AGENDA

Regular Meeting
Tuesday, July 15, 2014
7:00 p.m.  

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

1. Call to Order
2. The Pledge to the Flag
3. Roll Call of the Board
4. Approval of the Agenda

5. ZBA Case 14-2014, 10095 John R Street, Whitmore Lake, Michigan 48189 request two variance one for Lot Area and the second variance for Lot Width to allow for a new single family to be built. 38-136 Schedule of Regulations states lot area must be 12,000 sq. ft. and applicant lot area is only 10,149 square feet. 38-136 Schedule of Regulations states lot width must be 90 ft. and applicant has 85.10 Feet on the John R St. side and 151.7 on the Elmorest Dr. The ordinance states no such structure may be enlarged or altered in a way that increases its nonconformity.
   a. Applicant’s Presentation of the Case – maximum of ten minutes
   b. Board members may question the Applicant
   c. Open Public Hearing – a maximum of three minutes shall be allotted to individuals, and a maximum of five minutes to a group representative
   d. Close Public Hearing
   e. Rebuttal by Applicant – a maximum of two minutes allotted
   f. Decision of the ZBA

6. ZBA Case 15-2014, 11990 East Shore Dr., Whitmore Lake, MI 48189 request from 38-494 (2) Nonconforming structures. To allow a nonconforming home to enlarge the footprint by adding a 1 story addition that would connect the house and the garage, add a second story addition and a new deck.

   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

7. ZBA Case 16-2014, 11686 Sandy Bottom Dr., South Lyon, Michigan 48178 request two variance to allow the side yard setbacks to be 16 feet instead of the required 20 feet side yard setback and a variance for lot area and lot width that would allow for a new single family residence. 38-136 Schedule of

ZONING BOARD OF APPEALS
Joe Weinburger, Chairperson
Sarah Pearseall, Vice Chairperson
Wendy Hoover, Secretary

Gary Gaylord, Member
Billy Lintner, Alternate

10001 Silver Lake Road, Brighton, Michigan 48116-8361  (810) 231-1333  Fax (810) 231-5080
Regulations state the lot area must be 1 acre in size and the applicant's lot area is only 19,602 square feet. 38-136 Schedule of Regulations states lot width must be 150ft, and applicant has an average lot width of 64.0'ft.

a. Applicant's Presentation of the Case – maximum of ten minutes
b. Board members may question the Applicant
c. Open Public Hearing – a maximum of three minutes shall be allotted to individuals, and a maximum of five minutes to a group representative
d. Close Public Hearing
e. Rebuttal by Applicant – a maximum of two minutes allotted
f. Decision of the ZBA

8. ZBA Case 17-2014, 9345 Firwood Rd., South Lyon, Michigan 48178 request a variance from Section 38-136, Schedule of Regulations to allow a side yard setback of 7 feet when 15 feet is required and a waterfront setback. This variance would allow an existing home to be demolished and a new home to be built in its place.

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

9. New Business

10. Old Business

11. Approval of May 20, 2014, Meeting Minutes

12. Correspondence

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

14. Adjournment

Posted: June 27, 2014

ZONING BOARD OF APPEALS

Joe Weinburger, Chairperson
Sarah Pearsall, Vice Chairperson
Wendy Hoover, Secretary

Gary Gaylord, Member
Billy Lintner, Alternate

10001 Silver Lake Road, Brighton, Michigan 48116-8361 (810) 231-1333 Fax (810) 231-5080
www.greenoaktwp.com
Roll Call: Gary Gaylord
Wendy Hoover
Sarah Pearsall
Jim Tuthill
Joe Weinburger

Guests: 12

Also Present: Debra McKenzie, Zoning Administrator

APPROVAL OF AGENDZA

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

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

1. ZBA Case 14-2014, 10095 John R Street, Whitmore Lake, Michigan 48189
request two variances once for Lot Area and the second variance for Lot
Width to allow for a new single family to be built, 38-136 Schedule of
Regulations states lot area must be 12,000 sq. ft. and applicant lot area is only
10,149 square feet. 38-136 Schedule of Regulations states lot width must be
90 ft. and applicant has 85.10 feet on the John R side and 151.7 on the
Elmcrest Dr. side. The ordinance states no such structure may be enlarged or
altered in a way that increases its nonconformity.

Representing ZBA Case 14-2014: William Applegate

Mr. Applegate explained that he purchased the home in February and they wanted to
originally add onto the home, through discussion with City Hall they can't repair what is
there without going through the Zoning Board. After the snow melted, there are items
that were found that needed to be brought up to code and there are some that would be
impossible to bring up to code. The house is falling down, for years it has been in
disrepair and construction that was done on it was not done correctly. He would like to
demolish the existing home and start over. He explained that his practical difficulty is
that he can't do anything without the approval from the Township. They meet all of the
required setbacks the only thing they don't meet is the square footage due to the water
frontage.
Ms. Hoover commented that the non-conformity will be reduced as far as the setbacks
go.

Open public hearing at 7:06 p.m. and closed it due to no comments.

Motion by Hoover, second by Tuthill
To approve the variance request in ZBA Case 14-2014 to allow construction of
a single family home on a non-conforming lot. The practical difficulty is the
layout of the lot since it is a corner lot giving them two front yards and the
canal cuts through it reducing the square footage. The existing home is non
livable and needs to be torn down. The new home will be less non-conforming
than the existing home and it does not go against the Master Plan of the
Township. The variance is for the lot width and lot size and a front yard
setback on Elmcrest of 16’ variance instead of the required 30’.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

2. ZBA Case 15-2014, 11990 East Shore Drive., Whitmore Lake, Mi 48189 request
from 38-494 (2) Nonconforming structures. To allow a nonconforming home to
enlarge the footprint by adding a 1 story addition that would connect a house
and the garage, add a second story addition and a new deck.

Representing ZBA Case 15-2014: Joan Lee
Tom Roberts, Architect
Keith Lee

Mr. Roberts explained that the property has been owned for 7 years. The existing
structure is 900 sq. ft. livable. Currently the home is a vacation cottage for the
applicant. The intent is to use it as a permanent home including in-law space. Currently
there is a small addition on the north side and encroaches onto the side yard setback by
5’ that was built about 30 years ago. The existing garage also does not meet current
setback requirements. They have worked on a design that meet all setbacks, lot
coverage and height limitations. The neighbors were contacted and there are letters of
approval from the neighbors.

Mr. Weinburger asked if the deck can be reconfigured so it falls within the building
envelope. Mr. Roberts stated that it can be reconfigured. Mr. Roberts confirmed that
the steps are on grade.

Ms. Hoover stated that the size of the lot and width of the lot is a practical difficulty.

Mr. Weinburger opened the public hearing at 7:21 p.m. and closed it due to no
comments.

Motion by Gaylord, second by Hoover
To approve the application in ZBA Case 15-2014 because the applicant has shown a practical difficulty for the following reasons: there are exceptional conditions applicable to the property that generally do not apply to other properties in the area. Practical difficulty exits for the new modification to be complete, the structure needs variances for lot area and width for a year round home to be complete. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same district or surrounding area and is not a condition or situation which is of a recurrent nature for the following reasons; expansion of the current cottage is necessary for the, full use of a permanent home. The staircase must comply with the side yard setback. The granting of the variance will not materially detrimental to the public welfare but will improve the present environment. The granting of the variance will not adversely affect the Master Plan or objectives of the Township. The Staircase must comply with the side yard setback.

Mr. Weinburger confirmed that this addition will not hinder the view of the lake for anyone. Mr. Lee stated no.

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

MOTION APPROVED

3. ZBA Case16-2014, 11686 Sandy Bottom Dr., South Lyon, MI, 48178 request two variance to allow the side yard setbacks to be 16 feet instead of the required 20 feet side yard setback and a variance for lot area and lot width that would allow for a new single family residence, 38-136 schedule of regulations states lot area must be 1 acre in size and the applicants lot area is only 19,602 square feet, 38-136 schedule of regulations states lot width must be 150 ft. and applicant has an average lot width of 64.0 ft.

Representing ZBA Case 16-2014: Alan Klarr, 46371 Swanmear, Canton, MI
Susan Klarr
Daniel Atchison

Mr. Atchison explained that he is representing the property owner Marian Horkins. Mr. and Mrs. Klarr hope to be property owners on Sandy Bottom Lake. He explained that the lot is zoned R-3 and is non-conforming and the permanent home that they would like to build is in violation of the side yard setbacks, the lot width and the square footage requirement for the R3 zoning. The project has been discussed with all adjacent neighbors and there were no issues. Also, there will be no encroachment on anyone's view.

Mr. Weinburger explained that the variance would need to be varied on the east side of the garage to 15.4 feet not the 16.3'. Mr. Atchison agreed that the variance would be for 15.6' on the south side and 16.54' on the north side of the house.
Practical difficulty is that they would like to build a permeant home for the Klarr to enjoy in the scope of the neighborhood and the practical difficulty is the non-conforming lot. Currently, the lot is vacant. Mr. Klarr explained that a cottage was previously on the property and removed in 2010.

Mr. Weinburger opened the public hearing at 7:32 p.m. and closed it due to no comments.

Mr. Atchison read a portion of the minutes from 2003. He stated that the applicants have been on that site for years and they are building a home in scope with the area, not encroaching on the neighbors and not building a home that is overpowering or large. Mr. Atchison explained that the applicant wants to replicate Mrs. Horkins home which also fits on the same type of nonconforming lot. The attempt was to try and position the home with the least amount of requirement.

There were concerns among the Board members that there is not a non-conformity currently on the property and the Zoning Boards job is to make sure that they don’t create a non-conformity.

Mr. Atchison explained that the applicant has been going to that area since 1962 and would live next to his mom and dad. He felt that almost every home that has been built out there have had these hardships to build their home.

Motion by Pearsall, second by Gaylord
To deny ZBA Case 16-2014, 11686 Sandy Bottom Dr., based on no practical difficulty. There are no exception difficulties applicable to the property that do not apply to other homes in the area. The request is denied so a non-conforming variance is not created where there is none. The denying of the variance is not materially detrimental to the public welfare.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

4. ZBA Case 17-2014, 9345 Firwood Rd., South Lyon, Michigan 48178 request a variance from Section 38-136, Schedule of Regulations to allow a side yard setback of 7 feet when 15 feet is required and a waterfront setback. This variance would allow an existing home to be demolished and anew home to be built in its place.

Representing ZBA Case 17-2014: Roger Ratkowski, owner
Bill Rogers, EBI Incorporated

Mr. Rogers explained that they have been before the Board a few times and were successful each time, but due to market conditions and the health of the owner the project was postponed. Since 2011 the footprint was squared off to 32’x54’. An
arrangement has been worked out for the septic with the Health Department because it
needed to be shifted. He explained that the current home is being removed but the
footprint will be different. The current home and the new home will be non-conforming
but the non-conformity will be improved with the new home.

Mr. Weinburger explained that the deck will not comply because it is closer than 40’ to
the lake. Mr. Rogers explained that they are 40’ from the water and the deck will be 10’
deep so it will be 30’ to the water.

Mr. Rogers explained that the practical difficulty is essentially the narrow lot and the odd
shape of the lot and the cottage is in violation of current zoning. Everything will be
brought up to code and there are issues to fit the septic field since the lot is so narrow.

Mr. Ratkowski confirmed a new septic field was required and he explained that he had
to move the house and shorten it to make sure there was room for the septic field.

Mr. Weinburger opened the public hearing at 7:53 p.m.

Chris Mclean, 1455 Maple, Wyandotte, MI – He explained that he owns the property
at 9355 Firwood. He sent a letter to the ZBA earlier stating his concerns. He explained
that his main concern is being able to service the well or sea wall at the front of the
property. Also, the walk out porch is not indicated on the print on the south side, he
believed it is a wrap-around deck that will go along the front. The septic field and the
design that is laid out, there would be no way to access the property without going on
another’s property.

Mr. Weinburger questioned the proposed walkway. At the farthest point east is
narrower than 7’. Mr. Weinburger stated that it has to be 7’ from the property line. Mr.
Rogers acknowledged that and stated it would be met.

James Richard Kaufmann, 10900 Silver Lake Road, South Lyon. He stated that he
lives in a 200 year old historic home and looks over Firwood drive. He is concerned
with building big houses close together. The original ordinances were done in good
thought and we shouldn’t take casually changing those. He did not like the view of the
lake being blocked. Elevation changes, Firwood has a low spot and the road has little
crown, some of the water flows off and he is concerned that the changes will change the
water flow.

Mr. Weinburger closed the public hearing at 7:59 p.m.

Mr. Ratkowski explained that he met with Livingston County Drain Commission and he
gets all the water and unfortunately the current cottage was on piers and now at the
north side there is a gravel catch all to help with the water, it was engineered and
approved by Livingston County. Also, currently he has big trees and he will be
eliminating 3 trees so the lake can be seen.

Motion by Gaylord, second by Hoover
To approve ZBA Case 17-2014 because the applicant has shown a practical difficulty for the following reasons; there are exceptional circumstances or conditions applicable to the property that do not apply generally to other properties in the area, specifically a practical difficulty exists to build a year-round home using the present narrow site with a present structure built with an old plat and the variances are needed to create a working septic system and thus build a new home. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same district or surrounding area and is not a condition or situation which is of a general or recurrent nature for the following reasons; a new home requires a new septic and well to improve the aesthetics in the neighborhood. Without approval of the variance a practical difficulty exists and continued use of the detained building structure, failing sewer system, and a site limited to summer months. A 10’ variance from the waterfront is also needed for a deck and an 8’ side yard variance on the south side to accommodate a porch on. The granting of the variance will not be materially detrimental to the public welfare but will enhance the neighborhood surroundings and amend the practical difficulty in the construction site. Granting the variance will not affect the Master Plan.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

NEW BUSINESS- None

OLD BUSINESS - None

APPROVAL OF THE May 20, 2014 Meeting Minutes

Motion by Pearsall, second by Hoover
To approve the minutes of May 20, 2014 as presented.

Voice Vote:
Ayes: Unanimous
Nays: None

MOTION APPROVED

CORRESPONDENCE

CALL TO THE PUBLIC

Chris Mclean – He questioned if all pieces of his letter were considered to prevent the variance. Mr. Weinberger confirmed that the letter was read by all.

ADJOURNMENT

Green Oak Charter Township
Zoning Board of Appeals

July 15, 2014
The Zoning Board of Appeals meeting was adjourned at 8:08 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto

Recording Secretary