AGENDA

Regular Meeting
Tuesday, May 16, 2017
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 03-2017, Parcel # 4716-32-203-010, Located at 11403 North Shore Dr. Whitmore Lake, MI 48189. Request a waterfront setback variance from Section 38-136 and Section 38-184 Yard encroachments.
   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 21, 2017 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

May 9, 2017
Roll Call: Wendy Hoover
Sarah Pearsall
Jim Tuthill
Deborah Yu
Joe Weinburger

Guests: 2

Also Present: Debra McKenzie, Zoning Administrator

APPROVAL OF AGENDA

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

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

1. ZBA Case 03-2017, Parcel #4716-32-203-010, Located at 11403 North Shore Drive, Whitmore Lake, MI 48189. Request a waterfront setback variance from Section 38-136 and Section 38-184 Yard encroachments.

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

Ms. McKenzie explained she was speaking on behalf of 11403 North Shore Drive and is requesting an interpretation of their property. The setback to their property line says the water edge but there is land between the home and the water’s edge so she needs the interpretation of would that be the water’s edge or to the property line.

Mr. Weinburger opened and closed the public hearing due to no comments at 7:02 p.m. He also noted there was no rebuttal by the applicant.
Motion by Pearsall, second by Tuthill
The interpretation is that the lot is the setback to the waters edge.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

NEW BUSINESS – None

OLD BUSINESS - None

APPROVAL OF THE Meeting Minutes
Motion by Hoover, second by Pearsall
To approve the minutes of March 21, 2017 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 7:04 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 16, 2017
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 03-2017, Parcel # 4716-32-203-010, Located at 11403 North Shore Dr, Whitmore Lake, MI 48189. Request a waterfront setback variance from Section 38-136 and Section 38-184 Yard encroachments.
   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 21, 2017 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

May 9, 2017

ZONING BOARD OF APPEALS

Joe Weinburger, Chairperson
Sarah Pe rsall, Vice Chairperson
Wendy Hoover, Secretary

Deborah Yu, Member

10001 Silver Lake Road, Brighton, Michigan 48116-8361
(810) 231-1333  Fax (810) 231-5080
The Township Zoning Administrator is asking for an interpretation of the Ordinance Definition for **lot line, waterfront**. The interpretation is for ZBA Case 03-2017, Parcel #4716-32-203-010, Located at 11403 North Shore Dr. Whitmore Lake, MI 48189. Green Oak Charter Township defines Lot line, waterfront, means, for zoning purposes, the **ordinary high-water mark separating a lot from a lake or stream that abuts, adjoins and is contiguous to**. The parcel referenced above is contiguous to lot 35 of the North Shore Plat on Whitmore Lake. Several parcels extend out into the lake. Lot 14 abuts lot 35 that has a strip of land between lot 14 and the water’s edge.

The property owners of lot 14, Mr. and Mrs. Kondor applied for a building permit. The applicant was requesting a building permit to allow an addition and deck on the lakeside of the property. The proposed addition would have encroached into the required 30-foot setback to the property line.

The question is Should the property line or the water edge be used to measure the setback distance.

Please let me know if you have any additional questions regarding this matter.
The ordinance allows an unroofed deck to encroach 20 into a required yard.

The ordinance then says an unenclosed roof deck/patio can only encroach 6 feet into a required yard.

Sec. 38-184. Yard encroachments.

(a) Terraces, patios, decks, and similar unroofed accessory structures may project into a yard as follows:

(1) Such structures must be unroofed and without walls or other continuous enclosure;

(2) Such structures may project no more than twenty (20) feet into the required rear or waterfront yard setback, provided that no such structure shall be permitted nearer than five (5) feet to any lot line;

(3) Such structures may have open railings or fences not exceeding forty-two (42) inches in height and may have non-continuous windbreaks, visual screens, or walls not exceeding six (6) feet in height in a rear yard, or four (4) feet in height in a front, side, or waterfront yard, or not enclosing more than half the perimeter of said terrace, patio, or similar structure.

(4) No such structure shall violate or encroach upon any riparian buffer in accordance with Section 38-361(f)(3)e.
(5) Swimming pools shall be in accordance with Section 38-171(9).
(b) Unenclosed roofed porches may project into a required yard a distance not to exceed six (6) feet, provided such porch shall not (b) exceed one (1) story in height; that such porch shall not be permitted within eight (8) feet of any lot line; and that no building shall have more than one (1) such porch in any one (1) yard. In no case shall these structures violate or encroach upon any wetland buffer.
SIDE YARD SETBACKS

50'-0"

5'-0"

REAR "YARD"

REAR YARD SETBACKS

PROPERTY LINE

FRONT YARD SETBACKS

BUILDABLE AREA—
BUT DON'T FORGET
COVERAGE, F.A.R.,
ADDITIONAL SECOND
FLOOR SETBACKS,
EASEMENTS, ETC.

10'-0"

20'-0"

STREET

100'-0"

100'-0"

SIDE "YARD"
**Lot line**, **waterfront**, means, for zoning purposes, the ordinary high-water mark separating a lot from a lake or stream that it abuts, adjoins, and is contiguous to.

**Lot of record** means a lot (the dimensions of which are shown on a map recorded with the office of the register of deeds for the county), plot, or parcel, described by metes and bounds, the accuracy of which is attested to by a professional engineer or registered surveyor, so designated by the state, and such description so recorded or on file with the county.

**Lot, waterfront**, means a lot which abuts, adjoins, or is contiguous to a lake, as defined herein, or stream governed by the Natural Rivers Overlay or the Tributary Overlay, as provided herein.

**Lot width** means the horizontal distance between the side lot lines, as measured between the two (2) points where the front yard setback or building setback line intersects the side lot lines.

**Lot, zoning**, means a single tract of land, located within a single block which, at the time of applying for a building and land use permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control, and which tract satisfies the applicable requirements of this chapter in every respect. A zoning lot may, therefore, not coincide with a lot of record, but may include one (1) or more lots of record.

**Low Impact Development (LID)** means an ecologically-based stormwater management approach favoring innovative stormwater engineering and management of rainfall on-site rather than traditional stormwater techniques of channeling or piping. The goal of LID is to sustain the site's pre-development hydrologic regime by using techniques that minimize, infiltrate, filter, store, and evaporate stormwater runoff. LID remedies polluted runoff through a network of distributed treatment landscapes.

**Manual and Automatic Controls** give protection to power grids and limit rotation of WECS blades to below the designed limits of the conversion system.
CERTIFICATE OF SURVEY

Land in the Township of Green Oak, Livingston County, Michigan, described as: LOT NO. 14 and the North 1/2 of LOT 15 of NORTH SHORE PLAT on Whitmore Lake, being a part of the Southwest 1/4 of the Northeast 1/4 of Section 32, T.1 N., R.6 E., Miehigan, according to the plat thereof as recorded in Liber 1 of Plats, Page 32, Livingston County Records.

We hereby certify that we have surveyed the property as shown above. Markers have been found or set at points shown thus: ©

Herbert L. Imzel
REGISTERED LAND SURVEYOR
NO. 10699
<table>
<thead>
<tr>
<th>AddressKey</th>
<th>Name1</th>
<th>Address1</th>
<th>Address2</th>
<th>City1</th>
<th>Zip1</th>
</tr>
</thead>
<tbody>
<tr>
<td>4716-32-100-032</td>
<td>MITCHELL, REV TRUST, PATRICIA</td>
<td>11480 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>LINTOL, JOHN F &amp; PATRICIA A</td>
<td>11460 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HARRELL, DENNIS W &amp; MCKINVEN</td>
<td>11453 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
</tr>
<tr>
<td>4716-32-100-035</td>
<td>CARRILL, SHAUN</td>
<td>11442 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>JOURDEN, ROBERT L &amp; MARIE</td>
<td>11402 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>METEVA, ROBERT &amp; EMILY</td>
<td>3999 DORT DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
</tr>
<tr>
<td>4716-32-100-041</td>
<td>DAWSON, LINDA LEE</td>
<td>11402 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>JOANNE DEWEY</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>DORT DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>WEBER, CARL &amp; DAWSON, MARY</td>
<td>11309 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
</tr>
<tr>
<td>4716-32-203-004</td>
<td>LKPM, LLC</td>
<td>11429 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>STIELE, RYAN G.</td>
<td>11339 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>RUBINFELD, ILAN &amp; GARFIELD, DOLCY</td>
<td>11337 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
</tr>
<tr>
<td>4716-32-203-007</td>
<td>KONIKOFF, ILAN &amp; GARFIELD, DOLCY</td>
<td>11351 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HILTON, DOUGLAS &amp; LINDA</td>
<td>11357 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>DEPARTMENT OF NATURAL RESOURCE</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>GRANTS ADMINISTRATION DIVISION</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4716-32-203-010</td>
<td>KONIKOFF, DONALD &amp; YVONNE</td>
<td>11403 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>BURT, JOSHUA</td>
<td>11411 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PETERS, DANIEL &amp; CARL &amp; HELEN &amp; GEO</td>
<td>11417 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
</tr>
<tr>
<td>4716-32-203-013</td>
<td>PERRAING, JOE &amp; BETTY</td>
<td>11423 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>JOHNSON, JAMES GATES &amp; CORINNA LYNN</td>
<td>11429 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>THOMPSON, BRUCE</td>
<td>11441 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
</tr>
<tr>
<td>4716-32-203-016</td>
<td>BAILEY, ROBERT &amp; LISA</td>
<td>11447 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HARRELL, DENNIS W &amp; MCKINVEN</td>
<td>11453 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>LINTOL, JOHN F &amp; PATRICIA A</td>
<td>NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
</tr>
<tr>
<td>4716-32-203-019</td>
<td>NOLL, LEE &amp; DIANA L</td>
<td>11477 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>RESTUM, DONNA</td>
<td>11483 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>SCHLANDERER, CHARLES</td>
<td>11485 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
</tr>
<tr>
<td>4716-32-203-023</td>
<td>BARTISH, AMER E &amp; MELISSA</td>
<td>NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>BARTISH, AMER E &amp; MELISSA A</td>
<td>11471 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>MC GRAH, ROBERT</td>
<td>11495 NORTH SHORE DR</td>
<td>WHITMORE LAKE MI 48189</td>
<td></td>
</tr>
</tbody>
</table>
NOTICE OF PUBLIC HEARING

PLEASE BE NOTIFIED THAT THE GREEN OAK CHARTER TOWNSHIP ZONING BOARD OF APPEALS WILL HOLD A PUBLIC HEARING ON MAY 16, 2017 AT 7:00 P.M. AT THE GREEN OAK CHARTER TOWNSHIP HALL, 10001 SILVER LAKE ROAD, BRIGHTON, MI for hearing the following variance request.

ZBA Case 03-2017, Parcel # 4716-32-203-010, Located at 11403 North Shore Dr. Whitmore Lake, MI 48189. Request a waterfront setback variance from Section 38-136 and Section 38-184 Yard encroachments.

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 16, 2017.

Green Oak Charter Township Zoning Board of Appeals

Notice of Posting according to Act 359 of 1947;  
Posted:  
April 30, 2017
Roll Call: Wendy Hoover
Sarah Pearsall
Jim Tuthill
Deborah Yu
Joe Weinburger

Guests: 2

Also Present: Debra McKenzie, Zoning Administrator
Adele Neindorf, Alternate

APPROVAL OF AGENDA

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

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

1. ZBA Case 02-2017 Parcel #4716-17-101-036, located at 8390 Ken Love Ct.,
   Brighton, MI 48116. Requesting setback variance from Section 38-136. The
   property is located on a corner lot. This variance would allow for the addition/
   garage to have a setback of 19 feet on average instead of the required 40 feet
   setback. Section 38-136.

   Representing ZBA Case 02-2017: Christian Spenceley

   Mr. Spenceley explained the reason he is requesting a variance is that he would like to
   put an addition on his home and since he has a corner lot he has a double setback. He
   would like to add 12’ onto the existing house and an addition to the back of the house.
   The extension would be to the west. He is looking for a variance to be closer to the
   property line. The practical difficulty is that it is a double lot setback and the house was
   built before the 40’ requirement. He would need a variance to be closer to the property
   line. Because of the configuration of the lot, the septic field is there and he is trying to
   put his addition in without interrupting his septic field and tank. The addition is only for a
   single story.

   Ms. Hoover stated it looks like this isn’t even a road, it just ends. Ms. McKenzie stated it
   is a road and it is platted as a road, but it does have a barrier there to stop from
   crossing over. Ms. Hoover stated there is no traffic.
Mr. Weinburger opened the public hearing at 7:08 p.m.

**Raymond Tucker, Ken Love Court** – He commented at the end of the road there is a big barrier set into the pavement. He lives in the 2nd house and his opinion is that it’s a favorable decision and he got no negative feedback from making that decision.

Mr. Weinburger closed the public hearing at 7:09 p.m. due to no further comments.

Mr. Weinburger commented that the addition did not have to be that great. Ms. Hoover stated no matter what he will need a variance. The applicant confirmed it will be a single story addition.

**Motion by Hoover, second by Tuthill**
To approve ZBA Case variance request 02-2017 Parcel #4716-17-101-036, located at 8390 Ken Love Ct., Brighton, MI 48116. The approval will allow a setback variance from Section 38-136 to allow a 31’ variance from the required 40’ setback. The Practical Difficulty is that it is a corner lot which creates two front yard setbacks and the location of the septic field prohibits putting the addition anywhere else on the property. There is no safety concern due to there being no traffic on the road and it is not detrimental to the Master Plan and there are not any health and/or safety issues. The addition must be a single story.

**Roll Call Vote:**  
**Ayes:** Hoover, Yu, Tuthill  
**Nays:** Pearsall, Weinburger

**MOTION APPROVED**

**NEW BUSINESS** – None

**OLD BUSINESS** - None

**APPROVAL OF THE Meeting Minutes**

**Motion by Pearsall, second by Yu**
To approve the minutes of January 17, 2017 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 7:15 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto

Recording Secretary