AGENDA

Regular Meeting
Tuesday, March 22, 2016
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 2-23-2016 meeting, ZBA Case 04-2016, Parcel # 4716-11-200-018, Located at 12591 Emerson Drive, Brighton MI 48116. Request two variances from Section 38-136. Schedule of Area Height and Setback Regulations for side and rear yard setbacks. The rear yard variance request of 65’ and side yard variance request of 25’. A 4’ high chain link fence will be placed at the buffer limit to clearly delineate the product storage area.

   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 06-2016, Parcel # 4716-32-200-024, Located at 10430 Rosaltha Dr., Whitmore Lake, MI 48189. Request two variances from Section 38-1 to allow a detached accessory structure on a vacant parcel and Section 38-171, to allow the square footage to exceed 50%.

   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
9. Approval of February 23, 2016 Meeting Minutes
10. Correspondence

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

12. Adjournment

Posted March 4, 2016
Case Number: ZBA-04-2016
Date of Application: 1/22/2016
Hearing Date: February 23, 2016 tabled, March 22, 2016
Applicant: Tom Neibauer, Unilock Michigan Inc.
Property ID: 4716-11-200-018
Property Address: 12591 Emerson Dr. Brighton MI 48116
Applicable Provisions of the Zoning Ordinance: 38-136

Sec. 38-136. Schedule of area, height, and setback regulations.

The applicant is requesting two variances from Section 38-136. The first variance request is for the side yard setback of 25 feet leaving a 10 foot buffer between the adjoining properties. This variance would allow the applicant the ability to place storage material within the twenty five feet. The second variance request is for the rear yard setback of 65 feet with a ten foot buffer. This variance would allow the applicant the ability to place outdoor storage material within the 65 feet. Unilock would use these areas for storing outdoor block paving material.

The site has been historically used for manufacturing or processing concrete blocks and brick material.

The proposed outdoor storage area will be located in the rear of the property, and will extend to the side property lines.

The surrounding area is zoned Public Land and is heavily wooded.

Notices: Notice of public hearing sent to the applicant, February 7, 2016

Report Prepared By: Debra McKenzie

Description of Property: This parcel is in section 11, the subject site is approximately 11.7 acres in size, and is zoned General Industrial (GI).

CASE FILE DOCUMENTS:

1.1 Site Plan
1.2 Aerial

Written Correspondence and Documentation
2.0 Completed application form
2.1 Letter of application with attachments
2.2 Proof of ownership
2.3 Notice of Public Hearing
2.4 Certificate of publication
ZONING BOARD OF APPEALS VARIANCE PLAN

The fence will be 10 feet from property line to create buffer and setbacks. Request a variance and setback.
February 29, 2016

Ms. Debra McKenzie, Planning and Zoning Administrator
Green Oak Charter Township
10001 Silver Lake Road
Brighton, MI 48116-8361

Re: Zoning Board of Appeals

Dear Ms. McKenzie,

Pursuant to the discussion that took place at our ZBA hearing on February 23, 2016 at the Township Hall we respectfully request modification of our variance request to allow for a 10’ buffer at the rear and side portions of the property where the product storage occurs.

This will result in a rear yard variance request of 65’ instead of 75’ and side yard variance request of 25’ instead of 35’ as indicated in our original application and as advertised for the ZBA meeting. A 4’ high chain link fence will be placed at the buffer limit to clearly delineate the product storage area.

It is our understanding that because we are now requesting a lesser variance than the original application that our initial submittal and public hearing will be valid for this modified request.

If you have any questions please feel free to contact me. Thank you for your assistance in this critical matter.

Respectfully submitted,

[Signature]

Tom Niebauer, Unilock of Michigan, Inc.
General Manager

15-247zba
NOTICE OF PUBLIC HEARING

PLEASE BE NOTIFIED THAT THE GREEN OAK CHARTER TOWNSHIP ZONING BOARD OF APPEALS WILL HOLD A PUBLIC HEARING ON FEBRUARY 23, 2016 AT 7:00 P.M. AT THE GREEN OAK CHARTER TOWNSHIP HALL, 10001 SILVER LAKE ROAD, BRIGHTON, MI for the purpose of hearing the following variance request.

ZBA Case 04-2016, Parcel # 4716-11-200-018, Located at 12591 Emerson Drive, Brighton MI 48116. Request two variances from Section 38-136. Schedule of Area Height and Setback Regulations for side and rear yard setbacks.

ZBA Case 05-2016, Parcel # 4716-22-301-248, Located at 9276 Silverside Dr., South Lyon, MI 48178. Request two variances from Section 38-136. Schedule of Area Height and Setback Regulations for waterfront and front yard setbacks.

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, February 23, 2016

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:
February 7, 2016 & Published February 7, 2016
NOTICE OF POSTING

Please be notified that Green Oak Charter Township Zoning Board of Appeals will hold a public hearing on February 23, 2016 at 10001 Silver Lake Road, Brighton MI at 7:00 p.m. for the purpose of hearing the following variance request:
ZBA Case 04-2016, Parcel # 4716-11-200-018, Located at 12591 Emerson Drive, Brighton MI 48116. Request two variances from Section 38-136, Schedule of Area Height and Setback Regulations for side and rear yard setbacks. ZBA Case 05-2016, Parcel # 4716-22-301-248, Located at 9276 Silverside Dr, South Lyon, MI 48178. Request two variances from Section 38-136, Schedule of Area Height and Setback Regulations for waterfront and front yard setbacks.
Information is posted at the following locations and on greencoktp.com.
9364 Whitmore Lake Road, Brighton, MI, 11411 Grand River, Brighton, MI, 9853 Rushton Road, South Lyon, MI, 9865 Fieldcrest, Brighton, MI, 10001 Silver Lake Road, Brighton, MI

(02-07-2016 DAILY 270681)
INSTRUCTIONS:

Prior to any appeal being filed with the Green Oak Charter Township Zoning Board of Appeals (ZBA), an applicant must have first applied for a building permit from the Green Oak Charter Township Building Department. The building permit must have had an administrative review conducted by a designated Building and Zoning Official and subsequently be denied if it is to be later considered by the Zoning Board of Appeals. This denial must be obtained in writing and copies submitted with the appeal application form, in no event should the denial letter be older than 30 days after the date of the decision from which the appeal is taken. The ZBA appeal application costs are not refundable.

If an appeal is filed with the ZBA, the following application form and a site layout must be completed. **ELEVEN COPIES** of the application, site layout and any additional pages or documents that the applicant desires the ZBA to consider must be provided prior to the application form being accepted by the Zoning Administrator. All appeals must be filed by **noon the third Wednesday** (one month prior) to the scheduled meeting date, in order to be considered for that month's meeting. There is a limit of five cases per monthly agenda, and applications are taken in order of submission. If more than five applications are received, the additional applications will be scheduled for the following meeting. The applicant or authorized representative must appear in person on their scheduled date. If an authorized representative is designated, the applicant must designate their authority in writing prior to the ZBA hearing being conducted. All costs exceeding the application fee are the responsibility of the applicant and must be paid in full prior to any building permits being issued.

All property owners and occupants within 300 feet of the petitioner's property will be notified by first class mail not less than 15 days prior to the public hearing.

While there is not a prescribed method to a presentation to the ZBA, the applicant should be prepared to provide all available proofs, documents, evidence, etcetera to support their request for a variance at the time of the
hearing. Witnesses and/or any other tangible evidence to support the validity of
the request for variance will be accepted and considered by the ZBA.

Applicant Information
Name: Tom Niebauer - Unilock, Michigan, Inc.
Address: 12591 Emerson Dr
City/State/Zip: Brighton, MI 48116
Phone: 248-437-7037 Fax: 248-437-4619
E-Mail: Tom.Niebauer@uniLock.com

Property Owner Information
Name: Same as applicant
Address: _____________________________
City/State/Zip: _____________________________
Phone: __________________ Fax: __________________
E-Mail: _____________________________

Location of Property for which the variance requested
Address 12591 Emerson Drive, Brighton, Mi
Cross Streets Emerson Drive / Kenworthy Road
Tax Identification #: 017-11-200-018
Zoning District: General Industrial (G-I)
Lot Size/Acreage: 16.7 Acres
Current Use: Manufacturing and Product Storage

Variance Request
75' Rear Yard Setback
35' Side Yard Setback

Total Number of Variances Requested
Two

List the applicable Code Section Name, Section Number, and Subsection to be
considered by the ZBA. Sec. 33-136
This information is contained in the Green Oak Charter Township Zoning Code Book
Schedule of area, density, and setback regulations
for both side and rear yard

Describe Request
The request is for the two variances listed above in order to continue UniLock
business operations as they historically have been conducted in regard to material storage.
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

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.

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

The condition or situation of the specific piece of property, or the intended use of such property, for which the variance is sought is not of so general or recurrent a nature
You must provide the following information as part of your application:

1) Site Plan layout drawn to scale, which details the following:
   - Show all adjoining property setbacks and structures
   - Show existing and proposed setbacks from road right-of-ways
   - Show existing and proposed structures
   - Show required and existing setbacks by noting it on the site plan
   - Show NORTH arrow

2) Photographs of property in relation to roads and existing structures, when appropriate, to properly depict the reason for the appeal.

3) Written denial from the Planning and Zoning Administrator denying a building permit for this original request. *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

Date: 1-15-16

Signature of Owner, if different

Date: 1-15-16
1. What is 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.

Since 1989, Unilock has consistently utilized the full and total storage capacity of our site for material and product inventory. Over the past 26 years, we have been unaware of any required Green Belt or set back requirements for the site. Aerial photos show an absence of Green Belts or set backs on our neighboring industrial sites as well. In 2015, Unilock invested over $6million in our location for additional production building space and new production equipment. This project required full site plan review and it was approved without any discussion or noted requirement of a 75 foot Green Belt or set back. Had a Green Belt or set back been required in 2015, our business expansion plan would have required us to seek a variance at that time. Our business plan simply does not allow us to invest $6million to expand plant production and at the same time lose an acre of product storage capacity. The setback will critically inhibit our ability to produce and store adequate product to meet market requirements. Additionally, without a variance, we will not be able to move forward on the 2016 site improvements to replace the existing gravel surface in the storage areas with advanced materials that will reduce the site storm water runoff and significantly reduce dust in the storage areas. These improvements would benefit our employees, customers, industrial park neighbors and Green Oak Township’s environment.

2. 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.
This variance is necessary to allow Unilock to operate this site in the same historic manner we have since 1989. The 2015 investment and production expansion requires that we maintain our current total site storage capacity to enable us to maintain our current business production levels, 47 current high paying jobs and the additional 10 new jobs created as a result of our 2015 expansion. As noted in the previous question, the lack of a 75' rear set back and 35' side setback is consistent with neighboring sites throughout the industrial park and zoning area.

3. 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.

Granting the variance will not be detrimental or injurious to the public welfare or neighboring properties. On the contrary, this variance, if granted will allow Unilock to continue to operate at full production with adequate storage capacity, maintain the 47 current high paying jobs, promoting additional investment in the current site, creating and maintaining a minimum of 10 new high paying jobs at the current location and, providing the 2016 storage lot improvements and investment for storm water runoff and improved dust control. Additionally, we are currently in the first phase of adding a second plant in the Green Oak Township area. The preferred site, under consideration, is a neighboring site to their current location. A second plant in the immediate area will require several million dollars being invested in Green Oak Township, an estimated 15 new high paying jobs created for the second plant and benefitting the community, new investment and improvements in the neighboring industrial property, and a second plant location will increase the overall site storage capacity for raw materials and new product that will allow for more green belt opportunities with future expansions.

4. The granting of such variance will not adversely affect the purpose or objectives of the master plan of the township.
Granting this variance will not affect the objectives of the township master plan because the variance request, if approved, only maintains the status quo in the way outside storage has been allowed on this and neighboring sites for the past 26 years. None of the neighboring sites currently comply with the 75’ setback and if the greenbelt requirement was known during the 2015 expansion project site approval process, Unilock may have altered the proposed expansion or selected another site for the project. Looking forward, if the 2016 project moves forward, Unilock is prepared to provide fencing to reach a practical resolution and meet the objectives of the township master plan. It is critical to maintain most of the storage on the site to meet the immediate needs of production until a second plant is built. As part of this discussion, it is important to consider the condition of the neighboring properties. There are no residential or commercial properties in the area of the Unilock site. The site is bordered by state land and gravel mined/reclaimed properties previously owned by American Aggregate Gravel Company. The sand berms bordering the Unilock site are old gravel pit tailings.

5. 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 nature.

If the specific 75’ greenbelt/setback requirement is applied to the current Unilock site, it sets aside 1 acre of lost product storage area that has been utilized for the previous 26 years and was necessary in supporting the $6million 2015 plant expansion. Loss of this amount of storage would create a major obstacle in meeting the production and storage needs of their current site operation. The seasonal nature of Unilock’s sales requires the plant to produce and inventory product in the off sales season to meet the needs of peak sales months. The company is working on short term and long term storage solutions to satisfy their storage, production, and increasing market sales. Short term they would propose fencing and narrow landscaping to meet the objectives of the master plan and long
term they are actively pursuing the possibility of constructing a second plant on a larger neighboring site that would provide additional storage and production capacity to meet current and future sales projections.
<table>
<thead>
<tr>
<th>Property Number</th>
<th>12951 E 88TH PL</th>
<th>12959 E 88TH PL</th>
<th>12967 E 88TH PL</th>
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<tbody>
<tr>
<td>Owner's Name/Address</td>
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<td>Date of Recording</td>
<td>08/02/2014</td>
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**Note:** Information herein deemed reliable but not guaranteed.
... Information herein deemed reliable but not guaranteed...
Case Number: ZBA-06-2016
Date of Application: 02/26/2016
Hearing Date: March 22, 2016
Applicant: David Csatari
Property ID: 4716-32-200-024
Property Address: Vacant Parcel 4716-32-200-024

Nature of Application: Request a variance from 38-1 to allow an accessory building on a parcel without a principal building on the same lot. 38-1, Accessory building or structure means a supplementary building or structure on the same lot or parcel of land as, and detached from, the principal building or part thereof occupied by or devoted exclusively to any accessory use and to allow the square footage to exceed 50% of current structure that is located on parcel 4716-32-201013.

Applicable Provisions of the Zoning Ordinance:

Sec. 38-1.

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

Notices: Notice of public hearing sent to the applicant, March 6, 2016
Notice of public hearing published in the Livingston County Press and Argus, March 6, 2016.

Report Prepared By: Debra McKenzie
Description of Property:

The applicant requests a building permit to construct a 1024 square foot detached accessory building across the street from the principal building. The subject site is approximately .120 acres in size, and is zoned R1, Single Family. This parcel is in section 32, Whitmore Lake area on the abadoned GTWRR.

<table>
<thead>
<tr>
<th>Ordinance Number: 38-171 Accessory Building, Structure and Uses</th>
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<tr>
<td><strong>Setbacks - Waterfront</strong></td>
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<tr>
<td>Shall not encroach upon waterfront yard setback</td>
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<tr>
<td><strong>Front</strong></td>
</tr>
<tr>
<td><strong>Rear</strong></td>
</tr>
</tbody>
</table>
| **Sides**                                                    | 5 feet
* A detached accessory building or structure to a residential building shall be located no closer than ten feet to any principal building. This shall exclude air conditioning units and electrical generators. | Building side yard setbacks:
North side 5.0 feet
South side 14.0 feet |
| **Number of buildings**                                     | Less than 10 acres are allowed 1 detached accessory building | One accessory building |
| **Building Height**                                          | On lots or parcels with a net lot area of one (1) acre or greater no detached accessory building in an R-1, R-2, R-2A, R-3, RE, NR, or RM district shall exceed one and a half (1 ½) stories or twenty-two (22) feet in height. For lots or parcels with a net lot area less than one (1) acre, accessory buildings shall not exceed fourteen (14) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts. | Under 14 feet in height |
| **Easements**                                                | Shall not be located in or on any utility or private road easement.                             | No easements shown on plan |
| **Building size**                                            | A detached accessory building to a residential building may occupy not more than 25 percent of a required rear yard | The accessory building does not occupy any required yard. |
| and/or 20 percent of any non-required rear yard. On parcels up to and including two (2) acres the accessory building shall not exceed fifty (50%) percent of the gross floor area of the principal building. | No principal building on the same parcel. 1024 sq feet proposed
House on parcel 4716-32-201-013 is 725 square feet. |

**CASE FILE DOCUMENTS:**

1.1 Site Plan
1.2 Aerial

**Written Correspondence and Documentation**

2.0 Completed application form
2.1 Letter of application with attachments
2.2 Proof of ownership
2.3 Notice of Public Hearing
2.4 Certificate of publication
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: 2/26/2016  CASE NUMBER: 060-2016
Office will fill in

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 within 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 application costs are not refundable.

If an appeal is filed with the ZBA, the following application form and a site layout must be completed. ELEVEN COPIES of the application, site layout and any additional pages or documents that the applicant desires the ZBA to consider must be provided prior to the application form being accepted by the Zoning Administrator. All appeals must be filed by noon the third Wednesday (one month prior) to the scheduled meeting date, in order to be considered for that month's meeting. There is a limit of five cases per monthly agenda, and applications are taken in order of submission. If more than five applications are received, the additional applications will be scheduled for the following meeting. The applicant or authorized representative must appear in person on their scheduled date. If an authorized representative is designated, the applicant must designate their authority in writing prior to the ZBA hearing being conducted. All costs exceeding the application fee are the responsibility of the applicant and must be paid in full prior to any building permits being issued.

All property owners and occupants within 300 feet of the petitioner's property will be notified by first class mail not less than 15 days prior to the public hearing.

While there is not a prescribed method to a presentation to the ZBA, the applicant should be prepared to provide all available proofs, documents, evidence, etcetera to support their request for a variance at the time of the
hearing. Witnesses and/or any other tangible evidence to support the validity of the request for variance will be accepted and considered by the ZBA.

Applicant Information
Name: David Csatari
Address: 10430 Rosalith Dr,
City/State/Zip: Whitmore Lake Mi 48189
Phone: 810-923-2566 Fax:
E-Mail dcsatari@msn.com

Property Owner Information
Name: David Csatari
Address: 10430 Rosalith Dr
City/State/Zip: Whitmore Lake Mi 48189
Phone: 810-923-2566 Fax:
E-Mail dcsatari@msn.com

Location of Property for which the variance requested
Address 10430 Rosalith Dr Whitmore Lake Mi 48189
Cross Streets East Shore Dr. and 9 Mile
Tax Identification # Information available from the Green Oak Charter Township Assessing Dept.
Zoning District
Lot Size/Acreage 51.12(w)x 152.35 (d)
Current Use Shed, parking, garden

Variance Request Please see attached #1

Total Number of Variances Requested 2

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

Describe Request Please see attached #2
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

Please see attached # 3

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.

Please see attached # 4

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.

Please see attached # 5

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

Please see attached # 6

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.

Please see attached # 7
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
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   - Show NORTH arrow

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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
Date: 2-25-16

Signature of Owner, if different
Date:
ZONING BOARD OF APPEALS

David Csatari
10430 Rosaltha Dr.
Whitmore Lk. Ml 48189

Criteria for a Dimensional Variance

1. Variance Request
Construct new garage which exceeds specifications of square footage due to square footage of current home on property. Also, requesting to build garage on vacant parcel.

2. Describe Request
Requesting to build new garage with square footage of 1,024. Within one month following construction of garage current house will be torn down and new home of 2,160 square ft. will be built which will meet the square footage requirements. The new home meets all setback requirements. Also, because our two parcels are on opposite sides of Rosaltha Dr. and can not be put into one parcel we are requesting a Deed Restrictant. We request the Deed Restrictant state that if sold, the house and garage must be sold together.

3.
In December of 2015 we sold our home in Brighton to make our primary residence at Whitmore Lake. To live fulltime at this residence it is necessary to build a new home due to inadequate living conditions. We are temporarily staying at a relatives house and have stored all our belongings in our home on Rosaltha Dr. We need to build the garage first so that we can then store the contents of the home in the garage while we build the new home. The construction of the new home will begin immediately following the completion of the garage. Also, it is beyond our control and a hardship that because of Rosaltha Dr. we are unable to combine our two parcels into one. This prevents us from building on this second parcel.

4.
Other residents of Rosaltha Dr. have built a garage larger than there home prior to remodeling their home to meet square footage requirements. Also, other residents of Rosaltha Dr. have constructed garages on the same side of the street that we are requesting.

5.
Building a new garage and immediately after a new home on Whitmore Lake will immeasurably enhance Rosaltha Dr. as well as Green Oak Township. Residents on Rosaltha Dr. are in agreement with the new construction of a garage and house.

6.
Approval of both variances will not adversely affect the purpose or objectives of the master plan of the township. We are only seeking to improve our property and the community.

7.
No
NOTICE OF PUBLIC HEARING

PLEASE BE NOTIFIED THAT THE GREEN OAK CHARTER TOWNSHIP ZONING BOARD OF APPEALS WILL HOLD A PUBLIC HEARING ON MARCH 22, 2016 AT 7:00 P.M. AT THE GREEN OAK CHARTER TOWNSHIP HALL, 10001 SILVER LAKE ROAD, BRIGHTON, MI for the purpose of hearing the following variance request.

ZBA Case 04-2016, Parcel # 4716-11-200-018, Located at 12591 Emerson Drive, Brighton M 48116. Request two variances from Section 38-136. Schedule of Area Height and Setback Regulations for side and rear yard setbacks. Case was tabled on February 23, 2016.

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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, March 22, 2016

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:
March 6, 2016 & Published March 6, 2016
NOTICE OF POSTING

Please be notified that Green Oak Charter Township Zoning Board of Appeals will hold a public hearing on March 22, 2016 at 10001 Silver Lake Road, Brighton MI at 7:00 p.m. for the purpose of hearing the following variance request: ZBA Case 04-2010, Parcel # 4716-11-200-018, Located at 12591 Emerson Drive, Brighton MI 48116. Request two variances from Section 38-136 case was tabled on February 23, 2016. ZBA Case 06-2016, Parcel # 4716-32-200-024, Located at 10430 Rosaltha Dr., Whitmore Lake, MI 48189. Request two variances from Section 38-1 to allow a detached accessory structure on a vacant parcel and Section 38-171, to allow the square footage to exceed 50%.

Information is posted at the following locations and on greenoaktwp.com. 9384 Whitmore Lake Road, Brighton, MI, 11411 Grand River, Brighton, MI, 9863 Rushton Road, South Lyon, MI, 8965 Fieldcrest, Brighton, MI, 10001 Silver Lake Road, Brighton, MI
Parcel Number: 4716-32-200-024
Jurisdiction: GREEN OAK TOWNSHIP
County: LIVINGSTON
Printed on 03/15/2016

Grantor
Grantee
Sale Price
Sale Date
Inst. Type
Terms of Sale
Liber & Page
Verified By
Pront. Trans.

Property Address
Class: RESIDENTIAL-VACAN
Zoning: R1
Building Permit(s)
Date
Number
Status

GTWRR
School: WHITMORE LAKE
P.R.E. 100% 12/03/2015

Owner's Name/Address
GQATARI, DAVID
8534 HEATHERSETT
BRIGHTON MI 48114

DBA:

Tax Description
SEC 32 TIN R6E ABANDONED GTWRR BEG ON THE
S LN OF GTWRR 345.37 FT W'LY AND 22.19 FT
N OF LOT 4 GROGUES SECOND SUB, TH W'LY
51.12 FT, TH N'LY 102.25 FT, TH E'LY
51.12 FT, TH S'LY 102.25 FT TO PCB SPLIT
11/90 FROM 100-077

Comments/Influences

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*** Information herein deemed reliable but not guaranteed***
Parcel Number: 4716-32-201-013  
Jurisdiction: GREEN OAK TOWNSHIP  
County: LIVINGSTON  
Printed on 03/15/2016

<table>
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<th>Sale Price</th>
<th>Sale Date</th>
<th>Inst. Type</th>
<th>Terms of Sale</th>
<th>Liber &amp; Page</th>
<th>Verified By</th>
<th>Prctn. Trans.</th>
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</thead>
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**Property Address**  
10430 ROSALTHA DR

**Class:** RESIDENTIAL-IMPRO  
**Zoning:** R1  
**Building Permit(s):** Date Number Status

**Owner's Name/Address**  
GOATARI, DAVID  
8534 HEATHERSETT  
BRIGHTON MI 48114

**DBA:**

**Tax Description**  
SEC 32 TIN R6E GROMES SECOND SUB LOT 13

**Comments/Influences**

![Image of a house and a tree]

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**2016 Est TCV Tentative**

**Land Value Estimates for Land Table 032WL.032WL.WHITMORE LAKE LAND**

<table>
<thead>
<tr>
<th>Public Improvements</th>
<th>Land Value Factors</th>
<th>Description</th>
<th>Frontage Depth</th>
<th>Front Depth</th>
<th>Rate % Adj. Reason</th>
<th>Value</th>
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<tbody>
<tr>
<td>X Improved</td>
<td></td>
<td>$2025 PER FF</td>
<td>50.00</td>
<td>86.00</td>
<td>1.0466 0.9633</td>
<td>100</td>
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<tr>
<td>Vacant</td>
<td></td>
<td>50 Actual Front Feet, 0.10 Total Acres</td>
<td>Total Est. Land Value</td>
<td>102,082</td>
<td></td>
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**Topography of Site**

<table>
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<tr>
<th>X Level</th>
<th>Rolling</th>
<th>Low</th>
<th>High</th>
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<tbody>
<tr>
<td>X</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>X Watershed</th>
<th>Swamp</th>
<th>Wooded</th>
<th>Pond</th>
<th>Waterfront</th>
<th>Ravine</th>
<th>Wetland</th>
<th>Flood Plain</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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**Year**

<table>
<thead>
<tr>
<th>Year</th>
<th>Land Value</th>
<th>Building Value</th>
<th>Assessed Value</th>
<th>Board of Review</th>
<th>Tribunal/Other</th>
<th>Taxable Value</th>
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<tr>
<td>2016</td>
<td>Tentative</td>
<td>Tentative</td>
<td>Tentative</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>2015</td>
<td>$11,000</td>
<td>$22,200</td>
<td>$73,200</td>
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<td>$20,700</td>
<td>$71,700</td>
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<td>$71,500</td>
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<td>$43,257C</td>
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</tbody>
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*** Information herein deemed reliable but not guaranteed***

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The Equalizer. Copyright (c) 1999 - 2009.  
Licensed To: Township of Green Oak, County of Livingston, Michigan
### Residential Building

**Building Type:** Single Family

**Roof:** Gambrel

**Condition for Age:** Average

**Exterior:** Metal Sash

**Windows:** Double Hung

**Roof:** Double Hung

**Insulation:** R-19

**Foundation:** Concrete Slab

**Heating/Cooling:** Electric Baseboard

**Fireplaces:** None

**Built-ins:** None

**Forches/Decks:** None

**Garage:** None

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**Stories:** 1

**Foundation:** Slab

**Exterior Siding:** Vinyl Siding

**Basement:** Crawl Space

**Other Additions/Adjustments:** 1025.00

**Water/Sewer:** 250.00

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**Appliance Allow:**
- Cook Top
- Dishwasher
- Garbage Disposal
- Bath Heater
- Vent Fan
- Hot Tub
- Unvented Hood
- Intercom
- Jacuzzi Tub
- Jacuzzi Repl. Tub
- Oven
- Microwave

**Siding:** Brick

**Gutters:** None

**Roof:** Metal

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**Estimates:**
- Total Base Cost: $40,833
- Total Base New: $60,841
- Total Depr Cost: $41,372
- Estimated T.C.V.: $46,608

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**Note:** Information herein deemed reliable but not guaranteed.
Green Oak Charter Township
Zoning Board of Appeals
Special Meeting Minutes
February 23, 2016

Roll Call: Wendy Hoover
Sarah Pearsall
Deborah Sellis
Deborah Yu, Alternate
Joe Weinburger

Absent: Jim Tuthill

Guests: 16

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 04-2016, Parcel #4716-11-200-018, Located at 12591 Emerson Drive, Brighton, MI 48116. Request two variances from Section 38-136. Schedule of Area Height and Setback Regulations for side and rear yard setbacks.

Representing ZBA Case 04-2016: Thomas Neibauer, Unilock
Brent LeVanway, Boss Engineering

Mr. LeVanway explained they are requesting a variance from Section 38-136. In the schedule of regulations it speaks to a rear yard setback of 75 feet and side yard setback of 35’. They came in last fall on behalf of Unilock for an office addition. Through the course of the site plan review it was pointed out that there is outdoor storage within the side and rear yard setbacks. They are requesting the variance on the setbacks to permit the outdoor storage to continue as it has since Unilock came to Green Oak in 1989. Unilock has invested a large amount in the Township including a 6 million dollar investment with the recent addition to the plant.

The removal of the outdoor storage would make the addition non usable. The outdoor storage capacity is required due to seasonal operations, the product can only be sold during the summer months but the production is done in the winter. Mr. Neibauer stated
that they sell more than they can make so taking away the yard space would be very
detrimental to what they have to do.

Ms. Hoover stated that she noticed the storage is encroaching on the State park land.
Mr. Neibauer stated yes and that has happened over the past 25 years, it has been
addressed by moving it, grading the area and seeding it last fall. Mr. LeVanway stated
that they have proposed a chain link fence along the property line to prevent any
encroachment.

Mr. Weinburger stated that the applicant must supply parking. Mr. LeVanway stated
that there is parking along the side and the parking calculations will be clarified for the
employees. They will maintain the parking adjacent to the proposed office addition.

Ms. Pearsall stated that they also need the 75’ to put the green belt? Mr. LeVanway
stated the expectation is that the area will be storage. Ms. Pearsall stated a greenbelt
would be part of that. Mr. Neibauer stated that they have never had a setback they
have used the full scope of the property since 1989 and they back up to the State land.
Ms. Pearsall stated that a fence is not green space. Mr. Neibauer stated they are
saying they are not doing the greenbelt.

Ms. Sellis questioned the practical difficulty. Mr. Neibauer stated they sell more than
they can produce. They produce 9 months out of the year. There is not a lot of
landscaping going on now. At a certain point they would not have enough product to
sell, the storage is needed, their storage capacity is about 2.4 million square feet in
storage and the turn that about 4 times a year. The storage aspect is very challenging,
they have always operated with that space.

Mr. Weinburger opened the public hearing at 7:20 p.m.

Bob Moran, 10877 Sparkling Waters Court—Mr. Moran explained he is the Chair of
the Planning Commission. He stated the Planning Commission does not take their
interpretation of the Zoning Ordinance lightly and they don’t typically send things to the
ZBA for a ruling. In this case, this operation is one of the primary industries within
Green Oak Township. The principal reason they are there is to put a screening in
between an activity and the people that would typically see that. In this situation when
there is nothing that separates the State land from this activity and they have operated
for years in this manner. The applicant wants a reduction of the 75’ to 35’ they are not
planning to use the reduced setback of 35’ to continue to use as storage, there will be a
greenbelt but smaller than 75’. The Planning Commission did approve it with the
condition the applicant came to the ZBA.

Mr. Weinburger closed the public hearing at 7:23 p.m.

Mr. LeVanway proposed planting evergreen plantings every 50’ feet for a 10’ foot
greenbelt around the perimeter. He proposed a 10’ greenbelt buffer for the rear and
side setbacks which would reduce the variance request to 65’ in the rear and 25’ on the
side.
Motion by Pearsall, second by Sellis
To table 04-2016, Parcel #4716-11-200-018, Located at 12591 Emerson
Drive, Brighton, MI 48116 to the next meeting based on a change in the
request.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

2. ZBA Case 05-2016, Parcel #4716-22-301-248, located at 9276 Silverside Dr.,
South Lyon, Michigan 48178. Request two variances from section 38-136,
of 25.2 feet from the waterfront setback leaving the setback at 14 feet 10
inches from the water’s edge, 16 feet from rear yard setback leaving 24 feet
from the property line. These variances would allow a new home using
portions of the existing footprint.

Representing ZBA Case 05-2016: Bernard Ely, 13908 Eaton Dr. Plymouth Mi

Mr. Ely explained he purchased the property at 9276 Silverside this past summer. He
also bought the property next door to him. There are two buildings there now but there
will be one, he got permits to tear down one of the garages which was right on the lot
line and then there is another garage 3’ away from the first one also on the lot line. He
will tear that down this summer. He would also like to put up a retaining wall because
one end of the property is 11’ high and it goes down to 9’ where the garages are.
Everyone parks on the street so the cars are on the right of way, there have always
been a number of cars and that will be eliminated. The visibility is better for the property
since he removed a two trees. The variance is to go back to where the house was
existing at the street and it’s in the same line. The practical difficulty is the lot size, the
setbacks would be 40’ and 40’ so there is not enough width.

Mr. Weinburger opened the public hearing at 7:39 p.m.

Resident, 9253 Silverside Drive – She didn’t understand what “the middle” meant.
Ms. McKenzie explained the structure was torn down and the 2nd structure is currently in
the proximity of the old house but not in the exact footprint. She is concerned with the
environmental affects and questioned how the applicant will prevent any runoff into the
lake from a structure that is so close to the lake.

Larry Marshall, 12099 Pine Brook Lane – He questioned the existing structure. The
applicant will be increasing the variance with the existing structure that is still standing.
He will be moving the garages off the road within 14’ of the lake and having a boat
launch there would be a concern about materials coming from the garage and running
into the lake.

Mr. Weinburger closed the public hearing at 7:44 p.m.
Ms. Hoover asked how the applicant can contain any spills. Mr. Ely stated he has two brand new cars and he won’t get any oil spills in the garage.

Motion by Pearsall, second by Sellis
To approve ZBA Case 05-2016, Parcel #4716-22-301-248, located at 9276 Silverside Dr. South Lyon, MI. 48178. The request is for two variances from section 38-136, of 25.2 feet from the waterfront setback leaving the setback at 14 feet 10 inches from the water’s edge, 16 feet from rear yard setback leaving 24 feet from the property line. Also, this is based on decreasing some of the variance by two feet. There are exceptional and extraordinary circumstances and conditions applicable to the property that do not generally apply to other properties. The variance will allow the applicant to conform to the existing building. The variance is necessary for the preservation and enjoyment of the substantial property right possessed by others in the same district and is a condition or situation of general or reoccurring nature in the area for the following reasons: its waterfront property and on non-conforming lots.

Roll call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

NEW BUSINESS – None

OLD BUSINESS - None

APPROVAL OF THE Meeting Minutes

Motion by Pearsall, second by Hoover
To approve the minutes of January 19, 2015 as presented.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

CORRESPONDENCE – None

CALL TO THE PUBLIC

Mike Dillon, 9338 Silverside – He explained he sat on the Zoning Board before. He questioned that the last applicant used the secondary property where the house was, the structure was gone when he bought the property so wouldn’t the grandfathering go away. Ms. McKenzie stated that it is not being built on the exact footprint and he got a brand new variance.
Sally, 9271 Silverside Dr. – She would like to know what the rule is, she lives across
the street and she had a feeling there would be a parking issue. Ms. McKenzie stated
that parking is allowed in the road right of way. The resident asked if it is true that he
got approval from the DEQ for a boat launch? Ms. McKenzie stated yes.

Debra, 9247 Silverside Dr. - She stated the Board was worried about a 35’ greenbelt in the
first case but they allowed the 2nd applicant to put up a garage 14’ from the lake front.
Cement is porous, and he will fertilize his lawn, we’ve spent a lot of time and money to
keep the lake clean, they don’t know what will happen. It seemed to her that the time
was quick and it seemed like their minds were already made up she thought it was
really rushed. She felt there could be a real problem.

Ann Valley, 9300 Silverside Dr. – She agreed that the decision was already made, she
was shocked how quickly it was passed. She thought it was too close to the lake and
she is concerned about the parking situation. She lives next door where Doane Road
meets Silverside and there have been so many accidents. There should have been
more consideration.

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

ADJOURNMENT

The Zoning Board of Appeals meeting was adjourned at 7:58 p.m. due to no further
business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto

Recording Secretary