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

AGENDA

Regular Meeting  
Tuesday, November 18, 2014  
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. Tabled from the September 16, 2014 meeting 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. They are requesting a 15 foot setback when 30 feet is required.
   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 22-2014, 9270 Silverside Dr., South Lyon, Michigan 48178. Parcel # 4716-22-301-132 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

7. New Business

8. Old Business
Green Oak Charter Township
Zoning Board of Appeals
Regular Meeting Minutes
November 18, 2014

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

Guests: 7

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. Tabled from the September 16, 2014 meeting, 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, rad side of the home. They are requesting a 15 foot setback when 30 feet is required.

Representing ZBA Case 19-2014: James & Jacqueline Burkowski

Ms. Burkowski explained that they have provided a certified survey which was at the request of the ZBA at the last meeting. Mr. Burkowski stated that they did talk to Rick Little at Livingston County Road Commission and he came out and took a look at the right of way and said it was considered an undeveloped right of way. Ms. Burkowski explained that there won’t be any thru traffic because it is not considered a public road. She stated that their difficulty is the peculiar shaped lot and it doesn’t meet the setbacks. Mr. Burkowski stated that they do own the adjacent lot.

Mr. Weinburger stated that the garage is measured on the floor plan as 26’ x 22’ but the applicant is asking for 26’ x 32’ he questioned which size is correct? Ms. Burkowski explained that they want the garage to be 26’ x 32’.
Ms. Hoover asked if the home was over the lot line. Ms. Burkowski stated no. Mr. Burkowski stated that they also own lot 33 and when purchased the home they bought lot 7 at the same time and lot 6 and lot 33 were separate purchases.

Mr. Weinburger explained that if there is a way to comply without increasing a non-conformity then that is what the ZBA will look for. Ms. Burkowski stated that as long as they didn't combine the lots she was told that they could always build on lot six because it was grandfathered. Mr. Weinburger explained that if the applicant wants only to consider their house then they have to provide a practical difficulty for that lot. Mr. Weinburger questioned what is wrong with the land. Ms. Burkowski stated it was the angle of the house. She does not want to connect the two parcels together.

Mr. Weinburger opened the Public Hearing at 7:12 p.m. and closed it due to no comments.

Mr. Burkowski stated that the easement right of way is not used.

Motion by Pearsall, second by Hoover
To deny ZBA Case 19-2014 for a variance to allow and accessory structure increasing the nonconformity, they have not satisfied the requirements for a variance for the following reasons; there are not exceptional or extraordinary circumstances or conditions applicable to the property, a variance is not necessary for the preservation or enjoyment of a substantial property right possessed by other property in the same zone or vicinity, the granting of such a variance or modification will be materially detrimental to the public welfare, the granting of such a variance does not adversely affect the purpose and objectives of the master plan. The practical difficulty is nonexistent.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

2. ZBA Case 22-2014, 9270 Silverside Dr., South Lyon, Michigan 48178. Parcel #4716-22-301-132 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.

Representing ZBA Case 22-2014: Jim Dayton
Wendell Dayton

Mr. Dayton explained that he plans to build a house but the Township won't issue a permit until the structure is torn down. He is asking for a variance to allow the garage to stay standing and tear down the principal structure. Mr. Dayton stated he would plan to start building in 2016. He explained that they have been ordered to demolish the house. By demolishing the home, the rebuild would be non-compliant and that is a big
concern that the one or two years from now would they get knocked down for that. Mr.
Payton stated that they were going to try and get an approval for a mini waste water
treatment, they cannot do a typical septic but they will approve a holding tank.

Mr. Weinburger stated he can’t see himself voting for something that may or may not
happen and the accessory structure would have to come down. He would not vote
because it is two years down the road and the applicant is not even sure it would be
built.

Mr. Gaylord stated that they don’t have jurisdiction since a variance only lasts a year if
the construction was not started within a year.

Mr. Payton (Older) stated that it is a financial reason to not demolish the accessory
structure.

There was brief discussion regarding the time it would take the applicant to begin
consecution.

Mr. Weinburger opened the public hearing at 7:27 p.m.

Sally and Robert Pregotzer, 9271 Silverside Drive – She stated that they live across
the street from the property and they see no reason why the garage should be torn
down, it is a very nice structure and it would not look bad. Mr. Pregotzer stated that the
applicant will have to maintain the property and will need a place to store a lawnmower
etc., the house is an eyesore and the Township is holding up the demolition of the
house when the garage is a non-objectionable structure.

Closed public hearing at 7:29 p.m. due to no further comments.

Motion by Hoover, second by Tuthill
To approve ZBA 22-2014, a variance to allow an accessory structure to remain
on a parcel without a principal structure as follows:

The applicant has not demonstrated the standards to establish a practical
difficulty. However, this variance is being granted as a courtesy to the
applicant to allow the accessory structure to remain to give applicant time to
construct the principal residence; subject to the following specific conditions:

a. All building plans must be submitted, all necessary permits obtained
(including a septic permit), and construction of the permanent home
completed with eighteen (18) months of this approval.

b. If the single-family home is not completed within the eighteen month
timeframe, then the accessory building (garage) shall be demolished by the
applicant. The demolition is to occur within 30 days after the eighteen
month period has expired. The applicant shall post a performance
guarantee in the form of cash or an irrevocable letter of credit in the
amount of $4000 dollars to cover the demolition of the accessory building
by the township in the event the applicant fails to demolish within the
required time frame.
c. Building (garage) should only be used for personal storage. There shall be
no commercial or other activity taking place on the property.
d. The applicant shall maintain the accessory structure and surrounding
grounds in an orderly appearance at all times.

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

**MOTION APPROVED**

**NEW BUSINESS**

Motion by Pearsall, second by Tuthill
To approve the calendar for 2015.

Voice Vote: Ayes: Unanimous
Nays: None

**MOTION APPROVED**

**OLD BUSINESS** - None

**APPROVAL OF THE September 16, 2014 Meeting Minutes**

Motion by Tuthill, second by Pearsall
To approve the minutes of September 16, 2014 as presented.

Voice Vote: Ayes: Unanimous
Nays: None

**MOTION APPROVED**

**CORRESPONDENCE** - None

**CALL TO THE PUBLIC**

Ms. Burkowski – She commented that it was proposed that they wanted to do the 32’
garage and she questioned what if they did the 25’. She explained that it would still not
be conforming but it would be farther away. She stated that they can't be forced to use
the adjacent lot.

**ADJOURNMENT**

The Zoning Board of Appeals meeting was adjourned at 7:51 p.m. due to no further
business.
Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary