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

AGENDA

Regular Meeting
Tuesday, November 17, 2015
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 #12-2015, R. Paquette, 9422 Peer Road, South Lyon, MI, request a variance to allow a private road to be located on the north side of the easement in order to preserve trees. The ordinance requires private roads to be constructed in the center of the easement.
   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 September 15, 2015 Regular 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

Posted October 30, 2015
Zoning Board of Appeals Report

Case Number: ZBA-12-2015
Date of Application: October 27, 2015
Hearing Date: November 17, 2015
Applicant: R. Paquette
Property ID: 4716-23-200-077
Property Address: 9422 Peer Road, South Lyon, MI 48178

Variance Request

ZBA Case 12-2015, 9422 Peer Road, South Lyon, MI request a variance to allow a private road to be located on the north side of the easement (on the existing driveway) in order to preserve trees. The Green Oak Township Private Road Ordinance requires a private road to be located in the center of an easement.

Applicable Provisions of the Zoning Ordinance:

**Sec. 38-443.** Subdivisions and condominium projects.
All roads located within a subdivision plat or condominium project (site condominium or attached condominium) shall be constructed in accordance with the standards and specification of the county road commission. The Township Planning Commission may recommend to the Zoning Board of Appeals that a waiver of frontage or curb and gutter requirements be granted, and the Zoning Board of Appeals may grant such waiver, when topographical features, density, and other factors indicate that such waiver would be in keeping with the intent of this article and the character of the community.

**Sec. 38-449. Standards.**
Except as otherwise provided in Section 38-443, the design and construction of all private roads shall comply with the standards for the criteria applicable to the private
road as set forth in the following Exhibit A. In addition, all private roads shall meet the following additional minimum requirements and specifications:

1. The roadway surface and cul-de-sac area shall be centered in the right-of-way.
2. Aprons shall be required for all private roads.
3. The connection between the private road and the public road shall conform to the standards and specifications of the county road commission. If the private road provides direct access to a county road, approval of the road connection placement and design must be approved by the county road commission prior to Township approval.
4. Underground cross road drainage shall be provided where the proposed road crosses a stream or other drainage course. Necessary culverts and erosion treatments shall be provided in accordance with the specifications of the county road commission and/or county drain commission. A minimum of eighteen (18) inches of cover shall be provided over all culverts and storm sewer systems placed under the proposed roadway.
5. The private road easement and road shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the private road easement. Road drainage shall be constructed so that runoff water shall be conveyed to existing watercourses or waterbodies. The discharged water shall not be discharged upon the land of another property owner unless the water is following an established watercourse or upon an established drain easement. The water discharged onto adjoining properties shall also not exceed the normal agricultural rate. Connection to county drains shall be approved by the county drain commissioner prior to issuance of a permit. Connection to roadside ditches within public road rights-of-way shall be approved by the county road commission prior to the issuance of a permit.
6. Private road signs shall be designated with the word “private” and shall be erected and maintained in accordance with the state Manual of Uniform Traffic Control Devices. Private roads shall be named by the applicant, but shall be subject to review and approval by the county road commission. The applicant shall be responsible for the erection and maintenance of all street signs and traffic signs required by the Township, county, and state.
ARTICLE X

(7) All private roads constructed in excess of one thousand (1,000) feet must be built to the standards established by the county road commission for paved roads. This subsection is not subject to variances from the Zoning Board of Appeals.

(8) Private road easements must be at least sixty-six (66) feet in width.

(9) T-type dead-end roads will not be permitted without prior approval from the fire chief. In no instance shall T-type dead-end roads be permitted on class A roads. Dead-end roads which are permitted by the Township shall require a cul-de-sac. Culs-de-sac shall have an adequate turnaround with a minimum seventy-five (75) foot radius right-of-way and a minimum fifty (50) foot radius roadway surface.

(10) All areas disturbed by construction must be topsoiled, seeded, and mulched. Steep ditch slopes may require sod, riprap, or other stabilizers to minimize soil erosion. Temporary erosion control measures must be utilized.

(11) All trees and other objects must be removed from the roadway to the back slope of the ditch at one (1) foot above the ditch bottom.

(12) Notwithstanding any other provision of this article, private roads in subdivisions platted prior to the enactment of the Ordinance from which this article is derived, and private roads or easements which are contained in land divisions approved by the Township prior to the enactment of the Ordinance from which this article is derived, shall continue to meet the specifications approved at the time of the application. Upon expansion, reconstruction, or major alteration of an existing private road, new construction shall comply with the requirements of this article. The Township engineer shall determine if such provision is met.

(13) The location of all newly created private roads and placement of required easements shall be consistent with approvals granted according to site plans approved by the Township.

(14) The management of stormwater associated with private roads shall be in compliance with the Low Impact Development Manual for Michigan and the Green Oak Charter Township Stormwater Management Ordinance. Refer to Figure 38-366-1 for representative LID techniques.

| Exhibit A - Schedule of Minimum Requirements and Specifications for Private Roads |
|-------------------------------|-----------------|-----------------|-----------------|
| Class A | Class B | Class C |
| Number of lots served | 7 or more | 4 - 6 | 3 or less |
| Right-of-way width | 66-foot minimum radius for culs-de-sac | 66-foot minimum radius for culs-de-sac | 66-foot minimum radius for culs-de-sac |
| Pavement cross-sections | Road width | 20 feet with 2-foot gravel shoulders and 50-foot minimum cul-de-sac radius** | 18 feet with 2-foot gravel shoulders and 50-foot minimum cul-de-sac radius** | 18 feet with 50-foot minimum cul-de-sac radius** |
| Sub-base | 6 inches of compacted class II sand*** | 6 inches of compacted class II sand*** | 6 inches of compacted class II sand*** |
On-site material may be used if laboratory analysis indicates that it meets the county road commission specification requirements.

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<tr>
<td><strong>Base</strong></td>
<td>7 inches of 22A or 23A processed road gravel placed and compacted in 2 courses</td>
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<tr>
<td><strong>Pavement</strong></td>
<td>3 inches of bituminous asphalt placed in 2 courses</td>
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<td><strong>Roadway grades</strong></td>
<td>Minimum 0.5% Maximum 8%</td>
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<tr>
<td><strong>Ditches</strong></td>
<td>Minimum grade 0.5% Front/back slopes 1:3</td>
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Report Prepared By: Debra McKenzie

**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
2.3 Notice of Public Hearing
2.4 Certificate of publication
2.5 Previous material from Planning Commission and Zoning Board of Appeals (2005)
GREEN OAK CHARTER TOWNSHIP
PLANNING AND ZONING DEPARTMENT
10001 Silver Lake Road, Brighton, MI 48116
Phone: 810-231-1333 ext.104 Fax: 810-231-5080

ZONING BOARD OF APPEALS
APPLICATION

DATE: October 27, 2015

CASE NUMBER: ZBA 12-2015

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, etc 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: Raymond and Julie Paquette
Address: 28393 Cottage Lane
City/State/Zip: New Hudson, MI 48165
Phone: 864-546-0474
E-Mail julieray5@att.net

Property Owner Information

Name: Raymond and Julie Paquette
Address: 28393 Cottage Lane
City/State/Zip: New Hudson, MI 48165
Phone: 864-546-0474
E-Mail julieray5@att.net

Location of Property for which the variance requested

Address: 9414, 9418, 9422 peer Rd, South Lyon mi: 48178
Cross Streets: peer Rd north of 10 mile
Tax Identification # 16-23-200-03 Y
Information available from the Green Oak Charter Township Assessing Dept.
Zoning District: Z3
Lot Size/Acreage: 3
Current Use: easement

Variance Request requesting for approval of the same variance that was granted in 2005.

It is necessary to upgrade the road for houses 4 and 5 on the current easement driveway. We are wanting to keep the upgraded road to the North of the easement as to keep from having to remove any trees from the property.

Total Number of Variances Requested: 1

List the applicable Code Section Name, Section Number, and Subsection to be considered by the ZBA: 3 38 - 44 3 - 38 - 449
This information is contained in the Green Oak Charter Township Zoning Code Book

Describe Request: Need reapproval of variance. My understanding was once we were approved that we were good forever, we moved out of state and time had passed on the variance, we are back living in Michigan.
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?

There are dozens and dozens of Colorado spruce trees that were planted on these properties. The long term goal and plan was to keep the road to the North Side of the properties so we would not disturb the trees. The road was perfect for that spot.

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.

Correct the driveway has already been placed there. That was the best spot to put the driveway so we wouldn’t interfere with the trees.

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.

The driveway is there already it will not change any of the surrounding properties. We are just going to widen it another 4’ and bring it up to county specs, we were approved in 2005 for the variance but we moved out of state in 2006. Now we are back in Michigan, I thought the variance was good forever once you were approved. The granting of such variance will not adversely affect the purpose or objectives of the master plan of the township.

It will not change a thing at the township or at the master plan.

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.

The homes that are out that driveway are very established and with landscaping from the first appeal. All the trees are very healthy and strong. And the people that chose to live there is because of the trail lots and the country feel that area provides them.

Zoning Board of Appeals
Application

revised 01-09-2011
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
   - Draw 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. **38-94 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: 10-29-15

Date:
March 1, 2005

Ms. Lesa Brookins
Building & Zoning Department
Green Oak Township
10001 Silver Lake Road
Brighton, MI 48116

RE: Tradition Trail - Private Road Review - 1st Revision
Plans Dated Stamped 2/22/05

Dear Ms. Brookins:

Rowe Incorporated (ROWE) has received revised plans for the above referenced development. The project involves constructing a private gravel road and a retention basin to service 5 parcels. The site is located on the west side of Pecor Road between Ten Mile Road and Twelve Mile Road. The following comments apply:

1. The maintenance agreement shall clearly indicate that this road is private and may never be maintained or accepted by the Livingston County Road Commission (LCRC) or any applicable road agency. The applicant stated in their response letter that the maintenance agreement has been revised to address this and will be submitted for review under separate cover. We will need to review the revised maintenance agreement to verify that this issue has been addressed to our satisfaction. (Section 13.8.1.J)

2. The applicant has received approval of the plans from the Livingston County Road Commission (LCRC). The LCRC has noted in a letter to the applicant that they will need written permission from adjacent property owners for the removal of trees for the clear vision area. The applicant will need to supply the LCRC with this documentation.

3. Typically, a proposed private road is aligned along the centerline of its easement. The applicant wishes to shift the road to the north near the existing woods in order to preserve trees. This variance will need to be approved by the Zoning Board of Appeals. (Section 14.10.1)

Based on the comments listed above, ROWE recommends approval of the site plan. The issue outlined in comment #3 should not cause any problem, and is desirable due to the fact that shifting the road away from the existing trees would minimize this project's impact on the environment.

From Vision to Reality
Ms. Lesa Brookins  
March 1, 2005  
Page 2

If you have any questions or require any additional information please feel free to contact our corporate office at (810) 341-7500.

Sincerely,
ROWE INCORPORATED

Daniel W. Bartlett, Jr.  
Graduate Engineer

James A. Wilson, P.E.  
Project Manager
Location and Directions: PEER
E. OF RUSHTON, N. OF 10 MILE - PEER RD N. APPROX 3/4 MILE ON WEST SIDE - ACROSS FROM BIG RED BARN
Applicant:

Owner:
RAYMOND PAQUETTE
9422 PEER RD
SOUTH LYON MI 48178
PH 248-207-5358

SOIL DESCRIPTION

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Suitable with Special Restrictions

Comments:
Locate and install shallow trenches in area of soil borings. Min. cover 12", max. cover 24". Install tank filter.

Conditions:

Within 800 feet of a potential or known source of contamination

Oversize:

Proposed

Asa
November 24, 2004

Environmental Health Representative
Date

This is NOT a permit. A suitable soils rating is NOT a guarantee that a permit to construct an on-site subsurface sewage disposal system will be granted. Changing conditions that might result in permit denial are explained in more detail on the reverse side.
Green Oak Township
Planning Commission
Meeting Minutes
March 10, 2005

Approved: APRIL 12, 2005

DATE: March 10, 2005
TIME: 6:30 p.m.
PLACE: 10001 Silver Lake Road

Call to Order: Mr. Qualls called the meeting to order at 6:30 p.m

Roll Call: Bill Haskell - arrived at 7:15 p.m.
John Malek
John Mogelnicki - arrived at 6:35 p.m.
Sarah Pearsall
Rick Seymour
John Yera
Wally Qualls

Also Present: Lesa Brookins, Zoning and Planning Coordinator
Jeremy Lopatin, Township Planner/Carlisle and Wortman

Guests: 38

1. APPROVAL OF AGENDA

Mr. Qualls removed item E from the agenda due to the participants request.

Mr. Malek made a motion to approve the agenda as amended. Mr. Seymour
supported the motion.

Voice Vote:  Ayes: All
Nays: None

MOTION APPROVED

2. CALL TO THE PUBLIC
Mr. Qualls opened the Call to the Public at 6:32 p.m.

Steve Nelmark, 8397 Bishop Road. Mr. Nelmark stated that he was there to speak against the Huron Pines project. He is a licenced electrician with 20 years experience. Five years ago he built his own house with the plans for retiring here. At the last meeting, he witnessed no less than 80% of the neighborhood to voice their objections to this development. The 14 lots that front this project on Bishop Road are all on acre plus lots that were sold and developed with a contract association, grading restrictions, setbacks and construction requirements written into the deeds. A ½ acre lot development and rezoning would not accommodate those restrictions.

The massive excavation that would need to take place would affect drainage, flooding and possibly hitting an aquifer. That Natural Resources and Environmental Protection Act states that wetland conservation is a state concern. The expansion of the existing sewer system would be extremely costly and the possible expense could possibly be passed down to the existing community. Properly installed septic fields are more economical and are sufficient. At the last meeting the Fire Chief stated that the Fire Department, under it’s current condition and operating hours, would not be able to handle the extra housing. Brighton Schools were also a concern in the handling the extra homes. Wells going to dry were another concern. Mr. Nelmark stated that he could see no reason with all of these objections why the Planning Commission would approve this project.

Steve Russell, 9414 Peer Road. Mr. Russell stated that his comments were regarding Item C on the agenda. His home would be affected by this private road, and he was in complete approval of it.

Walt Ernst, 8882 Evergreen Road. Mr. Ernst stated that the water is only about 3 feet below the water table, and there should be consideration taken into making the lots larger, not smaller. The zoning should not go down to ½ acre lots being that it is so close to the Huron River.

4087 Brookstone Court, Genoa Township. Lady speaker who works in Lansing said that it’s really important to take care of the rivers. Larger lots are the way to go. There needs to be more education of the public in how to take care of wetland/river areas and not fertilize or dump leaves.

James Fackert, 10555 McCabe Road. Mr. Fackert stated that he hoped the Commission would do everything that they can to make sure that this project complies with the Natural Rivers Ordinances. Flooding is an issue, if they don’t take care of our neighbors downstream they can’t expect the neighbors upstream to take care of us. There are areas in Green Oak Township that are threatened by flooding as well. The Huron River is the most significant natural feature of Green Oak Township and it’s important for recreation and
public health and he was sure that they would do what they could to protect it.

**Larry Scott, 8519 Bishop Road.** Mr. Scott stated that it sounds like either way there are
going to be houses built. Bishop Road is a dirt road, and when all those housea go in
something would have to be done to that road. Who would be paying for the paving of
Bishop Road? Please keep that in mind.

**Carrie Sopsich, 10180 McCabe Rd.** She opposes the ½ acre, stick with the Master Plan of
the one acre lots.

**Walt Ernst, 8882 Evergreen Road** Mr. Ernst stated that he learned how to swim in the
Huron River during World War II, and he has never seen the river as deep as what it is right
now at this time of year.

Mr. Qualls closed the Call to the Public at 6:46 p.m.

3. **CONSENT AGENDA**

Mr. Malek made a motion to approve the February 8, 2005 minutes as submitted.
Ms. Pearsall supported the motion.

**Voice Vote:**

- **Ayes:** All
- **Nays:** None

**MOTION APPROVED**

4. **BUSINESS ITEMS**

A. **Recommendation for Huron Pines, R 06-04 PUD**

Representing Huron Pines: Todd Griffin, V.P. Guenther Building Company
Todd Pasco, Atwell Hicks
Bob O'Reilly, Atwell Hicks

Mr. O'Reilly stated that they had worked with Carlisle Wortman over the past 14 months
and he wanted to clarify that they really are not requesting a re-zoning. Mr. Qualls stated
that it is a rezoning to a PUD with an R-2 overlay. Mr. O'Reilly stated that from the Open
Space PUD they feel that there are positive benefits to the community in that it does
preserve natural features. There is a pedestrian path along the Huron River which would be
a public benefit and the proposal to connect the sewer facilities. This does encourage
clustered homes which does help preserve environmental features and recognizes the
importance of the Huron River. Part of encouraging an Open Space Development is to
impact or eliminate the threat of failing septic fields with the potential to contaminate the
water which would not happen with an open space plan. With this plan 44% would not be
developed. This type of plan is compatible with the Master Plan in terms of community

Green Oak Township
Planning Commission March 10, 2005
Mr. Griffin stated that they are willing to go forward with the one acre plan. They have a plan but there are a lot of differences in how that plan achieves some of the goals of the Township. It would allow them to build more houses and it would get curb and gutter on the roads and give up the land along the river with no walkway. Straight zoning would also be a good plan for them, they would keep an open mind and talk about the two alternatives and they see strong benefits for both.

Mr. Lopatin stated that there are two sides of this proposal and they were concerned given the extensive frontage on the river and they encouraged the applicant to do as much as possible to preserve the water front. Mr. Lopatin referred to the January 6, 2005 review by Carlisle/Wortman which included the Huron River Watershed Council’s concerns. They did identify this part of the river as high sensitivity. They valued the clustering of homesites and moving them as far west on the property as possible and minimizing lot sizes. They reinforced keeping the Natural River Overlay Zone clear as much as possible. Any open space that was preserved along the river be placed in a Conservation Easement. See efforts to pursue native landscape restoration. Utilize storm water controls to prevent flooding concerns and sedimentation.

Mr. Lopatin stated that there are pros and cons and it could be the context on how this plan could be improved so that the integrity of the river be preserved. Mr. Lopatin reviewed the eighteen points in the review letter dated January 6, 2005.

1. Further input be sought from the Township Engineer for the best stormwater for the site. The applicant is purposing to use retention, which would be better.
2. Depict the 100-year flood plane on the site plan.
3. A tree mitigation plan be shown.
4. A site inventory is required.
5. The requested 2 category shift in density needs to be considered whether or not it is acceptable based on the community benefits.
6. Confirm whether there are any structures, boat launches, docks proposed along the water’s edge.
7. Connectivity to Open Space.
8. Demonstrate high quality of architecture and landscape design.
9. Traffic study needs to be prepared for Bishop Road.
10. Township Engineer needs to approve utilities.
11. Confirm that the control of the project lays in a single entities hands and not multiple parties.
12. Consider clustering lots 57-61 into the western portion of the site or consider removing them.
13. Native landscape restoration plan be prepared.
14. Consider placement of a conservation easement along the Huron River.
15. Provide specific delineation of technical issues.
16. Zoning Ordinance deviations that they are proposing at this time.
17. There are also items of information required at the Preliminary PUD stage that they
have not provided.
18. This proposal is not consistent with the Master Plan entirely, there may be some
policies that are consistent but on a future land use map it is not. The Planning
Commission, if they want to move forward with this may want to consider at this
time modifying the Master Plan to reflect this project if approved.

Mr. Griffin stated that he thought they could work through all of the comments that have
been made.

Mr. Seymour stated that although he missed the last meeting, he studied the proposed plans
and read the Carlisle/Wortman review. The more he looked at the project he was more
convinced
that a development as zoned would be a better project for the Township and this area at this
time. He didn’t see any particular public benefit that warranted the extra lots. He didn’t feel
that area of the Township could support anything over and above what was currently zoned.

Mr. Malek stated that he looked at it seriously too and he didn’t agree that this is a
substantial benefit and it would wreak havoc on the area. It is positioned on a bad road. He
can’t support this one but would be willing to look at another one.

Ms. Pearsall stated that she thought this plan would be better for the community because it
took into account the river. With the one acre lots they would back right up to the river. In
the other aspects the traffic and sewers she thought the acre would be better, she is torn
between the two. Her concern is for the river, and she felt that the PUD plan was better for
the river

Mr. Mogelnicki stated that the current zoning actually benefits the river more than the higher
density. The traffic, density is a major issue. The walking path as depicted does not really
benefit the community and it hurts the river. Even with complete retention, the nutrients
from the fertilizer are going to reach the river. Better off developing it under existing
zoning.

Mr. Yera stated that one acre lots would be the best. However, those homes on the large lots
that face the river, if those could be shortened up and move them farther away from the
river. Mr. Yera liked the idea of putting the group together to pave the road.

Mr. Qualls stated that the river is one of the most precious, natural features of the Township,
but what good is to people if they can’t use it, if there is no trail to walk along it, he thought
that would be a good thing for the Township. On the other hand between the two plans there
is not a big difference along the river frontage. There is no benefit to the Township other
than the trail system along the river and not gaining anything as far as protecting the river.
Mr. Griffin stated that he would request a denial and they would come back with a one acre plan. Ms. Pearsall stated she would also like to a traffic study along with the new plan. Mr. Griffin asked if that would be a requirement for preliminary. Mr. Qualls stated that they would like to see it at preliminary so they know what’s going on.

Mr. Seymour made a motion to recommend denial for the Huron Pines, R 06-04 PUD on the grounds that the project has no substantial public benefit, the proposed density is too intense for the area, the proposed density is not consistent with the intent of the Master Plan for that area and is not consistent with the intent of the Future Land Use Plan for that area.

Supported by Mr. Mogelnicki

Voice Vote: Ayes: All
Nays: None

MOTION APPROVED

B. Site Plan Review for Century Truss, SP 11-04

Representing Century Truss: Ronald Bergeron, President Century Truss
Kirk Yuhagz, Arhitect, Mickalich & Associates

Mr. Lopatin stated that they prepared a review February 7, 2005 which have 5 remaining concerns.

1. Seek Township Engineer approval of the site’s stormwater management system.
2. Planning Commission should evaluate whether the extra trees will be permitted in the place of the required shrubs in the road frontage.
3. Planning Commission should evaluate whether the proposed alternative to the standard greenbelt plantings is acceptable.
4. Planning Commission should evaluate whether the proposed lighting scheme is acceptable.
5. The Planning Commission should evaluate whether the proposed front wall materials are acceptable.

Mr. Lopatin stated that they recommended conditional approval.

Ms. Pearsall stated that she had no problems with putting the trees instead of shrubs. The Greenbelt plantings are fine. She was not clear on the lighting proposal so that needs to be explained. Mr. Qualls clarified that the wall materials are going to be the same as what is presently on the building.

Mr. Mogelnicki stated that the trees on the frontage are fine. The greenbelt plantings are fine. The wall materials are great. The major concern is keeping the off site glare under control, he has no problem going ahead.
Mr. Yera stated that he had no problem with any of it but to give an explanation of the lighting.

Mr. Haskell questioned the lighting plan as far as the glare factor and keeping the light on site.

Mr. Seymour stated that he was fine with the items in Carlisle/Wortman’s review, but is concerned with the lighting that will be added.

Mr. Malek stated that he had no problem with what they wanted to do. Questioned why they would want to add a 1000 watt light on the north end of the building.

Mr. Qualls stated that his concern is with the lighting. Mr. Qualls stated that Rowe had a concern that stated the “addition is proposed to be built on an existing sanitary sewer lead. With this situation, a clean out should be provided outside of the building.” it will need to be depicted on the plan. Mr. Yuhagz stated they would do that.

Mr. Yuhagz stated that Century Truss manufactures trusses, the size of those trusses can be anywhere from 6 feet in length to 80 feet in length. The new addition is 44 feet long and they proposed to add a 1000 watt fixture on each side of the building for the continuation of the broadcast light in the large working area. On the west elevation there are six fixtures mounted on that elevation, three on the canopy and three underneath the canopy, they are doing nothing more than relocating three of the existing six fixtures along the west wall to provide the kind of yard lighting that they need. In terms of lighting intensity and glare, it is the intention of most Zoning Ordinances to reduce the spill of light off of the property. Century Truss is bordered by industrial zoning on it’s three sides and Consumers Power that faces the new addition directly. Primarily because of the size of the product and the way it’s maneuvered out of the building, there is a true safety concern about the type of lighting that’s necessary for the protection of the workers and the handling of these trusses. Since Century Truss has occupied this building they have been operating on two shifts until 1:30 in the morning.

Mr. Malek asked Mr. Yuhagz clarify the lights and visors that were shown on the cut sheets and the lights that were on the photometric plan.

Mr. Bergeron stated that the way the trusses are manufactured is that the trusses come out of the plant one at a time and can be up to 80 feet in length, that’s why they need the light close to the building. After the second shift the lights go off, the lights are on a timer.

Mr. Malek made a motion to approve Site Plan for Century Truss, SP 11-04. Mr. Seymour supported the motion.

Voice Vote: Ayes: All
Nays: None
MOTION APPROVED

C. Recommendation for Private Road, Tradition Trail, PR 01-05

Representing Tradition Trail: Jason Wallace, Desine Inc.
Attorney
Ray Paquette, Owner/President Tradition Construction

Mr. Wallace stated that they are proposing to upgrade the existing gravel drive. It currently serves a 5 acre parcel and 3 parcels closer to Peer Road. They have received Township Approval and Road Commission of Livingston County approval.

Mr. Qualls questioned if there is any mitigation since they have to take down trees in order to create a clear vision lane? Mr. Paquette stated that there is a dead tree to the north and then two pine trees to the south that are 10-12 feet tall. He plans on moving the two pine trees and take down the dead one. Brief discussion continued regarding possible neighbors and trees.

Ms. Pearsall made a motion to recommend approval for a Private Road, Tradition Trail, PR 01-05. Mr. Mogelnicki supported the motion.

Voice Vote: Ayes: All
Nays: None

MOTION APPROVED

Mr. Qualls called for a recess at 8:00 p.m.
Mr. Qualls called the meeting back to order at 8:06 p.m.

D. Introduction and Set Public Hearing for Fackert Rezoning, R 02-05

Representing Fackert: James Fackert, Owner

Mr. Fackert stated that he is the owner of Grenock Mill. The mill is located in residential zoning. Five years ago they bought the mill. The former owner had a cider mill and bakery. They foresaw a commercial operation there even though it was zoned residential. Right now there is no bakery or milling operation but an art gallery, gift shop and natural foods. The reason they bought the mill was to preserve the mill as a piece of living history for Green Oak Township. The mill pre dates the existence of the Township, it has been a commercial operation for 150 years. The goal is to make it self sufficient so that it can support it's own preservation and they are having a difficult time with only the general store. The Building Department suggested changing the zoning. They propose no new buildings or expansion. If they could rezone to local business then that range of operation would give them the expansion they need to have a successful business in there and it would fit.
GREEN OAK TOWNSHIP
ZONING BOARD OF APPEALS
MEETING MINUTES
March 14, 2005

DATE: March 14, 2005
TIME: 7:00 p.m.
PLACE: 10001 Silver Lake Road

Call to Order: Mr. Dillon called the meeting to order at 7:00 p.m.

Roll Call: Jean Budzinski, Vice Chair
Mike Dillon, Chairman
Rollin Green, Trustee
Billy Lintner
Sarah Pearsall, Secretary

Absent: Eric Borich - Alternate

Also Present: Lesa Brookins, Planning and Zoning Coordinator

Guests: 9

1. APPROVAL OF AGENDA

Mr. Green made a motion to approve the agenda as submitted. Ms. Pearsall supported the motion.

Voice Vote: Ayes: All
Nays: None

MOTION APPROVED.

2. ZBA Case # 01-05, Harmon Signs for Lake View Center, 11900-11930 Whitmore Lake Road, Whitmore Lake, MI, request a variance to have a ground sign 50' high and 28' wide. The ordinance allows ground signs in this zoning to not exceed 6' in height and 48 square feet in area.

Representing Harmon Signs: John Venglarik, Harmon Signs
Scott Kenny, Regional Manager Lakeview Ctr.
that the power is on the north side, nothing will have to be moved, not an issue. Mr. Green questioned if the utilities were already in? Mr. Paquette stated yes.

Mr. Lintner asked what was the reason for the private road? Mr. Wallace stated that it was to provide access to the 5 acre parcel that would be divided into three properties and by the ordinance it would require an upgrading to a Class B private road.

Mr. Lintner stated that they are upgrading to a private road so they can develop the splits of three properties. They are asking for a variance for a gain of income. Mr. Green stated that the way he understood it was that they don’t need a variance to build this, and therefore the variance was for the enhancement of the surrounding property, or lack of detriment to the surrounding properties. Mr. Lintner stated why the need for a private road? Mr. Lintner stated that he would be against granting anything that increases the applicants’s true value. Brief discussion continued regarding that issue.

Ms. Pearsall stated that the Planning Commission gave their recommendation to approve the private road.

Ms. Budzinski made a motion in the ZBA Case #02-05, to APPROVE the request for the private road to be on the far north edge of the easement. Taken into consideration the recommendation of the Planning Commission and the applicant’s wanting to preserve the pine trees on the south side of the easement. Ms. Pearsall supported the motion.

Mr. Green stated that he was reluctant to approve it but he saw it as the lesser of the two possibilities.

Mr. Lintner stated that there was no hardship it was 100% making money. Mr. Lintner stated that he objects to it.

Roll Call Vote: Ayes: Budzinski, Green, Pearsall, Dillon
Nays: Lintner

MOTION APPROVED.

4. NEW BUSINESS - NONE

5. OLD BUSINESS - NONE

6. APPROVAL OF THE MINUTES

Mr. Green made a motion to approve the Minutes of January 18, 2005 as submitted. Ms. Budzinski supported the motion.

Voice Vote: Ayes: All
consideration the odd position that the shopping center is in for signage.

Mr. Dillon stated that they would call the second submission of the sign Exhibit B, the smaller of the two proposed signs.

**Mr. Green made a motion to APPROVE in the case of ZBA #01-05, Exhibit B for the signage which continues a non-conformity of the sign. With an added variance to allow the shroud, logo and landscaping as presented on Exhibit B, in accordance with paragraph 13.13-5F of the Ordinance, to the net effect of an improvement on the appearance of the parcel. Also, as a result of the hardship of the applicants location of the site. The sign is not to be in excess of 31' tall, 176' square feet on a pylon, not to exceed the existing sign. Mr. Lintner supported the motion.**

**Roll Call Vote: Ayes: Budzinski, Green, Lintner, Pearsall, Dillon Nays: None**

**MOTION APPROVED.**

3. **ZBA Case #02-05, R. Paquette, 9422 Peer Road, South Lyon, MI, request a variance to allow a private road to be located on the north side of the easement in order to preserve trees. The ordinance requires private roads to be constructed in the center of the easement.**

**Representing ZBA Case #02-05: Ray Paquette - Owner**

**Jason Wallace - Desine Inc.**

**Attorney**

Mr. Wallace stated that they have an existing gravel driveway that serves three parcels on Peer Road. Existing 66' wide easement. They are requesting to upgrade the existing driveway to meet the standards of a private road to provide access to three additional land divisions at the west end of the property. Requesting a variance to the requirement that a private road be located in the center of the easement. The purpose of which is so they can preserve existing trees. The footprint would be the same but a little bit wider.

Mr. Dillon opened the Hearing at 8:05 p.m.

**Steve Russell, 9414 Peer Road.** Mr. Russell stated that the trees in question are the dominate feature of the home, and the reason they purchased the home. The healthiest trees are on the outside of the tree stand. If the outside trees were removed, it would weaken the inside trees and they would lose a good portion of the trees. Mr. Russell was in favor of the private road.

Mr. Dillon closed the Hearing at 8:06 p.m. and brought the discussion back to the Board.

Ms. Budzinski questioned if there was any issue with the utility easement? Mr. Paquette stated
Green Oak Township
Zoning Board of Appeals
Hearing Decision

Case # 02-05 Date of Meeting: March 14, 2005
Property Tax I.D. 16-23-200-034 Zoning: R 2, Single Family
Petitioner: Ray & Julie Paquette, 9422 Peer Road, South Lyon, MI 48178
Property Owner: Same as above
Property Address: Same as above
Property Location: North of 10 Mile, West side of Peer Road
Variance Requested: A variance to locate a private road on the north side of an easement

Decision: Ms. Budzinski made a motion in the ZBA Case # 02-05, to approve the request for the private road to be on the far north edge of the easement. Taken into consideration the recommendation of the Planning Commission and the applicant's wanting to preserve the trees on the south side of the easement. Ms. Pearsall supported the motion.

Ayes: Budzinski, Groen, Pearsall, Dillon
Nays: Lintner
Absent: None
MOTION APPROVED

11.9 Miscellaneous.

(A) No order of the ZBA permitting a use of a building or premises shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(B) No order of the ZBA permitting a use of a building or premises shall be valid for a period longer than one year unless such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for the erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of the permit. (eff. date 7/18/98)
GREEN OAK TOWNSHIP
ZONING BOARD OF APPEALS
MEETING MINUTES
March 14, 2005

DATE: March 14, 2005
TIME: 7:00 p.m.
PLACE: 10001 Silver Lake Road

Call to Order: Mr. Dillon called the meeting to order at 7:00 p.m.

Roll Call: Jean Budzinski, Vice Chair
Mike Dillon, Chairman
Rollin Green, Trustee
Billy Lintner
Sarah Pearsall, Secretary

Absent: Eric Borich - Alternate

Also Present: Lesa Brookins, Planning and Zoning Coordinator

Guests: 9

1. APPROVAL OF AGENDA

Mr. Green made a motion to approve the agenda as submitted. Ms. Pearsall supported the motion.

Voice Vote: Ayes: All
Nays: None

MOTION APPROVED.

2. ZBA Case # 01-05, Harmon Signs for Lake View Center, 11900-11930 Whitmore Lake Road, Whitmore Lake, MI, request a variance to have a ground sign 50' high and 28' wide. The ordinance allows ground signs in this zoning to not exceed 6' in height and 48 square feet in area.

Representing Harmon Signs: John Venglark, Harmon Signs
Scott Kenny, Regional Manager Lakeview Ctr.
Mr. Venglarik stated that they are proposing for Lakeview Center a new sign which would significantly improve the look of the center. The sign that is currently there has been there for a long time and they want the tenants that are there now to be on the sign. They have designed a sign which would be illuminated with the names of the 12 tenants. The square footage of the sign is the concern of the Board because they are over the allowable square footage. The sign is not a standard box sign. They needed to utilize the space so they could be seen from both 8 Mile Road and US-23. In order to get all twelve tenants signed, the size that is allowable by city code was just not feasible with a property of this size.

Mr. Venglarik reviewed the Sign Ordinance referring to Sections 13.13-5A through 13.13-5B, C, F, and G. Mr. Venglarik stated that if one cannot see a sign in time to exit that would be one of the hardships. If they worked within the limits of the code they would definitely not see the sign in time to exit US-23 or 8 Mile Road. The particular buildings on this property are set back from Whitmore Lake Road no less than 350' at their nearest point. They are aware that they are allowed to sign the buildings as well, but signing the buildings would not be sufficient and would be a hardship. The lot in front of the property is currently not developed. There are trees on that property which limit the view to the shopping center. If that site is developed by someone in the future, the visibility would also be greatly reduced, so that was another area that they felt they had a hardship.

Mr. Venglarik stated that there are 4 parcels that McKinley owns and they could be allowed up to four signs, they are only asking for one for the property, which is something to consider. This property is zoned Highway Commercial. Recently, the Planning Commission approved the signage for Kohl’s and Costco. Mr. Venglarik reviewed the Kohl’s signs. The owner wants to improve, maintain and enhance the area. Mr. Venglarik stated that they met four of the seven issues in the ordinance on the basis of hardship.

Mr. Dillon opened the Hearing at 7:15 p.m. there was no one wishing to speaking. Mr. Dillon closed the Hearing at 7:15 p.m. and brought the discussion back to the Board.

Mr. Lintner stated that they mentioned future expansion but only have twelve places to put signs, so does that mean that they would come back again and ask for more? Mr. Venglarik stated that no, there are divider bars that are removable so they could utilize the maximum space for expansion. They have no intent to ask for a larger size. Mr. Green stated that they raised a good point and he thought the signs would have to be very small if they added more. Looking at the future expansion which equals about 45,000 square feet, he thinks they are creating a future request. Brief discussion regarding PUD requirements. Mr. Kenny stated that in many of their centers, as the tenants change, they allocate the sign space to match the major tenants.

Mr. Dillon asked how tall was the existing sign? Mr. Venglarik stated 31'-33' tall and 16' wide. Mr. Green referred to Section 13.11 which talks about granting a 25% increase for each lot that’s included in the grouping. Ms. Budzinski questioned if the sign they are proposing was 50' tall?
Mr. Venglakir stated that it was, and the Best Western across the street was 70' tall. They want to make sure they are able to get all of their tenants on the sign and be able to see it from US-23. Ms. Budzinski stated that she could see the sign well at 31' even going northbound. Mr. Venglakir stated that they are non-conforming even now and they felt that 31' wasn’t going to do what they would like it do.

Ms. Budzinski stated that it was zoned Highway Commercial where every tenant is serving local business. These are businesses which are local businesses so she thinks it is a mute point that anyone who was traveling would see that sign and stop at those businesses.

Mr. Dillon stated that going northbound it would be almost impossible to see the sign. Mr. Venglakir stated that they would look into the orientation of the sign to see where it would be best located.

Ms. Kern stated that they would like to go after national tenants. By not having the proper signage, the national clients were concerned that they would not be seen in the location. Mr. Kenny stated that the tenants are serving the area and the market has expressed deep concern that they may not stay unless business was generated from areas close by other than local.

Mr. Dillon asked if the sign is shut off after hours? Mr. Kenny stated that the sign was shut off one hour after business was closed.

Mr. Dillon stated that he was having a hard time visualizing that a sign of this size would really increase business of what was called neighborhood type stores, even with the market itself. He stated that he understands the need but this was a huge sign.

Mr. Green stated that this sign doesn’t serve the purpose of what they are trying to do. They are hampered by the layout of the intersection. Northbound would not see the sign, southbound traffic can’t see it until they are passed the exit.

Mr. Lintner stated that they are defeating the suggestion of a hardship, they need a sign that identifies it but not a 50' sign. Mr. Venglakir stated that they are allowed by code to replace the face on the current sign. He did put together a sign doing that. Mr. Venglakir passed out a drawing of that sign. Mr Venglakir stated that the square footage was the same at 176' and the sign was 11' x 16'. They added a shroud around the pole with a logo to dress it up. Brief discussion followed regarding if the applicant needed a variance or would be grandfathered, regarding the pole.

Mr. Dillon stated that he was opposed to the first sign that was proposed. There is a sign problem in that location and he would be inclined to go with the second sign proposed.

Mr. Green stated that his intent was to see if they could allow them a possible sign that would not require a variance at all. Mr. Green referred to Section 10.5. Mr. Green stated that he didn’t see a problem except with the logo on the pole. Mr. Dillon stated that they should take into
consideration the odd position that the shopping center is in for signage.

Mr. Dillon stated that they would call the second submission of the sign Exhibit B, the smaller of the two proposed signs.

Mr. Green made a motion to APPROVE in the case of ZBA #01-05, Exhibit B for the signage which continues a non-conformity of the sign. With an added variance to allow the shroud, logo and landscaping as presented on Exhibit B, in accordance with paragraph 13.13-5F of the Ordinance, to the net effect of an improvement on the appearance of the parcel. Also, as a result of the hardship of the applicants location of the site. The sign is not to be in excess of 31' tall, 176' square feet on a pylon, not to exceed the existing sign. Mr. Lintner supported the motion.

Roll Call Vote: Ayes: Budzinski, Green, Lintner, Pearsall, Dillon
Nays: None

MOTION APPROVED.

3. ZBA Case #02-05, R. Paquette, 9422 Peer Road, South Lyon, MI, request a variance to allow a private road to be located on the north side of the easement in order to preserve trees. The ordinance requires private roads to be constructed in the center of the easement.

Representing ZBA Case #02-05: Ray Paquette - Owner
Jason Wallace - Desine Inc.
Attorney

Mr. Wallace stated that they have an existing gravel driveway that serves three parcels on Peer Road. Existing 66' wide easement. They are requesting to upgrade the existing driveway to meet the standards of a private road to provide access to three additional land divisions at the west end of the property. Requesting a variance to the requirement that a private road be located in the center of the easement. The purpose of which is so they can preserve existing trees. The footprint would be the same but a little bit wider.

Mr. Dillon opened the Hearing at 8:05 p.m.

Steve Russell, 9414 Peer Road. Mr. Russell stated that the trees in question are the dominate feature of the home, and the reason they purchased the home. The healthiest trees are on the outside of the tree stand. If the outside trees were removed, it would weaken the inside trees and they would lose a good portion of the trees. Mr. Russell was in favor of the private road.

Mr. Dillon closed the Hearing at 8:06 p.m. and brought the discussion back to the Board.

Ms. Budzinski questioned if there was any issue with the utility easement? Mr. Paquette said...
that the power is on the north side, nothing will have to be moved, not an issue. Mr. Green questioned if the utilities were already in? Mr. Paquette stated yes.

Mr. Lintner asked what was the reason for the private road? Mr. Wallace stated that it was to provide access to the 5 acre parcel that would be divided into three properties and by the ordinance it would require an upgrading to a Class B private road.

Mr. Lintner stated that they are upgrading to a private road so they can develop the splits of three properties. They are asking for a variance for a gain of income. Mr. Green stated that the way he understood it was that they don’t need a variance to build this, and therefore the variance was for the enhancement of the surrounding property, or lack of detriment to the surrounding properties. Mr. Lintner stated why the need for a private road? Mr. Lintner stated that he would be against granting anything that increases the applicants’s true value. Brief discussion continued regarding that issue.

Ms. Pearsall stated that the Planning Commission gave their recommendation to approve the private road.

Ms. Budzinski made a motion in the ZBA Case #02-05, to APPROVE the request for the private road to be on the far north edge of the easement. Taken into consideration the recommendation of the Planning Commission and the applicant’s wanting to preserve the pine trees on the south side of the easement. Ms. Pearsall supported the motion.

Mr. Green stated that he was reluctant to approve it but he saw it as the lesser of the two possibilities.

Mr. Lintner stated that there was no hardship it was 100% making money. Mr. Lintner stated that he objects to it.

**Roll Call Vote:**

- **Ayes:** Budzinski, Green, Pearsall, Dillon
- **Nays:** Lintner

**MOTION APPROVED.**

4. **NEW BUSINESS - NONE**

5. **OLD BUSINESS - NONE**

6. **APPROVAL OF THE MINUTES**

Mr. Green made a motion to approve the Minutes of January 18, 2005 as submitted. Ms. Budzinski supported the motion.

**Voice Vote:**

- **Ayes:** All

Green Oak Township Zoning Board of Appeals - March 14, 2005
Nays: None

MOTION APPROVED.

7. CORRESPONDENCE - NONE

8. CALL TO THE PUBLIC - NONE

9. ADJOURNMENT

Mr. Lintner made a motion to adjourn the meeting at 8:26 p.m. Ms. Budzinski supported the motion.

Voice Vote: Ayes: All
Nays: None

MOTION APPROVED.

The meeting was adjourned at 8:26 p.m.

Respectfully Submitted,

Kellie Angelosanto
Recording Secretary
GREEN OAK TOWNSHIP ZONING BOARD OF APPEALS

APPLICATION

PETITION NO. ZBA-02-05

DATE RECEIVED

INSTRUCTIONS TO APPLICANT. Appeals must be submitted on this application with all information typewritten or legibly printed in ink. Additional pages containing any other information which the applicant feels will aid the Board in reaching its decision must be attached. Appeals must be filed by the Last Wednesday of each month in order to be considered at the next month’s meeting.

The applicant must appear in person or by representative authorized in writing to appear on his/her behalf.

Applicants seeking a variance from current ordinance requirements must establish a genuine "HARDSHIP" (not self-imposed or economic) which prohibits the applicant from meeting existing Green Oak Township Ordinances. Accordingly, applicants must demonstrate that the proposed variance is necessary or otherwise show that peculiar physical features of their property prohibit appropriate development without a variance.

REASON FOR APPEAL (PLEASE STATE "HARDSHIP" WHICH CREATES THE NEED FOR A VARIANCE FROM THE ORDINANCE):

Upgrade existing driveway to Private Road in accordance with Green Oak Township standards.

Proposed private road offset from center of right-of-way to preserve existing trees and maintain consistency with existing driveway location.

(attach additional sheets, if necessary)

PROVISION OF THE ZONING ORDINANCE, IF ANY INVOLVED: (do not quote ordinance) PLEASE STATE "SETBACK", "LOT COVERAGE", ETC.:

Road Cross-Section

IF APPEAL IS FOR A VARIANCE OF SETBACKS, PLEASE SUBMIT THE FOLLOWING:

1. SITE PLAN LAYOUTS DRAWN TO SCALE

2. SHOW ADJOINING PROPERTY SETBACKS AND STRUCTURES
3. SHOW EXISTING AND PROPOSED SETBACKS FROM ROAD RIGHT-OF-WAYS.

4. IN SOME CASES, A CURRENT SURVEY WILL BE REQUIRED. A MORTGAGE SURVEY MAY BE INSUFFICIENT IN SOME CASES, AND A STAKE SURVEY MAY THEN BE REQUIRED.

5. IN CASES WHERE A BUILDING PERMIT IS REQUIRED, A LETTER FROM THE BUILDING AND ZONING ADMINISTRATOR GIVING REASONS FOR DENIAL OF PERMIT.

6. PHOTOS OF PROPERTY IN RELATION TO ROADS AND EXISTING STRUCTURES, WHEN APPROPRIATE TO PROPERLY DEPICT THE CLAIMED HARDSHIP.

DESCRIPTION OF PROPERTY:

LOCATION OF PROPERTY: 9422 Perreus Rd, St. Lyon, MI

(street address and/or other name to locate property)

TAX CODE # 16-23-300-034
(also known as sidwell or property identification number)

Name of Owner: Ray & Julie Paquette

Address and Telephone number of Owner: 9422 Perreus Rd, St. Lyon, MI. (248) 446-3569

When was the property acquired: 

Applicant's interest in property (if other than Owner, both must sign this application):

Owner

Name, address and telephone number of applicant:

Ray Paquette (248) 446-3569

Present Zoning: R-2

Size of lot or parcel: Width 330 ft ± Length 675 ft ±

Size of present structure: 2,500 sf

Size of proposed structure or alteration: N/A

Present use of property: Single family residential

Has the Building and Zoning Administrator refused a permit? No
APPLICATION FEES ARE MINIMUM FEES, APPLICANT SHALL BE RESPONSIBLE FOR ALL COSTS INCURRED BY THE TOWNSHIP WHICH EXCEEDS THE APPLICATION FEE. THESE FEES INCLUDE, BUT ARE NOT LIMITED TO TOWNSHIP ATTORNEY, PLANNER, AND ENGINEER.

The undersigned declares under penalties of perjury that the foregoing application has been examined by me/us and that the contents thereof are true to the best of my/our knowledge and belief.

[Signature of Applicant]  
(Signature of Applicant)

(Signature of Owner, if different)

(Date Signed)  
(Date Signed)

(Building & Zoning Administrator)

(Date Signed)

NOTIFICATION OF AFFECTED PROPERTY OWNERS: All property owners within 300 feet of the petitioner's property will be notified by first class mail at least 7 days prior to the hearing by the Planning & Zoning Department.

ARTICLE 11  
ZONING BOARD OF APPEALS

Section 11.9.  Miscellaneous

(a) No order of the ZBA permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(b) No order of the ZBA permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for the erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of the permit.
SITE LOCATION MAP
NO SCALE
SECTION 23, GREEN OAK TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN

LEGEND
- PROPERTY LINE
- EASEMENT LINE
- BUILDING SETBACK LINE
NOTICE OF PUBLIC HEARING

PLEASE BE NOTIFIED THAT THE GREEN OAK CHARTER TOWNSHIP ZONING BOARD OF APPEALS WILL HOLD A PUBLIC HEARING ON NOVEMBER 17, 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 12-2015 9422 Peer Road, South Lyon, MI request a variance to allow a private road to be located on the north side of the easement (on the existing driveway) in order to preserve trees. The Green Oak Township Private Road Ordinance requires a private road to be located in the center of an easement.

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, November 17, 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:
October 30, 2015 & Published October 30, 2015
GREEN OAK CHARTER TOWNSHIP
PLANNING AND ZONING DEPARTMENT

10001 Silver Lake Road, Brighton, MI 48116
Phone: 810–231-1333 ext.104  Fax: 810-231-5080

AFFIDAVIT OF MAILING OF PUBLIC HEARING NOTICES

STATE OF MICHIGAN
Ss

COUNTY OF LIVINGSTON

REASON FOR PUBLIC HEARING: Variance
NAME OF APPLICANT: R. Paquette
ADDRESS OF APPLICATION: 9422 Peer Road
DATE OF PUBLIC HEARING: November 17, 2015
BOARD HOLDING PUBLIC HEARING: Zoning Board of Appeals

Type of Hearing:
(x) Zoning Board of Appeals
( ) Special Use Permit
( ) Rezoning
( ) Other

I, Debra McKenzie being first duly sworn, do hereby depose and say that I caused to be prepared for mailing, and mailed by First Class mail, on October 30, 2015, a Notice of Public Hearing, a true copy of which is attached hereto and made a part hereof, to each owner of or party in interest in property located within three hundred (300) feet or five hundred (500) feet whichever is appropriate and/or abutting the subject's property line described in the subject's property description, as such name and address of owner is described in the attached Notice, and as such name and address appears in the computerized property tax assessment roll records of the Assessing Department of Green Oak Charter Township as of the date of the computer printout; and printed out mailing labels from that computerized database for said parcels affected; that each such envelope had contained therein the appropriate Notice of the aforesaid hearing, was securely sealed with postage fully prepaid thereon for First Class Mail delivery; and that all of said envelopes were placed on the outgoing mail receptacle at Green Oak Charter Township Hall in Brighton, Michigan on the said date for the above referenced hearing meeting.

Debra McKenzie,
Zoning Administrator
Green Oak Charter Township  
Zoning Board of Appeals  
Regular Meeting Minutes  
September 15, 2015

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

Guests: 14

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 09-2015, Parcel #4716-06-203-053 Pleasant View Estates No. 3.  
Lot 53, 6457 Meyer Ave, Brighton, MI 48116. Request a variance from 38-171(3) Accessory Building, Structure and Uses, to allow a structure that will exceed fifty percent of the principal building.

Representing ZBA Case 09-2015: James Goodwin, 6457 Meyer Ave. Brighton

Mr. Goodwin explained he put up a car port which he was led to believe was not a permanent structure. If his house was 380’ sq. ft. larger he wouldn’t have to be here for a variance. He put the carport out back out of public view trying to keep mischief from happening, he has had things stolen in the past and he wants to protect his property. The car port is not a hindrance and it is up to code. He put it in the back because he has an expensive truck and boat that won’t fit in his garage and he wants to keep it out of public view. He is 11% over the 50% he is allowed. His septic is in the middle of his backyard. The structure is 20’ x 26’ and he didn’t think the car port would fit on the side of his home due to the existing trees.

Mr. Tuthill commented that if the applicant’s home was bigger he wouldn’t have to have a variance.
Mr. Goodwin commented that his home was built in 1975 and it wasn’t designed to hold the trucks from today. He is just trying to protect his belongings from vandalism or people stealing from him.

Mr. Weinburger opened the public hearing at 7:11 p.m.

**Dan Miner, 8905 Lee Road** – He explained that he lives on the property adjacent to the applicant. In terms of his placement of that particular structure it puts it in a position where he can’t see it from his property at all. There would be no interference or lack of ability for them to use their property. The applicant has been a great neighbor and maintains his property and is a good candidate. He is living by the spirit of the ordinance in terms of asking for the variance.

Mr. Weinburger closed the public hearing at 7:12 p.m.

Mr. Goodwin stated the structure has been up for about 3-4 months and he has learned that he needs to come here and check things out before doing something.

**Motion by Hoover, second by Pearsall**

To approve the variance request ZBA Case 09-2015 to allow an accessory building greater than 50% of the principal building, due to the location of the septic and the applicant would have to remove trees unnecessarily. It is impossible to add square footage to the home. This is not a detriment to the community, safety or master plan.

**Roll Call Vote:**

* Ayes: Sellis, Tuthill, Hoover
* Nays: Pearsall, Weinburger

**MOTION APPROVED**

2. ZBA Case 10-2015, Parcel #4716-16-300-011, 8921 Evergreen Road, Brighton, MI 48116. Request a variance from 38-171(3) Accessory Building, Structure and Uses, to allow a structure that exceeds 100 percent of the principal building.

**Representing ZBA Case 10-2015:** William Ernest, 8921 Evergreen Road

Mr. Ernest stated his request is to expand one of two accessory structures. Both were built before zoning ordinances. He needs to expand his hobby woodworking shop. The doors will be changed from the front of the building to the north side. The site plan shows setbacks from the roads and property and the Detroit Edison high lines. He cannot add on to the back of it due to the high lines and the same on the back of the house. The front of the house also has high lines on the side and he cannot expand the house that way. The front of the house has a well and the road. The south side of the house has the driveway, severe bank and very little room so the house cannot be expanded. The practical difficulty is that he can’t expand the present house. He could tear down one accessory structure and add on to the other but it would be cost
prohibitive. He is not near any property lines and in no way will it affect the neighbors or
detract from the neighborhood. He would like to be able to use his property.

Mr. Ernest explained he is in excess of 100’ from the rear property line.
He would like to elongate the existing building, easiest and cheapest way to add on and
make it functional, the addition will hold his band saw. It requires about 13.5 feet of
length to operate in and about 8-9’ of width. The band saw will fit north to south along
the front wall of this addition.

Anna Ernst – She commented that she has been neighbors with the applicant for
years and he is responsible. She has no problem with the request and felt this is the.
safest way possible to do this. The applicant wants the space for the safety of using the
band saw and she felt he was very smart in asking for the extension. She will see it
every day and she has no issue.

Walt Ernst – He explained that the applicant’s property is across the street from his
home. He thought the addition would be shielded from Hidden Lake He is in support
of the request. He commented that the space is needed for a band saw.

Mr. Weinburger opened the public hearing at 7:24 p.m. and closed it at 7:28 p.m.

Mr. Ernest explained that his practical difficulty is the electrical lines and he can’t add on
to the house.

Motion by Tuthill, second by Pearsall
To approve ZBA Case 10-2015 due to the practical difficulties of the DTE
lines and it’s just a small expansion and it will not interfere with the
neighbors.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

3. ZBA Case 11-2015, Parcel #4716-16-406-210, Hidden Lake Estates Unit 210,
10477 Morning Light Court, South Lyon, MI 48178. Request a variance from
Section 38-136, lot coverage. 38-136 Schedule of Regulations states
(maximum lot coverage is 30%).

Representing ZBA Case 11-2015: Michael Soave
Theresa Soave

Mr. Soave explained he is seeking a variance for lot coverage. He purchased the lot in
2010. In 2013 they contracted with an architect, in February 2015 he submitted for
approval through the building department and was denied based on side yard
deficiencies and lot coverage. At that time they met with the architect and had the plans
redrawn to meet the deficiencies and resubmitted. At that point they met all the criteria
and went to 29.6% lot coverage. When they resubmitted it took a long time for a review.
When the review was done he was told that the deck is now being considered into the calculation for lot coverage. With the inclusion of the deck they are now over in the calculation for lot coverage. He felt that there are several areas where their lot is unique. His lot is smaller and irregular shaped. The home they have proposed will fit in nice with the neighborhood and compliment the homes in the area. The deck is cement. Mr. Weinburger stated technically this deck could be a room in a hurry. Mr. Soave stated no he was told that if it didn’t have a roof over it doesn’t count in calculation of lot coverage. They have shrunken the home down and it is now under 30%. Mr. Weinburger stated that they are over the 30% when the deck is included. Mr. Soave stated yes, but the deck is self-supported.

Mr. Weinburger stated that when he looks at the plot plan they filled it right up and for the size of the lot and the large home that they are putting on it with this structure over it they are just overbuilding for the lot size and as far as he can tell there is no practical difficulty, the lay of the land is fine. Mr. Soave stated that their practical difficulty is that they would have no way to access their rear yard. Mr. Weinburger confirmed that it is a walkout basement and they could make the deck smaller. Mr. Soave stated that he was told he would have to get a variance for any deck. Mr. Weinburger stated that they could make the house smaller.

Mr. Soave explained that they have to meet the restrictions of the subdivision. The proposed home is 2900 sq. ft. plus the bonus room over the garage for a total of 3100 sq. ft. without the deck. The requirements are 2750 sq. ft. Ms. McKenzie stated if the applicant decreased the size of the home then they could build the deck, that’s what they were told. Mr. Soave stated he had a conversation with the Building Official and if they were to go back to the drawing board and start a whole new plan and make the house smaller there is a 2700 plus minimum, they are pretty close. Ms. Pearsall explained that a variance is land based and a practical difficulty goes with the land. Ms. Pearsall continued because the applicant knew the lot was irregular when he bought the land it does not constitute a practical difficulty. Mr. Soave stated that they had not been using lot coverage on decks until recently. Ms. Pearsall stated yes they have, it has been an ordinance for at least two years. Mr. Weinburger stated that because of the lot size the applicant is self-imposing this, they have plenty of room to build a nice home, smaller maybe so they can get a deck on it. It is not that irregular shaped. Ms. McKenzie stated that the applicant told her he was taking the deck off and when she wrote the compliance letter she wrote that it was for the home only.

Ms. Pearsall stated the fact that the lot is irregular is not a practical difficulty.

Mr. Soave stated that their home is compatible in design and he was told by Ms. McKenzie after getting the review back from the first time, that this was a perfect scenario to go to the ZBA and felt there was a practical difficulty and a hardship there. Ms. McKenzie stated no.

Mr. Weinburger opened the public hearing at 7:45 p.m.

**Bob Moran, 10787 Sparkling Waters Court** – Mr. Moran stated that he does not support the request for the variance, there is not a practical difficulty associated with the
The applicant knew the irregularity of the lot when he purchased it. The developer developed all of these lots so he could maximize financial gain. There are differences elsewhere in Hidden Lake because the developer did not follow his own Master Deed Guidelines in some cases. This case is clear cut; the house is oversized for the lot and in terms of the terrace/deck/patio it is a structure and should be counted as part of the structure of the house.

**Earl LaFave, 10795 Silver Lake Road** – He stated that he is here on behalf of the developing company. When the applicant submitted plans he was made aware that the home would need to be downsized. The definition of decks has been debated back and forth. Now the decks are considered part of the calculation. There is no way a one story building will fit on this lot. It is one of the smallest lots in Hidden Lake. It does require a transition from the upper level to the lower level and many were built before the change was made. The applicant complies with all of the setbacks. He stated if the applicant would consider a wooden deck he would approve it. Ms. McKenzie stated a wooden deck is still included in the calculation of lot coverage.

**David Compo** – He owns lot 211 and his concern is the code change. He felt a wooden deck would allow a better view from his property and the concrete would block the view to him selling lot 211. He felt the rules have been inconsistent at best. He would be inclined to grant the variance if it was a wooden deck.

Mr. Weinburger closed the public hearing at 7:54 p.m.

Mr. Soave stated he would be open to doing a wood or composite deck if he was granted a variance. Mr. Weinburger stated it is lot coverage and even with a wooden deck it would be over. He hasn’t heard any practical difficulty.

Ms. Pearsall explained that a variance goes with the land. Mr. Soave stated he felt it would be good for the Township and the community. Ms. Pearsall stated the law says you cannot have more than 30% lot coverage, the aesthetics of the home are not going to be there forever; it’s a land issue.

Ms. McKenzie explained in 2013 the ordinance changed regarding lot coverage. They took out impervious surface and added lot coverage instead.

**Motion by Pearsall, second by Tuthill**
To deny the request to increase the maximum lot coverage in ZBA Case 11-2015 Parcel #4716-16-406-210, Hidden Lake Estates Unit 210, 10477 Morning Light Court, South Lyon, MI 48178. There are no exceptional or extraordinary circumstances or conditions applicable to the property in the same district or zone. Such 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 would be detrimental to the existing area.

**Roll Call Vote:**
- **Ayes:** Unanimous
- **Nays:** None
MOTION APPROVED

NEW BUSINESS - None

OLD BUSINESS - None

APPROVAL OF THE Meeting Minutes

Motion by Sellis, second by Pearsall
To approve the minutes of July 21, 2015 as presented.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

CORRESPONDENCE - None

CALL TO THE PUBLIC

ADJOURNMENT

The Zoning Board of Appeals meeting was adjourned at 8:03 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto

Recording Secretary