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

AGENDA

Regular Meeting
Tuesday, May 19, 2015
7:00 p.m.

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

1. Call to Order

2. The Pledge to the Flag

3. Roll Call of the Board

4. Approval of the Agenda

5. ZBA Case 07-2015, Parcel # 4716-18-102-029 E. J. REIVE’S BEACHWOOD SUBDIVISION LOT 27, Riverside Dr. Brighton, MI 48116. Request a variance to allow an accessory building on a parcel without a principal building on the same lot. 38-1, Accessory building or structure means a supplementary building or structure on the same lot or parcel of land as, and detached from, the principal building or part thereof occupied by or devoted exclusively to any accessory use.
   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

   e. Rebuttal by Applicant – a maximum of two minutes allotted
   f. Decision of the ZBA

6. New Business

7. Old Business

8. Approval of April 21, 2015

9. Meeting Minutes

10. Correspondence

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

12. Adjournment

Posted May 2, 2015
Case Number: ZBA-07-2015
Date of Application: 04/15/2015
Hearing Date: May 19, 2015
Applicant: William Black
Property ID: 4716-18-102-029
Property Address: Vacant Parcel 4716-18-102-029

Nature of Application: Request a variance from 38-1 to allow an accessory building on a parcel without a principal building on the same lot. 38-1, Accessory building or structure means a supplementary building or structure on the same lot or parcel of land as, and detached from, the principal building or part thereof occupied by or devoted exclusively to any accessory use.

Applicable Provisions of the Zoning Ordinance:

Sec. 38-1.

38-1, Accessory building or structure means a supplementary building or structure on the same lot or parcel of land as, and detached from, the principal building or part thereof occupied by or devoted exclusively to any accessory use.


Report Prepared By: Debra McKenzie

Description of Property:
The applicant requests a building permit to construct a 1,440 square foot detached accessory building across the street from the principal building. The subject site is approximately .210 acres in size, and is zoned R2, Single Family. This parcel is in section 18, Ore Lake area in the E. J. REIVE'S BEACHWOOD SUBDIVISION LOT 27.

Ordinance Number: 38-171 Accessory Building, Structure and Uses

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setbacks - Waterfront</strong></td>
<td>Shall not encroach upon waterfront yard setback</td>
<td>Not applicable</td>
</tr>
<tr>
<td><strong>Front</strong></td>
<td>Detached accessory buildings shall not be allowed in the front yard except for lots bordering on water.</td>
<td>Accessory building is 40 feet from the road (Riverside Drive)</td>
</tr>
<tr>
<td><strong>Rear</strong></td>
<td>5 feet</td>
<td>69 feet to the rear of the parcel</td>
</tr>
<tr>
<td><strong>Sides</strong></td>
<td>5 feet</td>
<td>Building side yard setbacks:</td>
</tr>
<tr>
<td></td>
<td>A detached accessory building or structure to a residential building shall be located no closer than ten feet to any principal building. This shall exclude air conditioning units and electrical generators.</td>
<td>North side 12.5 feet South side 12.5 feet</td>
</tr>
<tr>
<td><strong>Number of buildings</strong></td>
<td>Less than 10 acres are allowed 1 detached accessory building</td>
<td>One accessory building</td>
</tr>
<tr>
<td><strong>Building Height</strong></td>
<td>On lots or parcels with a net lot area of one (1) acre or greater no detached accessory building in an R-1, R-2, R-2A, R-3, RE, NR, or RM district shall exceed one and a half (1 1/2) stories or twenty-two (22) feet in height. For lots or parcels with a net lot area less than one (1) acre, accessory buildings shall not exceed fourteen (14) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts.</td>
<td>Under 14 feet in height</td>
</tr>
<tr>
<td><strong>Easements</strong></td>
<td>Shall not be located in or on any utility or private road easement.</td>
<td>No easements shown on plan</td>
</tr>
<tr>
<td><strong>Building size</strong></td>
<td>A detached accessory building to a residential building may occupy not more than 25 percent of a required rear yard and/or 20 percent of any non-required rear yard. On parcels up to and including two (2) acres the accessory building shall not</td>
<td>The accessory building does not occupy any required yard.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No principal building on the same parcel.</td>
</tr>
</tbody>
</table>
exceed fifty (50%) percent of the gross floor area of the principal building.

CASE FILE DOCUMENTS:

1.1 Site Plan
1.2 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
PROJET DESCRIPTION:
The applicant requests a building permit to construct a 1,440 square foot detached accessory building across the street from the principal building. The subject site is approximately .210 acres in size, and is zoned R2, Single Family. This parcel is in section 13, Ore Lake area in the E. J. REIVE'S BEACHWOOD SUBDIVISION LOT 27.

Ordinance Number: 38-171 Accessory Building, Structure and Uses

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Note: 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.

38-1, Accessory building or structure means a supplementary building or structure on the same lot or parcel of land as, and detached from, the principal building or part thereof occupied by or devoted exclusively to any accessory use.

Application does not meet zoning compliance
The accessory building is not allowed on a parcel without a principal building on the same parcel.

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
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: Richard D. Dunwell
Address: 8500 Riverside Drive
City/State/Zip: Brighton, MI 48116
Phone: 248-345-2850 Fax:
E-Mail: thdunwells@yahoo.com

Property Owner Information
Name: WM and Karen Black and R.O. Dunwell Trust
Address: 8474 Riverside Drive
City/State/Zip: Brighton, MI 48116
Phone: 248-345-2850 Fax:
E-Mail: thdunwells@yahoo.com

Location of Property for which the variance requested
Address 8474 Riverside Drive, Lot 27
Cross Streets Hamburg Rd. & Ore Lake Road
Tax Identification #: 16-18-102-029
Information available from the Green Oak Charter Township Assessing Dept.
Zoning District 6.2
Lot Size/Acreage 58.72 x 150 x 66.70 x 150/.216 AC.
Current Use

Variance Request CONSTRUCT A DETACHED GARAGE ON ADJOINING PROPERTY SEPARATED BY
A ROAD. HOUSE IS ON THE OTHER ADJOINING LOT.

Total Number of Variances Requested 1

List the applicable Code Section Name, Section Number, and Subsection to be
considered by the ZBA.
This Information is contained in the Green Oak Charter Township Zoning Code Book

Describe Request ALLOW CONSTRUCTION OF
DETACHED GARAGE
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.

PRIVATE ROAD SEPARATES DWELLING LOT FROM REAR LOT WHERE GARAGE WILL BE LOCATED.

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.

FIVE ADJOINING PROPERTIES HAVE BUILT GARAGES ON THEIR PROPERTIES SPLIT BY THE ROAD

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.

ADJOINING PROPERTIES HAVE RECEIVED VARIANCES TO BUILD SIMILAR STRUCTURES

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

UNUSUAL SITUATION

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.
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. *36-94 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 of Applicant

Signature of Owner, if different

Date: 4-15-15

Date:
NOTICE OF PUBLIC HEARING

PLEASE BE NOTIFIED THAT THE GREEN OAK CHARTER TOWNSHIP ZONING BOARD OF APPEALS WILL HOLD A PUBLIC HEARING ON MAY 19, 2015 AT 7:00 P.M. AT THE GREEN OAK CHARTER TOWNSHIP HALL, 10001 SILVER LAKE ROAD, BRIGHTON, MI for the purpose of hearing the following variance request.

ZBA Case 07-2015, Vacant Parcel # 4716-18-102-029, Located on Riverside Dr., Brighton, MI 48116 in the E. J. REIVE’S BEACHWOOD SUBDIVISION LOT 27, request a variance to allow an accessory building on a parcel without a principal building on the same lot. 38-1, Accessory building or structure means a supplementary building or structure on the same lot or parcel of land as, and detached from, the principal building or part thereof occupied by or devoted exclusively to any accessory use.

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@twp.green-oak.mi.us prior to noon, May 19, 2015.

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.

Green Oak Charter Township Zoning Board of Appeals

Notice of Posting according to Act 359 of 1947; Posted: May 2, 2015 & Published May 2, 2015
NOTICE OF POSTING

Please be notified that Green Oak Charter Township Zoning Board of Appeals will hold a public hearing on May 19, 2015 at 10001 Silver Lake Road, Brighton MI at 7:00 p.m. for the purpose of hearing the following variance request: Parcel # 4716 18 102 029 E. J. REIVE'S BEACHWOOD SUBDIVISION LOT 27, Riverside Dr. Brighton, MI 48116. Request a variance to allow an accessory building on a parcel without a principal building on the same lot. 38-1, Accessory building or structure means a supplementary building or structure on the same lot or parcel of land as, and detached from, the principal building or part thereof occupied by or devoted exclusively to any accessory use.

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
Green Oak Charter Township  
Zoning Board of Appeals  
Regular Meeting Minutes  
April 21, 2015

Roll Call: Wendy Hoover  
Sarah Pearsall  
Deborah Sellis  
Jim Tuthill  
Joe Weinburger

Guests: 4

Also Present: Debra McKenzie, Zoning Administrator

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

Representing ZBA Case 05-2015: Peter Tzilos  
Abram Sellini,  
Don Galarno

Mr. Tzilos explained that there are a number of spaces that encroach into the front yard setback. The problem they are having is that at the rear there is a severe drop off which makes it very difficult to deal with grading in the area. The topography is the hardship.

Mr. Galarno explained that it was difficult to get the building in place because they plan to expand fairly quickly and to be able to have enough room for the addition has been difficult. They have tried a few options but the addition would not be able to happen, even without the addition they would lose most of the parking. When he reviewed the curb, they are about 60' from the curb to the start of the parking. There will be a retaining wall there due to the drop off.

Mr. Tzilos stated even with the variance it will be tight due to the drop off.
The applicant confirmed that the parking will solve the requirement for the addition.

Mr. Weinburger opened and closed the public hearing at 7:09 p.m. due to no one wishing to comment.

Motion by Hoover, second Tuthill
To grant the variance request in ZBA Case 05-2015 to allow 10 parking spaces that are within the front yard setback. The practical difficulty is the topography of the land and the wetlands do not allow for the additional parking to be placed behind the building where it would be permissible. The variance would not affect the Master Plan of the Township nor will it create a safety issue to the public.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

NEW BUSINESS - None

OLD BUSINESS - None

APPROVAL OF THE Meeting Minutes

Motion by Pearsall, second by Sellis
To approve the minutes of March 17, 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 7:11 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto