair the purpose and intent of the Master Plan.

The condition or the intended use is of a general or recurrent nature. The 17 parcels in the Mystic View subdivision range in size from 21,750 sq.ft. to 43,750 sq. ft. (approx.) with an average lot width of 125 feet. The variance request is not so recurrent in nature as to require an amendment to the Zoning Ordinance. The request is specific to the needs of the applicant, site conditions and shape of the subject parcel.

The practical difficulty is not self-created. The problem was not created by the applicant but was created by the placement of the house.

Notices: Notice of public hearing sent to the applicant, April 26, 2018
Notice of public hearing published in the Livingston County Press and Argus, April 26, 2018

Report Prepared By: Debra McKenzie

CASE FILE DOCUMENTS:
1.0 Zoning Board of Appeals Report
1.1 Zoning Map
1.2 Minutes
1.3 GIS Map
1.4 Aerial

Written Correspondence and Documentation
2.0 Completed application form
2.1 Letter of application with attachments
2.2 Proof of ownership
2.3 Notice of Public Hearing
2.4 Certificate of publication
Zoning Compliance

Property Owner: Shawn Tyrrell
Date: March 19, 2018
Address: 9901 Sunflower Lane, South Lyon, MI 48178
Property ID: 4716-21-403-009
Permit Request: Addition

PROJECT DESCRIPTION:
The applicant is requesting a building permit for an addition to the house adding a 27 x 27 attached garage. The subject site is approximately .50 acres in size R2 Single Family. This lot is located in section 21.

The proposed application must conform to the zoning regulations summarized below:

<table>
<thead>
<tr>
<th>38-136, Schedule of Regulations</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning District</td>
<td>R-2, Single Family</td>
<td>R-2, Single Family</td>
</tr>
<tr>
<td>Setbacks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waterfront</td>
<td>40 ft.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Front</td>
<td>40 ft.</td>
<td>N/A feet</td>
</tr>
<tr>
<td>Rear</td>
<td>45 ft.</td>
<td>59.5</td>
</tr>
<tr>
<td>Sides</td>
<td>15 ft. both sides from home</td>
<td>7 feet / 77 feet</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>30%</td>
<td>Under 30%</td>
</tr>
<tr>
<td>Building Height</td>
<td>32 ft. (two stories)</td>
<td>Under 32 feet</td>
</tr>
<tr>
<td>Lot Area</td>
<td>21,750 sq. ft.</td>
<td>21,750 sq. ft.</td>
</tr>
<tr>
<td>Lot Width</td>
<td>125 ft.</td>
<td>127.5 ft.</td>
</tr>
</tbody>
</table>

Sec. 38-184. Yard encroachments. (d) Chimneys, flues, belt courses, leaders, sills, pilasters cornices, eaves, gutters, and similar features may project into any required yard a maximum of twenty-four (24) inches.

Application does not meet zoning compliance

*****Sec. 38-136 side yard setback is 15 feet.************

Sec. 38-94. Appeals.
(a) An appeal may be taken to the ZBA by any person, firm or corporation, or any officer, department, board or bureau affected by a decision of anybody charged with enforcement of this chapter or of an administrative official of the department of building and zoning concerning the administering and enforcing of the provisions of this chapter. Such appeal shall be taken within such time as prescribed by the ZBA by general rule,
but in no event later than 30 days after the date of the decision from which the appeal is taken, by filing with the building administrator and the ZBA a notice of appeal, specifying the grounds thereof. The building administrator shall forthwith transmit to the ZBA all of the papers constituting the record upon which the action appealed from was taken.

(b) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the building administrator certifies to the ZBA after the notice of appeal has been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed other than by a restraining order which may be granted by the ZBA or the circuit court, on application and due cause shown.

(c) The ZBA shall select a reasonable time and place for the hearing of the appeal and give notice thereof to the parties, and shall render a decision on the appeal without unreasonable delay. The ZBA shall state the grounds of each determination. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

(Ord. eff. 1-31-1993, § 11.4; Ord. eff. 7-18-1998)

State law references: Appeals, MCL 125.290.

Debra McKenzie,
Zoning Administrator,
810 231-1333 ext. 104
GREEN OAK CHARTER TOWNSHIP
PLANNING AND ZONING DEPARTMENT
10001 Silver Lake Road, Brighton, MI 48116
Phone: 810-231-1333 ext.104 Fax: 810-231-5080

ZONING BOARD OF APPEALS
APPLICATION

DATE: 9 April 2018

INSTRUCTIONS:

Prior to any appeal being filed with the Green Oak Charter Township Zoning Board of Appeals (ZBA), an applicant must have first applied for a building permit from the Green Oak Charter Township Building Department. The building permit must have had an administrative review conducted by a designated Building and Zoning Official and subsequently be denied if it is to be later considered by the Zoning Board of Appeals. This denial must be obtained in writing and copies submitted with the appeal application form, in no event should the denial letter be older than 30 days after the date of the decision from which the appeal is taken. The ZBA appeal application costs are not refundable.

If an appeal is filed with the ZBA, the following application form and a site layout must be completed. ELEVEN COPIES of the application, site layout and any additional pages or documents that the applicant desires the ZBA to consider must be provided prior to the application form being accepted by the Zoning Administrator. All appeals must be filed by noon the third Wednesday (one month prior) to the scheduled meeting date, in order to be considered for that month’s meeting. There is a limit of five cases per monthly agenda, and applications are taken in order of submission. If more than five applications are received, the additional applications will be scheduled for the following meeting. The applicant or authorized representative must appear in person on their scheduled date. If an authorized representative is designated, the applicant must designate their authority in writing prior to the ZBA hearing being conducted. All costs exceeding the application fee are the responsibility of the applicant and must be paid in full prior to any building permits being issued.

All property owners and occupants within 300 feet of the petitioner’s property will be notified by first class mail not less than 15 days prior to the public hearing.

While there is not a prescribed method to a presentation to the ZBA, the applicant should be prepared to provide all available proofs, documents, evidence, etcetera to support their request for a variance at the time of the
hearing. Witnesses and/or any other tangible evidence to support the validity of the request for variance will be accepted and considered by the ZBA.

Applicant Information
Name: TJ Tyrrell
Address: 9901 Sunflower Lane
City/State/Zip: South Lyon, MI 48178
Phone: (734) 347-1177   Fax;
E-Mail: tityrell@charter.net

Property Owner Information
Name: TJ & Shawn Tyrrell
Address: 9901 Sunflower Lane
City/State/Zip: South Lyon, MI 48178
Phone: TJ (734) 347-1177, Shawn (248) 670-8544   Fax;
E-Mail: tityrell@charter.net shawnlyturrell@charter.net

Location of Property for which the variance requested
Address: 9901 Sunflower Lane
Cross Streets: Marshall Road and Mystic View Lane
Tax Identification #: 4716-21-403-009
Zoning District: R-2, Single Family
Lot Size/Acreage: approximately .5
Current Use: R-2, Single Family

Variance Request: Homeowners are seeking approval to build an attached garage with a side yard variance allowance of 7 feet instead of the required 15 feet setback. Section 38-136

Total Number of Variances Requested: 1

List the applicable Code Section Name, Section Number, and Subsection to be considered by the ZBA. Section 38-136 Side Yard Setback is 15 Feet
This information is contained in the Green Oak Charter Township Zoning Code Book

Describe Request: See Attachment
Criteria for a Dimensional Variance

Please respond to the following statements. The application must meet all criteria in order to obtain a variance. 38-95 (8)

What are the exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone

See Attachment

Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

Variance will not create harm to surrounding neighbors.

The granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.

Variance would not impact or be detrimental to the public welfare or cause harm.

The granting of such variance will not adversely affect the purpose or objectives of the master plan of the township.

Granting of variance would not impact the Master Plan.

The condition or situation of the specific piece of property, or the intended use of such property, for which the variance is sought is not of so general or recurrent a nature

Condition is not recurrent in nature.
You must provide the following information as part of your application:

1) Site Plan layout drawn to scale, which details the following:
   - Show all adjoining property setbacks and structures
   - Show existing and proposed setbacks from road right-of-ways
   - Show existing and proposed structures
   - Show required and existing setbacks by noting it on the site plan
   - Show NORTH arrow

2) Photographs of property in relation to roads and existing structures, when appropriate, to properly depict the reason for the appeal.

3) Written denial from the Planning and Zoning Administrator denying a building permit for this original request. 
   38-94 Appeal shall be taken within such time as prescribed by the ZBA by general rule, but in no event later than 30 days after the date of the decision from which the appeal is taken.

4) Eleven copies of the application, site layout and any additional pages or documents.

5) A completed application. Incomplete applications with missing information will be returned and not placed on the ZBA agenda until complete.

I hereby affirm that the above information is correct to the best of my knowledge and grant permission for Township officials, employees, consultants and members of the Zoning Board of Appeals to conduct an on-site inspection.

[Signature]
Signature of Applicant

[Signature]
Signature of Owner, if different

Date: 12 April 2018

Date:
Describe Request:

Homeowners seek to build an attached garage in the only unencumbered area of the property to support protection of homeowner assets and provide workspace, bike, and equipment storage to support the 50+ rider Brighton Area Schools Mountain Bike Team (4-Peat State Champions!). Property topography, septic system, well, and utilities prevent construction elsewhere on the property. We request a side setback variance to 7 feet variance instead of the prescribed 15 feet.

What are the exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone:

Severely sloping topography, which supports a drain easement and drain water detention, in addition to the septic tank, active septic field, reserve field, well, gas, and electric utilities prevent building on other locations on the property.
### Building Type
- X Single Family Mobile Home
- X Town Home
- X Duplex
- X A-Frame

### Building Style
- 1.5 STORY

### Yr Built Remodeled
- 1995

### Condition: Average
- Lg
- Solid

### Room List
- Basement
- 1st Floor
- 2nd Floor

### Windows
- Many
- Large

### Roof
- Gambrel
- Mansard
- Shed
- Flat
- Single Family
- Dormer

### Roof Finish
- Bats
- Slates
- Metal Shingles
- Composition Shingles

### Heating/Fireplaces
- Gas
- Oil
- Electric

### Built-ins
- Appliance Allow.
- Cook Top
- Dishwasher
- Garbage Disposal
- Bath Heater
- Vent Fan
- Hot Tub
- Unvented Hood
- Intercom
- Jacuzzi Tub
- Jacuzzi repl.Tub
- Oven
- Microwave
- Standard Range
- Self Clean Range
- Sauna
- Trash Compactor
- Central Vacuum

### Porches/Decks
- Area Type
- Year Built
- Exterior: Siding
- Brick Ven.: 0
- Stone Ven.: 0
- Common Wall: 1 Wall
- Foundation: 42 Inch
- Finished: Yes
- Mech. Doors: 0
- Area: 621
- % Good: 0
- Storage Area: 0
- No Conc. Floor: 0

### Other Additions/Adjustments
- Rate
- Size

### Water/Sewer
- Public Water
- Public Sewer
- Water Well
- 1000 Gal Septic
- 2000 Gal Septic

### Lump Sum Items

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**Note:** Information herein deemed reliable but not guaranteed.
Parcel Number: 4716-21-403-009, Residential Building 1

1-0H (DN)
10.0 x 2.0
20.0 sf

WPP
316.0 sf

1 Sty/Gar
7.0 x 8.0
56.0 sf

Garage
621.0 sf

1 Sty/Bsmt
200.0 sf
25.0

1 1/2 Sty/Bsmt
1632.0 sf

1 Sty/Bsmt
216.0 sf
27.0

WCP
204.0 sf

*** Information herein deemed reliable but not guaranteed***
GREEN OAK CHARTER TOWNSHIP
PLANNING AND ZONING DEPARTMENT
10001 Silver Lake Road, Brighton, MI 48116
Phone: 810-231-1333  Fax: 810-231-5080

NOTICE OF PUBLIC HEARING

Please be notified that Green Oak Charter Township Zoning Board of Appeals will hold a public hearing on May 15, 2018 at 10001 Silver Lake Road, Brighton MI at 7:00 p.m. for hearing the following variance request: ZBA Case 02-2018, Parcel # 4716-21-403-009. Located at 9901 Sunflower Lane, South Lyon MI 48178. Request a variance from Section 38-136 side yard setback. The applicant is requesting an 8-foot variance from the required 15-foot setback leaving the side yard at 7 feet.

Information is posted at the following locations and on greenoaktwp.com. 9384 Whitmore Lake Road, Brighton, MI, 11411 Grand River, Brighton, MI, 9863 Rushton Road, South Lyon, MI, 8965 Fieldcrest, Brighton, MI, 10001 Silver Lake Road, Brighton, MI

Persons with disabilities needing accommodations for effective participation in this meeting should contact the Green Oak Charter Township Clerk’s Office at least 5 business days prior to the meeting to request mobility, visual, hearing or other assistance.

Public comments and participation are both encouraged and welcome, either in person at the Public Hearing or in writing to Debra McKenzie, Zoning Administrator, 10001 Silver Lake Road, Brighton, MI 48116 by FAX at 810-231-5080 or E-Mailed to Planning-Zoning@greenoaktwp.com prior to noon, May 15, 2018.

Green Oak Charter Township Zoning Board of Appeals

Notice of Posting according to Act 359 of 1947;
Posted:
April 26, 2018
<table>
<thead>
<tr>
<th>Address</th>
<th>Name</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
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<tbody>
<tr>
<td>4716-21-300-020</td>
<td>FINDERA, MATTHEW T &amp; RACHEL M</td>
<td>9544 VIKING LN</td>
<td>SOUTH LON</td>
<td>MI</td>
<td>48178</td>
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<tr>
<td>4716-21-400-056</td>
<td>MONROE, DAVID &amp; SHERIE</td>
<td>9539 VIKING LN</td>
<td>SOUTH LON</td>
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<td>4716-21-401-015</td>
<td>SCHUMACHER, WILLIAM A &amp; KATHLEEN M</td>
<td>9691 SILVERSIDE DR</td>
<td>SOUTH LON</td>
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<td>4716-21-403-001</td>
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<td>SOUTH LON</td>
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<td>SOUTH LON</td>
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<tr>
<td>4716-21-403-009</td>
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<td>4716-22-300-020</td>
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<td>9675 SILVERSIDE DR</td>
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<tr>
<td>4716-22-300-021</td>
<td>MANVILLE, DAVID &amp; TERRY</td>
<td>9669 SILVERSIDE DR</td>
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<td>4716-22-300-023</td>
<td>HAKALA, KEVIN &amp; BABETTE</td>
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<td>4716-22-301-217</td>
<td>SIMCHECK, TOM &amp; DONNA</td>
<td>9674 SILVERSIDE DR</td>
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Information is posted at the following locations and on greenoaktwp.com.
9384 Whitmore Lake Road, Brighton, MI, 11411 Grand River, Brighton, MI, 9863 Rushton Road, South Lyon, MI, 8965 Fieldcrest, Brighton, MI, 10001 Silver Lake Road, Brighton, MI
STATE OF MICHIGAN

Ss

COUNTY OF LIVINGSTON

REASON FOR PUBLIC HEARING: ZBA Variance Request
NAME OF APPLICANT: Shawn Tyrrell
ADDRESS OF APPLICATION: 9901 Sunflower Lane, South Lyon MI 48178
DATE OF PUBLIC HEARING: May 15, 2018
BOARD HOLDING PUBLIC HEARING: ZBA

Type of Hearing:
(x) Zoning Board of Appeals
( ) Special Use Permit
( ) Rezoning
( ) Other

I Debra McKenzie being first duly sworn, do hereby depose and say that I caused to be prepared for mailing, and mailed by First Class mail, on April 26, 2018, a Notice of Public Hearing, a true copy of which is attached hereto and made a part hereof, to each owner of or party in interest in property located within three hundred (300) feet or five hundred (500) feet whichever is appropriate and/or abutting the subject's property line described in the subject's property description, as such name and address of owner is described in the attached Notice, and as such name and address appears in the computerized property tax assessment roll records of the Assessing Department of Green Oak Charter Township as of the date of the computer printout; and printed out mailing labels from that computerized database for said parcels affected; that each such envelope had contained therein the appropriate Notice of the aforesaid hearing, was securely sealed with postage fully prepaid thereon for First Class Mail delivery; and that all of said envelopes were placed on the outgoing mail receptacle at Green Oak Charter Township Hall in Brighton, Michigan on the said date for the above referenced hearing meeting.

Debra McKenzie,
Zoning Administrator
NOTICE OF POSTING

Please be notified that Green Oak Charter Township Zoning Board of Appeals will hold a public hearing on May 15, 2018 at 10001 Silver Lake Road, Brighton MI at 7:00 p.m. for hearing the following variance request: ZBA Case 02-2018, Parcel # 4716-21-403-009, Located at 9901 Sunflower Lane, South Lyon MI 48178. Request a variance from Section 38-136 side yard setback. The applicant is requesting an 8-foot variance from the required 15-foot setback leaving the side yard at 7 feet.

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9384 Whitmore Lake Road, Brighton, MI, 11411 Grand River, Brighton, MI, 9863 Rushton Road, South Lyon, MI, 8965 Fieldcrest, Brighton, MI, 10001 Silver Lake Road, Brighton, MI

(04-26-2018 DAILY 341258)
Green Oak Charter Township
Zoning Board of Appeals
Regular Meeting Minutes
March 20, 2018

Roll Call: Sarah Pearsall
Daniel Rainko
Steven Showerman
Jim Yuill, Alternate

Absent: Joe Weinburger

Guests: 3

Also Present: Debra McKenzie, Zoning Administrator
Paul Montagno, Township Planner
Carol Rosati, Township Attorney

APPROVAL OF AGENDA

Motion by Rainko, second by Showerman
To approve the agenda as presented.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

1. ZBA Case 01-2018/09-2017, Parcel #4716-08-100-022, located at 7202
Whitmore Lake Road, Brighton MI 48116. Request a variance from Section
38-409 (c) the ordinance which states: Setback. No billboard shall project
over public property. No billboard shall be located closer than twenty-five
(25) feet to any property line. No billboard shall be located within one
thousand (1,000) feet of any residentially used or zoned property.
Billboards shall be setback a minimum of twenty-five (25) feet from any
other structure on or off the same premise upon which the billboard is
located, and Section 38-409 (D) which states: Distance from other signs.
Billboards shall be spaced no closer than one thousand five hundred
(1,500) feet from another billboard.

Applicant is requesting: (a) a for variance from Section 38-409(c) to allow a
billboard within 1000 feet of a residential structure (proposed billboard 615
feet from residential use); and (b) a variance from Section 38-409 (D) to
allow a billboard within 665 from an existing billboard.

Representing ZBA Case 01-2019/09-2017:
Terry Heiss, Attorney, 688 Cascade West Parkway, Grand Rapids, MI
Mr. Lockridge explained they develop across the U.S. providing access for community messages making sure there are Amber Alerts, Silver Alerts, or if the Police had messages to get out. It’s been a great partnership. They have the same situation here that they are excited to do. The property is a commercially zoned property and it has a residence on it and that resident has provided a letter of support for the billboard, and he has no impact from the billboard. They follow strict light standards and there are all sorts of safety equipment insuring the lights don’t malfunction. The levels of brightness go down to 350 nits at night which is very dim, there is no glare, and they meet the light standards of the code.

Mr. Lockridge explained the variance they are requesting. Staff had overlooked the small wooden advertising sign that is on the other side of the frontage road. The spacing as they understood for 1500 feet should be for LED signs, the test subject sign was approved with an LED sign directly across the highway (the MDOT traffic sign). There were no spacing concerns for that project and having an existing LED sign across the street. Here they have a non-standard, very low, wooden sign, that is 600+ feet away. The test subject continually reminds them it’s not sensitive in spacing from LED to LED. Here they are not asking for a variance from a digital sign to a digital sign, this is a digital sign from a much older wooden sign.

Ms. Rosati explained the Township cannot regulate the MDOT sign. Mr. Lockridge stated he understood that but in terms of trying to figure out what properties are best suited for this, they look around for that type of situation. Ms. Rosati explained Curtis came in before the Moratorium and the regulations and they were exempted from the Moratorium. Mr. Lockridge stated they didn’t meet the current code that was in affect at the time. Ms. Rosati stated they were exempted and they don’t classify the MDOT sign as a billboard, and they shouldn’t compare themselves with the MDOT sign.

Mr. Hill stated they had addressed all the points regarding the residential spacing issue and were granted with a unanimous decision. They are prepared to offer documentation that is not an issue, should not be required to make a case for the residential issue. They were informed procedurally that the request for the two variances needed to be combined so it was done at the same time. The concern is the staff report spent very little time discussing about the billboard across the street but rehashed all the arguments that were raised before. They are being asked to restate the very same arguments that they were given a legal variance for.

Ms. Rosati stated originally, they came in on one variance request. Later it was discovered two variances are needed. The Board can look at that fresh to determine if they would grant those two variances together. It is a different situation; the Board was unaware that a 2nd variance was required.

Mr. Hill stated the staff report referred to the Curtis Digital Billboard at 7540 Whitmore Lake Road that is approximately 2,000 feet south of their proposed sign location. This was the test subject used of the current revised sign ordinance in order to permit digital
signs along this freeway. Exhibit F is a letter from the Township Planner and the letter states that sign is being used as a test subject to determine what the appropriate new regulations will be for spacing and other elements for digital signs. The report from staff also says that a lot of time and resources put in to devising this sign code that included digital billboard spacing from each other. Digital billboard signs are large and brighter than a standard sign and should be further apart. They don’t have a problem with the proximity to that digital sign; they are in excess of 1500 feet. The reason they bring in the other sign that is run by MDOT is if the Curtis billboard was used as the test subject for formulating their code, if there was an issue with distraction, or an issue with drivers, clearly the digital sign that was across the street only 300 feet away at the time the test subject was installed there was never an issue, never a safety issue.

Ms. Rosati stated they don’t regulate the MDOT Sign. The State determines where it will be located.

Mr. Montagno explained the 1500 feet was determined to be an appropriate spacing between signs. The intent was to be spaced far enough apart it would not cause distraction. They do not take into consideration what MDOT does. He explained the ZBA will only discuss items relating to Section 38-95.

Mr. Hill stated the important point he is making is that the Commission did spend a great deal of resources to determine if they could safely and effectively permit full sized digital billboards on US-23 freeway and they did approve that based on this test location. Ms. Rosati stated they are not agreeing with that statement.

Mr. Hill stated the exceptional circumstances and conditions that necessitate the need for a variance is because the property is located across the street from a commercially zoned property that has a residence on it. A wooden billboard sign is also located on the same commercial property. The property is very narrow, and there are very few options as to where they could locate a billboard. If the property was wider they might have a way to move the billboard to not have proximity to the residential structure.

Mr. Hill stated the variance is necessary for the property owner to enjoy the right to build a billboard sign - a use which is enjoyed specifically by the property owner in the same zoning district on the same side of the highway, 2,000 feet to the south which is the Curtis billboard. This was specifically used to address whether a billboard would be appropriate and what regulations would be set in place. The staff recommendation letter stated that the limited billboard use for part of the property is sought to increase financial return on the property which is not the basis for granting a variance.

Mr. Heiss stated the issue in terms of increase financial return, neither one is a standard that applies to practical difficulties in Michigan. They have a billboard authorized by the Michigan Highway Advertising Act, which states specifically that the legislature recognizes that outdoor commercial advertising is viable and necessary economic component to the commerce and economy to the State of Michigan. One of the benefits is over and above financial returns. The legislature says they recognize the billboards as significant contributors to the State and are providing a public service.
announcement and giving information to the motoring public. He stated case law is very clear.

Ms. Rosati stated she disagreed with the analysis of the law. Ms. Rosati stated the Township doesn’t ban billboards. They wish to regulate them in a certain fashion. They need to discuss why they believe their billboard should be granted in that location. Applicant needs to focus in on the issues.

Mr. Hill stated the staff report said the Curtis digital billboard is not comparable to their sign because it was permitted during a sign moratorium. Ms. Rosati stated during the moratorium nothing was being applied. The billboard was granted an exemption to see how it would work out. Mr. Hill questioned if there were laws in place that regulated the size and placement of that billboard. Ms. Rosati stated the moratorium doesn’t allow issuance of permits while the moratorium is in place, with the exception that Curtis was exempted because they already filed an application before the moratorium was put in place, which is typical under Michigan law.

Mr. Hill stated at the time of the moratorium there was an ordinance in effect that had a 25’ side setback and the test subject has a 10’ side setback, there was proximity to numerous residential properties and the digital sign code at the time only permitted the use of 50% of the display area. This sign was allowed to have the full size and not have the setback and be within the proximity of the residential properties because he assumed this was an appropriate use.

Ms. Rosati stated they need to get on point and focus on how the factors apply to their case. Ms. Pearsall explained there is no comparison.

Mr. Hill stated it will not be materially detrimental, no facts have changed, and no facts were presented in the staff report that contradict that finding. They were given the variance because the property is currently commercially zoned. He included a copy of the land use map and it shows the area that the residence is on is slated to become residential as are all the properties to the south and southwest and across the street from the digital sign.

Mr. Hill stated the practical difficulty is that they are in proximity to a commercial property that happens to have a residence on it and the lot is narrow in width. He is addressing at this point it will not be materially detrimental or materially injurious to the property. The zone that they are in is a permitted by right location. That site was already determined to be an appropriate place. That property will be changed to suburban density residential. At this point in time the property is commercially zoned, and he did not see how there was injury to the Master Plan since it’s already zoned commercially.

Mr. Hill continued that the staff report did no raise any concerns of the proximity of the small wooden billboard on that same property, so they assume there were not safety concerns since it was not even brought up. Granting the variance will not adversely affect the Master Plan. The setback is intended to protect the residential from light pollution. The future use shows there are properties that are the same designation and
it was not determined light pollution was an issue. There are no residential properties close to their sign as it is to the Curtis sign.

Mr. Hill stated the suburban density residential is directly across the street from the other sign and he felt the Township considered that. They are in an appropriate zoned district along US-23 and he questioned if there was a reason that doesn't meet the requirements of location for a billboard. Ms. Rosati stated they don't meet the setbacks.

Mr. Hill provided a map showing the residential district, and the 1000 requirements from the residential district. They are well outside the digital 1500 billboard range. There is not one single location left; they have created a defacto ban on billboards in their ordinance. The only single spot is where they are requesting it that could facilitate having a billboard on it. In the staff report it said they have other legal locations within the city [sic] and there is no other place to put one.

Mr. Montagno explained there are areas closer to the interchange and the ordinance allows for billboards on M-36. Mr. Lockridge stated there are no legal locations over there. Mr. Montagno stated those locations can be changed to digital and redeveloped.

Mr. Hill stated there is not a concern for the proximity of the signs and he didn’t think there should be one for this small sign 600’ away.

Mr. Heiss stated the practical difficulty was not self-created by the applicant. To the extent the staff references financial return, the only place financial return is referenced in the ordinance is under subsection B not F. The applicant has done nothing to change the physical aspects of the property, it is as is. It’s not self-created.

Mr. Montagno explained they first have to determine if there is a practical difficulty. The practical difficulty was stated to be that it [the sign] was in proximity to a residential property within the setback distance or the other sign within the setback distance. That is just non-compliance with the ordinance. Typically a practical difficulty would have to do with the shape of the parcel, or topography. This is a use by right, which is, permitted in that district. That’s correct but there are many things that are permitted in districts that also have supplemental regulations that would render them impossible on a particular parcel of property and that’s the case here. Because the Township has determined that LI is appropriate for this area, there are some uses in LI that would be permitted but then there are supplemental regulations that go along with those. The Curtis billboard was approved during a process of developing a current ordinance. There were additional items that were developed after that was granted. As was noted it was a test subject with a focus on light and appearance. After that was approved there were additional standards specifically spacing from residential.

Mr. Rainko questioned if the lighting standards have changed, he found the sign very distracting. Mr. Montagno stated no.

Ms. Pearsall opened the public hearing at 7:48 p.m.
Ms. Pearsall read an email from a Township resident, Bobby Bonds, requesting denial of the request.

Ms. Pearsall closed the public hearing at 7:49 p.m. due to no further comments.

Ms. Pearsall noted there was no rebuttal from the applicant.

Motion by Rainko, second by Showerman

To deny ZBA Case 01-2018/09-2017 Parcel #4716-08-100-022 located at 7202 Whitmore Lake Road, Brighton, MI 48116 a variance of Section 38-409 (c) no billboard shall be located within 1000 square feet of any residential use or zoned property. The second variance Section 38-409 D, distance from other signs, billboards should not be placed any closer than 1500’ feet from another billboard.

The vacant limited industrial property is of sufficient size for industrial development. There is nothing inherent to the property that would prevent the applicant from developing the property as others have in the industrial district. Other properties in the district are developed for industrial uses.

There are numerous uses that could be made under 34-135(10). The fact that a billboard could be physically located on the property does not deprive the property owner the right to develop the land as permitted.

The granting of the variance would be detrimental to the public welfare and injurious to other properties in the area. The setbacks were established to protect residential uses. The billboard would not be consistent with the Master Plan due to the impact it may have on future planned residential development.

The setback is intended to protect residential property from the nuisance associated with light pollution from digital billboards. The residential parcel is Master Planned for residential use – Suburban Density Residential – which could yield 17 future single-family homes.

The condition or intended use is of a general or recurrent nature. After study, the ordinance was adopted limiting billboards to the LI- Light Industrial and GI – General Industrial Districts abutting the right of way between Whitmore Lake Road and Lemon Road or US-23. This location does not meet this requirement. There are areas within the restrictions where new billboards could be erected in full compliance.

The practical difficulty is self-created to the extent the property owner is just trying to receive an additional economic return on a vacant parcel of land that could be developed in full compliance with the requirements of the LI - Light Industrial District. Likewise, the applicant could enter into a
lease elsewhere in the Township that would meet all requirements of the
Zoning Ordinance for erection of the desired billboard.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

NEW BUSINESS --None

OLD BUSINESS - None

APPROVAL OF THE Meeting Minutes

Motion by Rainko, second by Showerman
To approve the minutes of November 21, 2017 as presented.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Motion by Rainko, second by Showerman
To approve the meeting minutes of January 16, 2018 as presented.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

CORRESPONDENCE -- Ms. Pearsall commented the only correspondence that was
received is the letter requesting denial from a resident and it was read into the record.

CALL TO THE PUBLIC - None

ADJOURNMENT

The Zoning Board of Appeals meeting was adjourned at 7:56 p.m. due to no further
business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary

Green Oak Charter Township
Zoning Board of Appeals

March 20, 2018
Page 7
AGENDA

Regular Meeting
Tuesday, May 15, 2018
7:00 p.m.

1. Call to Order

2. The Pledge to the Flag

3. Roll Call of the Board

4. Approval of the Agenda

5. ZBA Case 02-2018, Parcel # 4716-21-403-009, Located at 9901 Sunflower Lane, South Lyon MI 48178. Request a variance from Section 38-136 side yard setback. The applicant is requesting an 8-foot variance from the required 15 foot setback leaving the side yard at 7 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. New Business
7. Old Business
8. Approval of March 20, 2018 Meeting Minutes
9. Correspondence
10. Call to the Public – maximum of three minutes shall be allotted to individuals, and a maximum of five minutes to a group representative
11. Adjournment

April 26, 2018

ZONING BOARD OF APPEALS
Joe Weinburger, Chairperson
Sarah Pearsall, Vice Chairperson
James Yuill,

10001 Silver Lake Road, Brighton, Michigan 48116-8361 (810) 231-1333

Dan Railko, Twp. Board Rep.
Steven Showerman, Member

Fax (810) 231-5080