AGENDA

Regular Meeting
Tuesday, September 16, 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 18-2014, 11510 Grand River Ave., Brighton, Michigan, 48116 Parcel # 4716-03-100-039. The applicant is requesting an exception to 38-402 (10) Sections of the Green Oak Charter Township Sign Ordinance. Applicant requests to place the Promess Logo on the water tower. The water tower would read “Promess” horizontally on the top and be 12 x 20 in size. The sign would be 240 square feet. Exceeding the maximum size of 4 square feet in sign area. The water tower stands 127.5 feet in height. The sign would not reference a business located on the premises
   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 19-2014, 11339 N. Shore Dr., Whitmore Lake, 48189, Parcel # 4716-32-203-005 Request a variance from Section 38-494 Nonconforming structures. The ordinance states no structure may be enlarged in a way that increases its non-conformity. The applicant would like to add a 26 foot x 32 foot garage with bonus room addition to the south side, road side of the home. The non-conformities that would be enlarged are the front yard setback.
   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 20-2014, 10615 Fairlane Dr., South Lyon, Michigan 48178, Parcel 4716-21-400-063 Request a variance from 38-171(3), to allow a 1408 sq. foot pole barn. 38-171 (3) states on parcels up to and including two acres the accessory building shall not exceed 50 percent of the gross floor area of the principal building.
a. Applicant's Presentation of the Case – maximum of ten minutes
b. Board members may question the Applicant
c. Open Public Hearing – a maximum of three minutes shall be allotted to individuals, and a maximum of five minutes to a group representative
d. Close Public Hearing
e. Rebuttal by Applicant – a maximum of two minutes allotted
f. Decision of the ZBA

8. ZBA Case 21-2014, 10110 Canal Dr., Whitmore Lake, Michigan, 48178, Parcel 4716-32-201-032
   Request variance from 38-171 to allow a shed to remain on the road right of way.
   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 July 15, 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 August 29, 2014

ZONING BOARD OF APPEALS
Joe Weinburger, Chairperson
Sarah Pearsell, Vice Chairperson
Wendy Hoover, Secretary
Gary Gaylord, Member
Billy Lintner, Alternate

10001 Silver Lake Road, Brighton, Michigan 48116-8381 (810) 231-1333 Fax (810) 231-5080
www.greenosktwp.com
Green Oak Charter Township
Zoning Board of Appeals
Regular Meeting Minutes
September 16, 2014

Approved: November 18, 2014

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

Guests:
19

Also Present:
Debra McKenzie, Zoning Administrator

APPROVAL OF AGENDA

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

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

1. ZBA Case 18-2014, 11510 Grand River Ave., Brighton, MI, 48116 Parcel #4716-03-100-039. The applicant is requesting an exception to 38-402 (10) Sections of the Green Oak Charter Township Sign Ordinance. Applicant requests to place the Promess Logo on the water tower. The water tower would read “Promess” horizontally on the top and be 12x20 in size. The sign would be 240 square feet. Exceeding the maximum size of 4 square feet in sign area. The water tower stands 127.5 feet in height. The sign would not reference a business located on the premises.

Representing ZBA Case 18-2014:
Kathleen Carney
Glen Mosley
Don Turns

Ms. Carney explained that it is time to do some work on the FIB water tower. They have approached Promess about this project. This will allow them to support a business in Green Oak Township by having their logo on the tower.

Mr. Turns explained that they approached Promess and that they have been a good business owner in Green Oak Charter Township. This project also offered a way to defray the cost of the repairs/maintenance to the water tower for the residents. They would like to keep that business in the Township and showcase it.
Mr. Weinburger opened the public hearing at 7:06 p.m. and closed it due to no public comment.

Mr. Weinburger asked who is responsible for the maintenance of the water tower. Ms. Carney stated the water authority is responsible.

Ms. Pearsall asked what the practical difficulty is. Ms. Carney explained that they didn’t realize they had to come before the Board for a variance. Ms. Pearsall explained that there is no practical difficulty just because it is a water tower. Mr. Weinburger felt that this could turn into a billboard instead of using it for what it is for.

Mr. Tuthill felt that FIB pays for the repairs with their own money and he didn’t see a problem with the request.

Ms. Hoover stated that there is already a logo on the water tower and she didn’t see why changing the logo would be a big deal.

Mr. Gaylord stated he is having a difficult time with such a large sign and the precedence it would set for the community and he is having a hard time finding a practical difficulty which is what the ZBA bases their decisions on.

Mr. Mosley explained that using the existing size of the sign would be fine. Mr. Turns stated that the size of the sign wouldn’t be changed and he explained that the tower faces the business so it would not be like a billboard. They are trying to promote Green Oak Township. He didn’t see an issue if they don’t go past the footprint.

Mr. Weinburger stated that if the sign is changed then they have to comply with the ordinance.

Ms. Carney stated that the sign is not seen from the freeway and if you are driving on Grand River, then you have to turn your head in order to see the sign.

Mr. Mosely stated that Promess is a small company but are automotive base. He explained that they try to portray an image and when people come to visit us it will be good for our company.

Mr. Turns stated that Green Oak Township and Brighton is about community and what benefits the community. They are trying to be good stewards and he explained that this request is not for an economic benefit. They sought out Promess for this project; Promess did not come to them.

**Motion by Hoover, second by Tuthill**
To approve the variance for ZBA Case 18-2014, 11510 Grand River Ave., Brighton, MI, 48116 Parcel #4716-03-100-039. To allow the Promess logo to be painted on the existing FIB Water Tower. The variance will allow the logo to be 12 x 20 feet in size and will exceed the maximum sign requirement by 236
square feet. The practical difficulty is that the water tower is 127 feet high and a four foot logo would not be visible. This would be an improvement over what is there now and improve the aesthetics of the sign and the area.

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

MOTION DENIED

2. ZBA Case 19-2014, 11339 N. Shore Dr., Whitmore Lake, 48189, Parcel #4716-32-206-005 Requests a variance from Section 38-494 Nonconforming structures. The ordinance states no structure may be enlarged in a way that increases its non-conformity. The applicant would like to add a 26 foot x 32 foot garage with bonus room addition to the south side, road side of the home. The non-conformities that would be enlarged are the front yard setback.

Representing ZBA Case 19-2014: James & Jacqueline Burkowski

Ms. Burkowski explained that the variance is for the road side property line which is the old North Shore Drive that is no longer in use. She explained that the pictures show that there is only the one placement that would work for the garage and there is no thru traffic on the road. She felt that a 15' setback would be safe, there are no children running out there. They need the garage for proper storage and it is the only spot on the lot where they can put a garage. Mr. Weinburger confirmed that the applicant owned lots 6 and 7 and questioned why the applicant didn’t combine the lots. Ms. Burkowski explained that they didn’t want to combine the lots because lot 6 is a buildable lot.

Ms. McKenzie explained that the road has not been vacated and it is still a road right of way.

Mr. Burkowski explained that there is no basement on the home and therefore have no room for storage. He confirmed that the well was approved. Mr. Weinburger questioned if the applicant sold lot six how would the well be taken care of? Mr. Burkowski stated that lot 6 is worth some money and they could always put a well in when the time came to sell the lot.

Mr. Weinburger explained that he did not have the certified survey and he didn’t feel comfortable making any kind of decision without reviewing the certified survey.

Ms. Pearsall agreed with Mr. Weinburger, she stated that there is no practical difficulty other than the fact that the applicant wants a garage. It appears that the house is on the lot line and she is concerned with the garage being only 15' off the road.

Ms. McKenzie stated that the County does not maintain the road but only does it as a courtesy and the County has not vacated that road.

Mr. Weinburger opened the public hearing at 7:32 p.m. and closed it due to no public
Ms. Burkowski explained that the garage would conform to the surrounding houses and it would look nice and increase the value of the neighborhood and it would house all of their toys. Mr. Burkowski stated that they don't want to combine lot six.

Mr. Weinburger stated his concern is that they don't have a certified survey. Mr. Gaylord agreed that the ZBA would have a really difficult time making any decision without the proper paperwork.

Motion by Weinburger, second by Pearsall
To table ZBA Case 19-2014 until the next meeting for further paperwork to be presented.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

3. ZBA Case 20-2014, 10615 Fairland Dr., South Lyon, Michigan, 48178. Parcel 4716-21-400-063 Requests a variance from 38-17(13) to allow a 1408 sq. foot pole barn. 38-171(3) states on parcels up to and including two acres the accessory building shall not exceed 50 percent of the gross floor area of the principal building.

Representing ZBA Case 20-2014: Robert Hyde

Mr. Hyde explained that he has two letters from his neighbors who have no qualms with the request. He has a need for the pole barn in order to house his possessions. He explained that the barn would not be seen from the road.

Ms. Hoover explained that she visited the site and it is true that the pole barn would never be seen from the road. Mr. Hyde explained that the septic field is located in the front of the property and there is the lake in the back. The variance request is only for the size. Mr. Hyde explained that he has permits from the Health Department for the well and septic.

Mr. Weinburger opened the public hearing at 7:40 p.m. and closed it due to no comments.

Motion by Gaylord, second Pearsall
To approve the variance because the applicant showed a practical difficulty for the following reasons:

There are exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to other properties in the area, specifically the limited lot size, topography and septic field...
location create a practical difficulty in constructing a detached accessory building.

The variance is necessary for the preservation and enjoyment of a substantial property right assessed by other properties in the same location or the surrounding area and is not a condition or situation which is a general or recurrent nature in the area for the following reasons: the limited lot size, the need to house possessions create a need for a variance.

The granting of the variance will not be materially detrimental to the public welfare because there is no apparent impact to the surrounding neighboring lots. The practical difficulty is not self-created for the reason that the lot configuration restricts land usage creating a practical difficulty for construction.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

4. ZBA Case 21-2014, 10110 Canal Dr., Whitmore Lake, Michigan 48178, Parcel 4716-32-201-032 Request a variance from 38-171 to allow a shed to remain on the road right of way.

Representing ZBA Case 21-2014: Philip Bujarski
Debra Bujarski

Ms. Bujarski explained that their practical difficulty is that they had two sheds on their property. When a steel sea wall was being installed they were told that they had to remove their two sheds because they were on the road right of way. One shed doesn’t have the steel sea wall so it was dismantled and removed from the property. The other shed they would like to keep and have it stay in the existing location on the road easement.

She explained that they have no other place to store their items. The lot is not wide enough to move the shed onto their property. They are asking for a variance to keep the shed where it is currently located. They would like it to remain on the street but if necessary would move it. If they moved it to the side of the house it would be by the water and in the water. She stated that they will paint the shed. She explained that where the shed is now it stays dry.

Mr. Weinburger asked where the applicant would place the shed. Mr. Bujarski stated that they would want the shed by the house if they had to move it. Mr. Weinburger asked the applicant which location they wanted the Board to vote on. Ms. Bujarski stated that they are asking for the variance to place the shed by the side of the house, which is the canal side.
Mr. Weinburger opened the public hearing at 7:48 p.m.

**Phil, 10182 Canal** — He explained that he has lived here for over 40 years and that shed has sat in the road way for over 50 years and it really is the only place that it can be useful. If the shed was moved to the canal side of the house it would look terrible. He commented that where the shed is now it is not bothering anyone. The road easement is filled with mature trees, which negates the use of that road without severe tree trimming. There are other sheds along that area which look appealing. He questioned if the road right of way will be respected from now on will they go back and take down the barn that was in the road right of way.

**Wanda, 10134 Canal St.** — She read a letter of support from William Brannon, 10034 Elmcrest Road, who was unable to attend the meeting. She also explained that many of the photos that were shown to the Board were taken last winter and the photos are not representative of what the area looks like today. The Township has stated in the past that they don’t have the authority to enforce laws in the private road easement. She has no objection of the location of the shed and felt that it should remain where it is.

Mr. Weinburger closed the public hearing at 7:58 p.m. due to no further comments.

Mr. Bujarski explained that they have now decided that they would like the Board to vote with to keep the shed on the road easement.

Mr. Koons, Green Oak Charter Township Ordinance Officer explained that in regard to the private road in Section 38-171(2) of the Zoning Ordinance states that there shall be no accessory building in a private road easement. Mr. Tuthill asked how this issue came up. Mr. Koons explained that he was presented with two complaints in the spring concerning blight and the people that reported this issue knew that it was a private road. Some of the blight issues have been addressed but historically blight has been a problem.

**Motion by Pearsall, second by Gaylord**

To deny the request in ZBA Case 21-2014, 10110 Canal Dr., Whitmore Lake, Michigan 48178. The road right of way is public and belongs to everyone. This private shed should not be located there because it does not comply with the ordinance and shall be removed.

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

**MOTION APPROVED TO DENY**

**NEW BUSINESS**— None

**OLD BUSINESS**— None

**APPROVAL OF THE July 15, 2014 Meeting Minutes**
Motion by Pearsall, second by Tuthill
To approve the minutes of July 15, 2014 as presented.

Voice Vote: 
Ayes: Unanimous
Nays: None

MOTION APPROVED

CORRESPONDENCE

CALL TO THE PUBLIC

Carl Webber, 11339 North Shore — Mr. Webber questioned the status of North Shore Drive because the applicant had said it was an abandoned road. He was not clear on who owns the road and who would be involved in abandoning the road. Mr. Weinburger explained that in order to close the road he would need to get the neighbors together and petition it.

Lee Koons — Mr. Koons referred to the house on North Shore Drive and explained that the road is a recognized easement at the top of the hill going into their property. He has made multiple trips to that property in road to not having the proper permits. Currently there is a situation with the deck. He has entertained a complaint that there is encroachment on the right-of-way currently with railroad ties and it does look like a violation.

ADJOURNMENT

The Zoning Board of Appeals meeting was adjourned at 8:07 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto
Kellie Angelosanto
Recording Secretary