AGENDA

Regular Meeting New Business
Tuesday, September 18, 2018 Old Business
7:00 p.m. Approval of July 17, 2018 Meeting Minutes

1. Call to Order

2. The Pledge to the Flag

3. Roll Call of the Board

4. Approval of the Agenda

5. ZBA Case 03-2018, Parcel # 4716-24-403-001, Located at 13781 Monarch Dr., South Lyon MI 48178. Request a variance from Section 38-136 rear yard setback to reduce the minimum required 45 feet rear yard setback to 35 feet, to install a sunroom on the rear of the property.
   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 06-2018, Parcel # 4716-05-101-043, Located at 6051 Aldine Dr., Brighton MI 48116. Request a variance from Section 38-136 side yard setback. The applicant is requesting to reduce the minimum required 10-foot side yard setback to 5 feet, to allow for a 20’ x 20 attached garage.
   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

August 31, 2018

ZONING BOARD OF APPEALS
Joe Weinburger, Chairperson
Sarah Pearsall, Vice Chairperson
James Yuill ,

Dan Rainko, Twp. Board Rep.
Steven Showerman, Member

10001 Silver Lake Road, Brighton, Michigan 48116-8361 (810) 231-1333 Fax (810) 231-5080
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 Report

Case Number: ZBA-03-2018
Date of Application: May 25, 2018
Hearing Date: July 17, 2018
Applicant: Mark Wolfe
Property ID: 4716-24-403-001
Property Address: 13781 Monarch Dr., South Lyon MI 48178
Action Requested: Variance from 38-136 Rear Yard Setback
Nature of Application: Request a variance from Section 38-136
Zoning District: R-2 Single Family Residential

PROJECT AND SITE DESCRIPTION

On May 25, 2018 the applicant applied for a building permit to construct an addition one story 12’ x 20’ (240 SF) three season patio enclosure on the rear of the existing single family residential unit. The property was developed as R-2 Single family residential in 1996. The subject property is approximately 21,750 square feet in size with 149.11 feet of frontage along Monarch Dr, South Lyon, MI 48178. The property meets the minimum requirements for the development. The applicant is requesting a rear yard setback variance to allow the construction of the 12’ x 20’ (240 SF) three season 35’ feet from the rear property line; a minimum rear yard setback of 45’ feet is required for residential structures in the R-2, Single-Family Residential District.

Aerial Image of Subject Site and Vicinity
The applicant is requesting one variance from Section 38-136 a rear yard setback of 35' feet instead of the required 45' feet.

The surrounding properties are predominately single-family dwellings.

The subject property, Lot 1, was created as part of the fourteen lots within Floros Farms subdivision in 1996. As shown on the site plan, Lot 1 is approximately 21,750 square feet in size, and the maximum buildable area permitted under R-2 zoning is 30% of the site. The dwelling is currently considered to be a legal-conforming building. The intent of the rear yard setback requirements is to allow adequate space between structures on
neighboring properties. The reduction in setbacks would not impact site coverage. Without the approval of the requested setback variance, construction of the new three season room as designed will not be possible.

VARIANCE CONSIDERATIONS

The Zoning Board of Appeals shall have the authority to authorize site variation or modification of the provisions of the Zoning Ordinance, with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Zoning Ordinance, and so that public safety and welfare will be secured and substantial justice done, where, owing to special conditions, a literal enforcement of the provisions of the Zoning Ordinance would involve practical difficulties or unnecessary hardship.

According to the Zoning Ordinance, no such variance or modification of the provisions of the Zoning Ordinance shall be granted unless it appears that, at a minimum, all the facts and conditions listed in Section 38-95. of the Zoning Ordinance exist.

a. Are there 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. (including the land or a structure or building thereon) rather than the individual situation or desire of the applicant or property owner. In other words, the problem or exception or extraordinary circumstances or conditions must be inherent in the land, structure, or building involved.

The property is zoned R2 – Single Family Residential and is of sufficient size for residential development. The subject site is not uniform in shape. The parcel has a narrow depth. Many of the other parcels of the Floros Farms Subdivision that was created in 1996 have much deeper lots. Other properties in the district have been developed for single family residential uses.

B. The variance must be necessary for the preservation and enjoyment of a substantial property right which is similar to that possessed by other properties in the same zoning district and vicinity. (NOTE— a possible increased financial return shall not, of itself, be deemed sufficient to warrant a variance.)

As stated in the applicant’s application and site plan, the site is constrained by the irregular shape.

C. Would granting of such variance or modification 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 setback requirements for residential land were established to protect those residential uses. The proposed sunroom addition would be located 35 feet from the property line. The adjacent property is owned by the Windcrest Homeowners Association open space. Staff defines the public interest to be the welfare or well-being of the public. Staff finds no evidence that the placement of the structure 35 feet from the property line would create conditions that conflict with the welfare or well-being of the public. The variance does not appear to create material injury or unsafe conditions to adjacent property owners or deprive them from the use of their property.

D. Does the granting of the variances adversely impact the objectives of the Master Plan.

The variance does not adversely impact the objective of the Master Plan.

E. Is the condition or situation of the specific piece of property, or the intended use of such property, for which the variance is sought is of so a general or recurrent nature.

The conditions are related to the placement of the existing structure on the lot. The use is currently single family residential, the proposed project will not change the use of the property.

F. The ZBA must also find that the applicant has practical difficulty complying with the Ordinance provision or provisions at issue.

The applicant is unable to place the attached sunroom structure elsewhere on the property because of existing conditions. The shape of the lot interferes with the placement of the sunroom.

RECOMMENDATIONS

Staff recommends the ZBA open the public hearing, take testimony, close the public hearing, evaluate the proposal for conformance with the applicable regulations, and deny or approve the application or table the application. In the motion to deny or approve the project the ZBA should incorporate the ZBA’s discussion and analysis of the project and the findings in the staff report.

Staff recommends that the Zoning Board evaluate the applicant’s requests based on the considerations in Section 38-95. of the Zoning Ordinance, listed above.

If the Zoning Board cannot find in favor of the applicant for each of the consideration listed in the Zoning Ordinance the Board should deny the request.

If the Zoning Board of Appeals determines the requested variance is not justified, the following facts and conclusions can be used as a basis of that decision.
There are no exceptional or extraordinary circumstances or conditions applicable to the applicants site that does not apply generally to sites in the same zoning district. The minimum lot size for property located in the R-2 (Residential, Single-Family,) zoning district is 21,750 square feet. The subject site's lot size is approximately 21,750 square feet. The minimum lot width for R-2 zone lot is 125 feet. The subject lot width is 149 feet. The subject property is very irregular in shape and complies with minimum lot size and lot width requirements.

Granting the application is not necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship. There are design alternatives that would afford the property owner an addition. The fact that a sunroom could not be physically located on the property does not deprive the property owner the right to develop the land as permitted.

The granting of the variance would be detrimental to the public welfare and injurious to other properties in the area. The setbacks were established to protect those in residential uses. The site is in the R-2 Zoning District Master Plan area. Parcels in this area are primarily residential and regulated under the intent of the Single Family Residential Zoning District requirements. The proposed project would not adversely affect the purpose or objectives of the Master Plan.

The condition or the intended use is of a general or recurrent nature. Because of the lot depth and the location of the existing home on the lot, it appears that the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature.

The practical difficulty is due to the irregular shaped lot. And was not self-created.

If the Zoning Board of Appeals determines the requested variance is justified, the following facts and conclusions can be used as a basis of that decision:

There are exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to other properties in the same district. The area is predominately residential in nature. Physical conditions and circumstances exist that now limit the options on where an addition can be placed. The position of the existing home on the property limits possible locations of any additional structure. The lot lacks depth which restricts the placement of the proposed sunroom.

The variance is necessary for the preservation or enjoyment of a substantial right possessed by other property owners in the same district. Sunrooms are permitted in the R-2 single family residential zoning district. The location of the
existing house interferes with the ability to add the sunroom within the area on property appropriately.

The granting of the variance would not be detrimental to the public welfare and injurious to the other properties in the area. Reducing the rear yard setback to allow for a sunroom should not affect neighboring properties values.

The granting of the variances would not adversely impact the objectives of the Master Plan. The location is on property zoned and planned for residential use. The purpose and intent of requiring setbacks for accessory structures is primarily to maintain uniform lot development, as well as maintaining similar architectural appearance on each lot. If granted, reducing the rear setback to allow placement of the sunroom should not impair the purpose and intent of the Master Plan.

The condition or the intended use is of a general or recurrent nature. The 14 parcels in the Floros Farms subdivision range in size from 21,750 sq. to 43,750 sq. ft.(approx.) with an average lot width of 125 feet. The variance request is not so recurrent in nature as to require an amendment to the Zoning Ordinance. The request is specific to the needs of the applicant, site conditions and shape of the subject parcel.

The practical difficulty is not self-created. The problem was not created by the applicant but was created by the platting of the land.

Notices: Notice of public hearing sent to the applicant, June 30, 2018
Notice of public hearing published in the Livingston County Press and Argus, June 30, 2018

Report Prepared By: Debra McKenzie

CASE FILE DOCUMENTS:
1.0 Zoning Board of Appeals Report
11 Zoning Map
1.2 GIS Map
1.3 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
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<th>Parcel Number: 4716-24-403-001</th>
<th>Jurisdiction: GREEN OAK TOWNSHIP</th>
<th>County: LIVINGSTON</th>
<th>Printed on 07/09/2018</th>
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<td>Grantee</td>
<td>Sale Price</td>
<td>Sale Date</td>
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<td>11/15/1996</td>
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<td>Terms of Sale</td>
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<td>LIVINGSTON</td>
<td>WD</td>
<td>DNU-NOT AUDITED</td>
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<td>Prmnt. Trans.</td>
<td>Liber &amp; Page</td>
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<td>Property Address</td>
<td>Class</td>
<td>Zoning</td>
<td>Building Permit(s)</td>
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<td>13781 MONARCH DR</td>
<td>RESIDENTIAL-IMPRO</td>
<td>R2</td>
<td>Date</td>
</tr>
<tr>
<td>Owner's Name/Address</td>
<td>School</td>
<td>DECK</td>
<td>Number</td>
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<td>WOLFE, MARK &amp; KELLY</td>
<td>SOUTH LYON</td>
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<td>Status</td>
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<td>13781 MONARCH DR</td>
<td>P.R.E. 100% 12/09/1996</td>
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**Tax Description**

- SEC 24 T1N, R6E, FLOROS FARMS LOT 1

**Comments/Influences**

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

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**2019 Est TCV Tentative**

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*** Information herein deemed reliable but not guaranteed***
### Building Details

#### Building Type

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<th>X</th>
<th>Single Family Mobile Home Town Home Duplex A-Frame</th>
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<td>X</td>
<td>Wood Frame</td>
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#### Building Style: 2 STORY

Yr Built: 1996 Remodeled: 1990

#### Condition: Average

Building Areas
- Ground Area: 1450 SF
- Floor Area: 2150 SF

#### Room List

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<tr>
<th>Basement 1st Floor 2nd Floor Bedrooms</th>
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<thead>
<tr>
<th>X</th>
<th>Exterior</th>
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<tbody>
<tr>
<td>X</td>
<td>Windows</td>
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<table>
<thead>
<tr>
<th>X</th>
<th>Many Avg. X Large Avg. Small</th>
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<tbody>
<tr>
<td>X</td>
<td>Roof</td>
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#### Heating/Cooling

<table>
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<tr>
<th>X</th>
<th>Gas Wood Oil Coal Steam</th>
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<tbody>
<tr>
<td>X</td>
<td>Central Air Wood Furnace</td>
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#### Heating System: Forced Air w/ Ducts

Building Areas
- 2 Story Siding: 664
- 1 Story Siding: 450
- Overhang: 336
- Overhang: 18

Total: 228,307

####floor Area: 2,150

#### Cost Est. for Res. Bldg: 1 Single Family 2 STORY

Cost: 214,655

#### Other Additions/Adjustments

- Exterior: Brick Veneer: 380
- Basement, Outside Entrance, Below Grade: 3,465
- Plumbing: 1,312
- Water/Sewer: 1,312
- Porches: 1,312
- Garages: 1,312

#### Garages

Class: C Exterior: Siding Foundation: 42 Inch (Unfinished)

#### Calcuatations too long. See Valuation printout for complete pricing. >>>>>
Parcel Number: 4716-24-403-001, Residential Building 1

BRICK FRONT

2 Sty OH
9.0 x 2.0
36.0 sf

2 St/BSmt
1328.0 sf

1 St/BSmt
450.0 sf

Garage
480.0 sf

CCP
660 sf

WPP
663.0 sf

GAR
24.0 x 14.0
336.0 sf

*** Information herein deemed reliable but not guaranteed***
STATE OF MICHIGAN

COUNTY OF LIVINGSTON

REASON FOR PUBLIC HEARING: ZBA Variance Request
NAME OF APPLICANT: Mark Wolfe
ADDRESS OF APPLICATION: 13781 Monarch Dr., South Lyon MI 48178
DATE OF PUBLIC HEARING: July 17, 2018
BOARD HOLDING PUBLIC HEARING: ZBA

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

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 June 30, 2018, 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.

August 31, 2018

Debra McKenzie,
Zoning Administrator
Applicant: Wayne Craft Inc
Property Owner: Mark Wolfe
Date: May 25, 2018
Address: 13781 Monarch Dr., South Lyon, MI 48178
Property ID: 4716-24-403-001
Permit Request: Sunroom Addition

PROJECT DESCRIPTION:
The applicant is requesting a Building permit for a 12' x 20' (240 SF) three season patio enclosure on existing deck. The subject site is .50 acres in size, and is zoned R2, Single Family. This parcel is in section 24, lot 01 of the Floros Farms Subdivision, north of Ten Mile Road and west of Dixboro Road.

Setbacks for R-2 zoning
Front - 40 feet
Rear - 45 feet
Waterfront - 45 feet
Sides - 15 feet

The proposed application must conform to the zoning regulations summarized below:

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<thead>
<tr>
<th>38-136, Schedule of Regulations</th>
<th>Required</th>
<th>Proposed</th>
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<tr>
<td>Zoning District</td>
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<td>R2, Single Family</td>
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<td>Setbacks</td>
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<td>Rear</td>
<td>45 ft.</td>
<td>35 feet based on GIS</td>
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<td>Waterfront</td>
<td>40 ft.</td>
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<tr>
<td>Front</td>
<td>40 ft.</td>
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<tr>
<td>Sides</td>
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<td>75 feet</td>
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<td>44 feet from house</td>
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<td>Maximum Lot Coverage</td>
<td>30%</td>
<td>Approximately 16%</td>
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<td>Building Height</td>
<td>32 ft. (two stories)</td>
<td>Under 32 feet in height</td>
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<td>Lot Area</td>
<td>21,750 sq. ft.</td>
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<td>Lot Width</td>
<td>125 ft.</td>
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Sec. 38-184. Yard encroachments. (d) Chimneys, flues, belt courses, leaders, sills, pilasters cornices, eaves, gutters, and similar features may project into any required yard a maximum of twenty-four (24) inches.

Application does not meet zoning compliance

Debra McKenzie,
Zoning Administrator,
810 231-1333 ext. 104
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: WAYNE CRAFT, Inc  
Address: 13525 WAYNE RD  
City/State/Zip: Livonia MI 48150  
Phone: 734-421-8800 Fax: 734-421-8828  
E-Mail Contact@WayneCraft.com

Property Owner Information

Name: Mark Wolfe  
Address: 13781 Monarch Dr  
City/State/Zip: South Lyon MI 48178  
Phone: 734-265-2470 Fax:  
E-Mail  

Location of Property for which the variance requested

Address 13781 Monarch Dr  
Cross Streets Ten mile  
Tax Identification # 4716-24-403-001

Zoning District RA  
Lot Size/Acreage 21,750 ft²  
Current Use Residential

Variance Request 10' shorter of 45 ft corner yard setback.

Requesting 35' rear yard setback.

Total Number of Variances Requested 1

List the applicable Code Section Name, Section Number, and Subsection to be considered by the ZBA. 38-136 Rear Yard Setback.

This information is contained in the Green Oak Charter Township Zoning Code Book.

Describe Request Rear yard setback of Sunroom be allowed for 35 ft. instead of 45. Due to the highly irregular lot, numerous examples of similar structures on same street and no other reasonable location on lot, I request that this variance be allowed to let homeowners erect Sunrooms the same way backyards like other neighbors.
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.

Let 001 is very irregular in shape compared to other lots in same subdivision. There are similar sunrooms on neighbors rear decks.

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 neighbors to the East have similar style sunrooms on their decks facing the park. The deck is already existing and is one of many raised decks in neighborhood. 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.

Many other houses have sunrooms. It is due to the very irregular lot that the house doesn't meet the rear yard setback. Other homeowners on same street enjoy same privilege.

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. There is no other place on this block that would conflict with setbacks. The lot is very irregular in shape.
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: 6-10-18

Signature of Owner, if different
Date: 6-10-18
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<tr>
<th>Name</th>
<th>Address</th>
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<td>Belews Creek NC 27009</td>
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<td><strong>GREEN OAK CHARTER TOWNSHIP</strong>&lt;br&gt;10001 SILVER LAKE RD.&lt;br&gt;BRIGHTON MI 48116</td>
<td><strong>STRICKER, JONATHAN M</strong>&lt;br&gt;666 KNIGHT STREET&lt;br&gt;MILFORD MI 48381-3</td>
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Zoning Board of Appeals Report

Case Number: ZBA-06-2018
Date of Application: 06-13-2018
Hearing Date: September 18, 2018
Applicant: Nicolas Morris
Property ID: 4716-05-101-043
Property Address: 6051 Aldine Dr., Brighton MI 48116
Action Requested: Variance from 38-136 Side Yard Setback
Nature of Application: Request a variance from Section 38-136
Zoning District: R-1 Single Family Residential

PROJECT AND SITE DESCRIPTION

On June 13th the applicant applied for a building permit to add a 20' x 25' (500 square foot attached garage to the existing home. The property was developed as R-1 Single family residential in 1960. The subject property is approximately .275 acres in size with 120 feet of frontage along Aldine Dr., Brighton MI 48116. The property meets the minimum requirements for development. The applicant is requesting a side yard setback variance to allow the construction of addition attached garage 5' feet from the northside property line; a minimum side yard setback of 10’ feet is required for residential structures in the R-1, Single-Family Residential District.

Aerial Image of Subject Site and Vicinity
VARIANCE REQUESTED

The applicant is requesting one variance from Section 38-136 a side yard setback of 5’ feet instead of the required 10’ feet.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The surrounding properties are predominately single-family dwellings.

The subject property is in section 05. The original home was in 1960. As shown on the site plan, the site is approximately .275 Acres in size, and the maximum buildable area permitted under R-1 zoning is 30% of the site. The dwelling is currently considered to be a legal non-conforming building. The intent of the side yard setback requirements is to allow adequate space between structures on neighboring properties. The reduction in setbacks would not impact site coverage or distance between structures. Without the approval of the requested setback variance, construction of the attached garage as designed will not be possible.

VARIANCE CONSIDERATIONS

The Zoning Board of Appeals shall have the authority to authorize site variation or modification of the provisions of the Zoning Ordinance, with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Zoning
Ordinance, and so that public safety and welfare will be secured and substantial justice done, where, owing to special conditions, a literal enforcement of the provisions of the Zoning Ordinance would involve practical difficulties or unnecessary hardship.

According to the Zoning Ordinance, no such variance or modification of the provisions of the Zoning Ordinance shall be granted unless it appears that, at a minimum, all the facts and conditions listed in Section 38-95. of the Zoning Ordinance exist.

   a. Are there 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. (including the land or a structure or building thereon) rather than the individual situation or desire of the applicant or property owner. In other words, the problem or exception or extraordinary circumstances or conditions must be inherent in the land, structure, or building involved.

The property is zoned R1 – Single Family Residential and is of sufficient size for residential development. The subject site is not uniform in shape with many of the other parcels in Willmor Subdivision. Other properties in the district have been developed for single family residential uses.

   B. The variance must be necessary for the preservation and enjoyment of a substantial property right which is similar to that possessed by other properties in the same zoning district and vicinity. (NOTE— a possible increased financial return shall not, of itself, be deemed sufficient to warrant a variance.)

As stated in the applicant’s letter and site plan, the site is irregular shape. The property does not allow for the garage to be placed in a different location. The property has public water and a private septic field. The existing septic field and reserve drain field makes it impossible to place the garage within the rear yard. The southside of the property does not allow for an addition to be placed elsewhere on the property.

   C. Would granting of such variance or modification 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 setback requirements for residential land was established to protect those residential uses. The proposed garage addition would be located 5 feet from the property line. The adjacent property owner home is located 51 feet from the existing home. Staff defines the public interest to be the welfare or well-being of the public. Staff finds no evidence that the placement of the structure 5 feet from the property line would create conditions that conflict with the welfare or well-being of the public. The variance does not appear to create material injury or unsafe conditions to adjacent property owners or deprive them from the use of their property.
D. Does the granting of the variances adversely impact the objectives of the Master Plan.

The variance does not adversely impact the objective of the Master Plan.

E. Is the condition or situation of the specific piece of property, or the intended use of such property, for which the variance is sought is of so a general or recurrent a nature.

The conditions are related to the placement of the existing structure on the lot. The use is currently single family residential the proposed project will not change the use of the property.

F. The ZBA must also find that the applicant has practical difficulty complying with the Ordinance provision or provisions at issue.

The applicant is unable to place the attached addition structure elsewhere on the property because of existing conditions. The topography interferes with the located of the addition.

Staff recommends the ZBA open the public hearing, take testimony, close the public hearing, evaluate the proposal for conformance with the applicable regulations, and deny or approve the application. In the motion to deny or approve the project the ZBA should incorporate the ZBA’s discussion and analysis of the project and the findings in the staff report.

Staff recommends that the Zoning Board evaluate the applicant’s requests based on the considerations in Section 38-95. of the Zoning Ordinance, listed above.

If the Zoning Board of Appeals determines the requested variance is justified, the following facts and conclusions can be used as a basis of that decision:

There are exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to other properties in the same district. The area is predominately residential in nature. Physical conditions and circumstances exist that now limit the options on where an addition can be placed. The position of the existing home on the property limits possible locations of any additional structure. The septic field restricts the placement of the a detached accessory structure in the rear yard. The irregular shape of the site interferes with the placement of the garage addition.

The variance is necessary for the preservation or enjoyment of a substantial right possessed by other property owners in the same district. Additions are permitted.
in the R-1 single family residential zoning district. The location of the existing septic field interferes with the ability to erect the addition within the area on property appropriately.

The granting of the variance would not be detrimental to the public welfare and injurious to the other properties in the area. Reducing the side setback to allow for the addition would not affect neighboring properties values.

The granting of the variances would not adversely impact the objectives of the Master Plan. The location is on property zoned and planned for residential use. The purpose and intent of requiring setbacks for structures is primarily to maintain uniform lot development, as well as maintaining similar architectural appearance on each lot. If granted, reducing the side setback to allow placement of the garage should not impair the purpose and intent of the Master Plan.

The condition or the intended use is of a general or recurrent nature. The parcels in section 05 range in size. The variance request is not so recurrent in nature as to require an amendment to the Zoning Ordinance. The request is specific to the needs of the applicant, site conditions and shape of the subject parcel.

The practical difficulty is not self-created. The problem was not created by the applicant but was created by the location of the septic field and the reserve field.

If the Zoning Board cannot find in favor of the applicant for each of the consideration listed in the Zoning Ordinance the Board should deny the request.

If the Zoning Board of Appeals determines the requested variance is not justified, the following facts and conclusions can be used as a basis of that decision.

There are no exceptional or extraordinary circumstances or conditions applicable to the applicants site that does not apply generally to sites in the same zoning district. The minimum lot size for property located in the R-1(Residential, Single-Family,) zoning district is 12,000 square feet. The subject site’s lot size is approximately 11,979 square feet. The minimum lot width for R-1 zone lot is 90 feet. The subject lot width is 120.0 feet.

Granting the application is not necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
The granting of the variance would be detrimental to the public welfare and injurious to other properties in the area. The setbacks were established to protect those in residential uses. The site is in the R-1 Zoning District Master Plan area. Parcels in this area are primarily residential and regulated under the intent of the Single Family Residential Zoning District requirements. The proposed project would not adversely affect the purpose or objectives of the Master Plan.

The condition or the intended use is of a general or recurrent nature. Because of the topography and the location of the existing home on the lot, it appears that the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature.

The practical difficulty is due to the septic field and placement of the existing home location. And was not self-created.

Notices: Notice of public hearing sent to the applicant, August 31, 2018
Notice of public hearing published in the Livingston County Press and Argus, August 31, 2018

Report Prepared By: Debra McKenzie

CASE FILE DOCUMENTS:
1.0 Zoning Board of Appeals Report
11 Zoning Map
1.2 Minutes
1.3 GIS Map
1.4 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: June 13, 2018

CASE NUMBER: ZBA06-2018
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 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: Nicalas Morris
Address: 6051 Aldine Dr
City/State/Zip: Brighton MI 48116
Phone: 810 523-8025    Fax:
E-Mail

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

Location of Property for which the variance requested
Address 6051 Aldine Dr., Brighton MI 48116
Cross Streets Off Lee Road in the Willmore Subdivision
Tax Identification # 4716-05-101-043
Information available from the Green Oak Charter Township Assessing Dept.
Zoning District R1
Lot Size/Acreage .0275
Current Use Single Family Residential

Variance Request from 38-136 to allow for a side yard setback to be five feet instead of the required 10 feet side yard

Total Number of Variances Requested 1

List the applicable Code Section Name, Section Number, and Subsection to be considered by the ZBA. 38-136
This information is contained in the Green Oak Charter Township Zoning Code Book
The required side yard setback is 10 feet

Describe Request to allow for a side yard setback to be five feet instead of the required 10 feet side yard to allow for an attached garage.
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 sheet

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 sheet

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 sheet

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

Please see attached sheet

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 sheet
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

Signature of Owner, if different

Date: June 13, 2018

Date:
1) 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.

The property is irregular in shape. The property does not allow for the garage to be placed in a different location. The property has public water and a private septic field. The existing septic field and reserve drain field makes it impossible to place the garage within the rear yard.

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.

Other properties in the area have attached garages. The need to have coverage from the outside elements is necessary in Michigan.

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.

The granting of the requested variance would not be materially detrimental to the public welfare or materially injurious to the property. The placement of the attached garage would be five feet from the property line and would leave more than 25 feet between the proposed structure and the neighbor's home. **Sec. 38-171. Accessory buildings, structures, and uses.** A detached accessory structure is permitted to be placed 5 feet from the property line. (4) A detached accessory building or structure to a residential building shall be located no closer than ten (10) feet to any principal building. This shall exclude air conditioning units and electrical generators. Any accessory building or structure shall it not be located closer than five (5) feet to any side or rear lot line or as specified within this section.

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

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 a nature.

The request is not so general or recurrent in nature. The majority of properties located in the Willmore subdivision do not require a setback variance because of an irregular lot.
Property Owner: Nicalas Morris
Date: June 13, 2018
Address: 6051 Aldine Dr., Brighton, MI 48116
Property ID: 4716-05-101-043
Permit Request: Addition adding attached garage

PROJECT DESCRIPTION:
The applicant is requesting a building permit to build a 500 SF attached garage. The lot size is .275 acre in size, and is zoned R 1, Single Family. This parcel is parcel 43 of the Wilmore Subdivision # 148 and is located east of north of Lee Road and west of Whitmore Lake Road.

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Application meets does not meet zoning compliance

*****Sec. 38-136 side yard setback is 10 feet.*********** A variance of 5 feet will be required.

Sec. 38-94. Appeals.
(a) An appeal may be taken to the ZBA by any person, firm or corporation, or any officer, department, board or bureau affected by a decision of anybody charged with enforcement of this chapter or of an administrative official of the department of building and zoning concerning the administering and enforcing of the provisions of this chapter. Such 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, by filing with the building administrator and the ZBA a notice of appeal, specifying the grounds thereof. The building administrator shall forthwith transmit to the ZBA all of the papers constituting the record upon which the action appealed from was taken. 

(b) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the building administrator certifies to the ZBA after the notice of appeal has been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed other than by a restraining order which may be granted by the ZBA or the circuit court, on application and due cause shown. 

(c) The ZBA shall select a reasonable time and place for the hearing of the appeal and give notice thereof to the parties, and shall render a decision on the appeal without unreasonable delay. The ZBA shall state the grounds of each determination. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney. 

(Ord. eff. 1-31-1993, § 11.4; Ord. eff. 7-18-1998) 
State law references: Appeals, MCL 125.290.

Debra McKenzie,  
Zoning Administrator,  
810 231-1333 ext. 104
Front

8/12 Pitch

2x4
Preengineered Trusses
1/2 OSB for Roof
7/16 OSB for wall

Existing House

10 ft wall

12" overhang

4" Slab 1 course of Block 4" Footing

20

7
1/2" Gypsum Board Required
To separate garage from living space. Provide 1/2" gypsum board
Ceiling in garage or 1/2" gypsum board in attic to separate garage from living space.

Dimensional Shingles

Double 4 vinyl siding

10 ft. 20 ft.

12 in. overhangs
Existing house
Asphalt shingle
1/2 plywood

Snow & Ice

2x6 Header at top of wall
to carry trusses. Lap end.
2x6 min 24".

Double 45 siding

Tyvek

2x6 walls

7/16 OSB

2x6 pre-traveled plate belted/strapped.

42" footing

1 corse block firm
BRACED WALL LINE #1

BWL SPACING = 30.00FT,
CS-WSP (CONTINUOUS SHEATHING
WOOD STRUCTURAL PANEL)

TABLE 602.10.1.2(1)  4.5 FT REQ'D
EXPOSURE FACTOR (B)     1.00
EAVE-RIDGE FACTOR (6'-1")  0.76
10 FT WALLS                1.00
3 BRACED WALLS            1.30
INTERIOR GYPSUM BOARD     1.00
TOTAL ADJUSTMENTS         0.99
REQUIRED =                4.45 FT
PROVIDED =                8.0 FT

RETURN PANELS OR HOLD DOWNS NOT REQUIRED
AT ENDS WITH 4'-0" PANELS
WALL BRACING NOTES

1. SEISMIC DESIGN CATEGORY A (USE WIND LIMITATIONS INSTEAD)

2. WIND EXPOSURE CATEGORY B/2 STORY-FACTOR = 1.0 (TABLE 602.10.1.2(1))

3. BASIC WIND SPEED = 90 MPH

---

WOOD STRUCTURAL PANEL TO BE 1/2" OSB WITH 24/16 RATING CONNECTED WITH 8d COMMON NAILS AT 6" SPACING AT EDGES AND 12" ON INTERMEDIATE SUPPORTS/"FIELD AREA" SEE MRC TABLE 602.3(3)

---

GYPSUM BOARD BRACING TO BE 1/2" GYPSUM BOARD ON EACH SIDE OF STUDS, CONNECTED WITH NAILS OR SCREWS @ 7" AT EDGES, INCLUDING TOP & BOTTOM PLATES, AND 7" SPACING ON INTERMEDIATE SUPPORTS. NAILS TO BE 13 GA, 1 5/8" LONG, 19/64" HEAD, OR 0.098" DIAMETER, 1 3/8" LONG, ANNULAR RINGED, WAVE TYPE HAMMER-DRIVE.
Parcel Number: 4716-05-101-043
Jurisdiction: GREEN OAK TOWNSHIP
County: LIVINGSTON
Printed on 06/05/2018

Grantor | Grantee | Sale Price | Sale Date | Inst. Type | Terms of Sale | Liber & Page | Verified By | Pront. Trans.
--- | --- | --- | --- | --- | --- | --- | --- | ---
MORRIS REVOCABLE TRUST | MORRIS, NICALAS & NIKKI | 0 | 04/05/2017 | QC | NOT USED | 2017-012116 | DEED | 0.0
MORRIS, NICALAS B & NIKKI | MORRIS REVOCABLE TRUST | 1 | 06/23/2014 | PTA | NOT USED | 2014-020538 | PTA | 0.0
HILL, DANIEL & PAMELA | MORRIS, NICALAS B & NIKKI | 145,000 | 04/23/2003 | WD | ARMS LENGTH | 3912/545 | NOT VERIFIED | 100.0
HILL, PAMELA RUTH | HILL, DANIEL & PAMELA | 0 | 08/10/2000 | QC | NOT USED | 2811/0125 | NOT VERIFIED | 0.0

Property Address
6051 ALDINE DR

Class: RESIDENTIAL-IMPRO | Zoning: R1 | Building Permit(s) | Date | Number | Status
--- | --- | --- | --- | --- | ---
School: BRIGHTON | ADDITION/ALTERATION | 10/24/2008 | PB08-0201 | FINALED
F.R.E. 100% 04/23/2003 | ADDITION/ALTERATION | 04/13/2004 | PB04-0130 | FINALED

Property Address
6051 ALDINE DR
BRIGHTON MI 48116

DBA:
MORRIS, NICALAS & NIKKI

2019 Est TCV Tentative

Land Value Estimates for Land Table 501.WILLMOR SUB #3

<table>
<thead>
<tr>
<th>Public Improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dirt Road</td>
</tr>
<tr>
<td>Gravel Road</td>
</tr>
<tr>
<td>Paved Road</td>
</tr>
<tr>
<td>Storm Sewer</td>
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<tr>
<td>Sidewalk</td>
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<td>Water</td>
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<tr>
<td>Sewer</td>
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<tr>
<td>Electric</td>
</tr>
<tr>
<td>Gas</td>
</tr>
<tr>
<td>Curb</td>
</tr>
<tr>
<td>Street Lights</td>
</tr>
<tr>
<td>Standard Utilities</td>
</tr>
<tr>
<td>Underground Utils.</td>
</tr>
<tr>
<td>Topography of Site</td>
</tr>
<tr>
<td>Level</td>
</tr>
<tr>
<td>Rolling</td>
</tr>
<tr>
<td>Low</td>
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<tr>
<td>High</td>
</tr>
<tr>
<td>Landscaped</td>
</tr>
<tr>
<td>Swamp</td>
</tr>
<tr>
<td>Wooded</td>
</tr>
<tr>
<td>Pond</td>
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<tr>
<td>Waterfront</td>
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<tr>
<td>Ravine</td>
</tr>
<tr>
<td>Wetland</td>
</tr>
<tr>
<td>Flood Plain</td>
</tr>
</tbody>
</table>

Who | When | What
--- | --- | ---
EB | 05/04/2017 | APEX/FRC M
DM | 04/27/2011 | APEX/DESK

Year | Land Value | Building Value | Assessed Value | Board of Review | Tribunal/Other | Taxable Value
--- | --- | --- | --- | --- | --- | ---
2019 | Tentative |
2018 | 24,000 | 42,500 | 66,500 | Tentative |
2017 | 20,000 | 46,900 | 66,900 | 37,816C |
2016 | 16,000 | 36,900 | 52,900 | 37,479C |

*** Information herein deemed reliable but not guaranteed***
<table>
<thead>
<tr>
<th>Building Type</th>
<th>(3) Roof [cont.]</th>
<th>(11) Heating/Cooling</th>
<th>(15) Built-ins</th>
<th>(16) Porches/Decks</th>
<th>(17) Garage</th>
<th>(18) Fireplaces</th>
<th>(19) Area Type</th>
<th>Year Built:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Style: ONE STORY</td>
<td>Trim &amp; Decoration Ex X Ord Min</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Yr BUILT Remodeled 1960</td>
<td>Size of Closets Lg X Ord Small</td>
<td></td>
<td></td>
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<tr>
<td>Condition: Average</td>
<td>Doors Solid X H.C.</td>
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<tr>
<td>Room List</td>
<td>(5) Floors</td>
<td>Kitchen: Tile Other: Carpeted Other:</td>
<td>(12) Electric</td>
<td>100 Amps Service</td>
<td>No./Qual. of Fixtures Ex. X Ord. Min</td>
<td>100</td>
<td>30</td>
<td>1,200</td>
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<tr>
<td>Basement</td>
<td>X Drywall</td>
<td>X</td>
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<tr>
<td>5 1st Floor 2nd Floor 3 Bedrooms</td>
<td>(6) Ceilings</td>
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<tr>
<td>(7) Excavation</td>
<td>Basement: 0 S.F. Crawl: 0 S.F. Slab: 1200 S.F. Height to Joists: 0.0</td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>(8) Basement</td>
<td>Conc. Block Poured Conc. Stone Treated Wood Concrete Floor</td>
<td>(13) Plumbing</td>
<td>Average Fixture(s)</td>
<td>3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Ceramic Tile Wains Ceramic Tub Alcove Vent Fan</td>
<td></td>
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<tr>
<td>X Wood Sash</td>
<td>X Metal Sash Vinyl Sash Double Hung Horiz. Slide Casement Double Glass Patio Doors Storms &amp; Screens</td>
<td>(9) Basement Finish</td>
<td>Recreation SF Living SF Walkout Doors No Floor SF</td>
<td></td>
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<td>X X X</td>
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<tr>
<td>X Asphalt Shingle</td>
<td>X X X</td>
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<td></td>
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<tr>
<td>Chimney: Metal</td>
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<td></td>
</tr>
</tbody>
</table>

*** Information herein deemed reliable but not guaranteed***
1 Sty/Slab
1200.0 sf

CPP
55.0 sf
11.0'

25.0'

48.0'

5.0'

*** Information herein deemed reliable but not guaranteed***
GREEN OAK CHARTER TOWNSHIP
PLANNING AND ZONING DEPARTMENT
10001 Silver Lake Road, Brighton, MI 48116
Phone: 810-231-1333 Fax: 810-231-5080

NOTICE OF PUBLIC HEARING

Please be notified that Green Oak Charter Township Zoning Board of Appeals will hold a public hearing on September 18, 2018 at 10001 Silver Lake Road, Brighton MI at 7:00 p.m. for hearing the following variance request:

ZBA Case 03-2018, Parcel # 4716-24-403-001, Located at 13781 Monarch Dr., South Lyon MI 48178. Request a variance from Section 38-136 rear yard setback to reduce the minimum required 45 feet rear yard setback to 35 feet, to install a sunroom on the rear of the property.

ZBA Case 06-2018, Parcel # 4716-05-101-043, Located at 6051 Aldine Dr., Brighton MI 48116. Request a variance from Section 38-136 side yard setback. The applicant is requesting to reduce the minimum required 10-foot side yard setback to 5 feet, to allow for a 20' x 20 attached garage.

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

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.

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 Debra.Mckenzie@greenoaktwp.com prior to noon, September 18, 2018.

Green Oak Charter Township Zoning Board of Appeals

Notice of Posting according to Act 359 of 1947;
Posted:
August 31, 2018
<table>
<thead>
<tr>
<th>Address</th>
<th>Address</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>SIMS, GLENN 6118 ALDINE DR BRIGHTON MI 48116</td>
<td>RATLIFF, CHRISTOPHER &amp; ANNA 6106 ALDINE DR BRIGHTON MI 48116</td>
<td>GRABSKI, JAMES 6094 ALDINE DR BRIGHTON MI 48116</td>
</tr>
<tr>
<td>ALLEN TRUST, EARLINE 6078 ALDINE DR BRIGHTON MI 48116</td>
<td>ROSSMAN, KATHLEEN 6064 ALDINE DR BRIGHTON MI 48116</td>
<td>WONSEY, JILL 6050 ALDINE DR BRIGHTON MI 48116</td>
</tr>
<tr>
<td>SIMPLE PLAN MANAGEMENT, LLC 6007 STEPHEN ST BRIGHTON MI 48116</td>
<td>LONG, MARTHA A 6019 STEPHEN ST BRIGHTON MI 48116</td>
<td>REEVES, STEPHANIE 6031 STEPHEN ST BRIGHTON MI 48116</td>
</tr>
<tr>
<td>MULCHI, ROBERT 6063 STEPHEN ST BRIGHTON MI 48116</td>
<td>KELSAY, LAUREN &amp; DUSTIN CLAY 6077 STEPHEN ST BRIGHTON MI 48116</td>
<td>MILLER, AMELIA 6109 STEPHEN ST BRIGHTON MI 48116</td>
</tr>
<tr>
<td>JONES, CHRIS &amp; CHARMANE 6130 STEPHEN ST BRIGHTON MI 48116</td>
<td>MCDUGALD, TRAVIS 6103 MARCY ST BRIGHTON MI 48116</td>
<td>BADDER, RENEE &amp; LEWIS, DONICE 6119 MARCY ST BRIGHTON MI 48116</td>
</tr>
<tr>
<td>PEARSSALL, MARY ELLEN 6135 MARCY ST BRIGHTON MI 48116</td>
<td>PAULEY, JERRY &amp; BRENDA 6144 MARCY ST BRIGHTON MI 48116</td>
<td>BRAY, LORENA 6132 MARCY ST BRIGHTON MI 48116</td>
</tr>
<tr>
<td>BATER, SHAWN &amp; JANET 6124 MARCY ST BRIGHTON MI 48116</td>
<td>MCVAY, LARRY 6112 MARCY ST BRIGHTON MI 48116</td>
<td>BURKE, JOSEPH 6100 MARCY ST BRIGHTON MI 48116</td>
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<tr>
<td>FINFER, SARA 6050 STEPHEN ST BRIGHTON MI 48116</td>
<td>PALMER, BRIAN L 6026 STEPHEN ST BRIGHTON MI 48116</td>
<td>PAFIZZO, LINDA 6079 ALDINE DR BRIGHTON MI 48116</td>
</tr>
<tr>
<td>HIX, CHARLES, E II &amp; CHRISTIE 6097 ALDINE DR BRIGHTON MI 48116</td>
<td>WACHUNAS, TOMY 6111 ALDINE DR BRIGHTON MI 48116</td>
<td>MATTICE, KATHLEEN 6123 ALDINE DR BRIGHTON MI 48116</td>
</tr>
<tr>
<td>BANTA, ROGER &amp; SHERYL 6135 ALDINE DR BRIGHTON MI 48116</td>
<td></td>
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</tbody>
</table>
Roll Call:  Sarah Pearsall  
Dan Rainko  
Steven Showerman  
Joe Weinburger  
Jim Yuill  

Absent:  Jim Yuill  

Guests:  

Also Present:  Debra McKenzie, Zoning Administrator  
Todd Krebs, Alternate  

APPROVAL OF AGENDA  

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

Voice Vote:  Ayes: Unanimous  
Nays: None  

MOTION APPROVED  

1.  ZBA Case 03-2018, Parcel #4716-24-403-001, Located at 13781 Monarch Dr., South Lyon, MI 48178.  Request a variance from Section 38-136 rear yard setback to reduce the minimum required 45 feet rear yard setback to 35 feet, to install a sunroom on the rear of the property.  

The applicant was not present.  Mr. Weinburger suggested moving the applicant to the end of the agenda in the event they were just stuck in traffic.  

Motion by Pearsall, second by Showerman  
To amend the agenda to move ZBA Case 03-2018 to the last business item on the agenda to give the applicant time to arrive.  

Voice Vote:  Ayes: Unanimous  
Nays: None  

MOTION APPROVED
2. ZBA Case 04-2018, Parcel #4716-27-400-026, Located at 11425 Nine Mile Road, South Lyon, MI 48178. Request a variance from Section 38-136 side yard setback. The applicant is requesting to reduce the minimum required 15 feet side yard setback to 9 feet, to add an addition to the property.

Representing ZBA Case 04-2018: Matt & Trisha Gredda

Mr. Gredda explained he is not requesting the setback be reduced, this is an existing non-compliant, it's already 9 ft. They have explored trying to do this on the other end but it's not feasible due to the topography sloping towards the driveway which is the only access. Due to the topography and the fact that it's pre-existing he doesn't have any way around it. The practical difficulty is that it is pre-existing and the topography.

Mr. Weinburger asked if there is anyway they can do this in the back. Mr. Gredda stated no, he is very limited in the back due to the septic location and he must maintain clearance to that.

Mr. Rainko asked if the house was compliant when it was built in 1978 with the requirement. Ms. McKenzie stated she wasn't sure. Mr. Gredda stated from conversations he has had with the previous owner’s daughters, it was compliant at the time and then it fell out of compliance when things were changed.

Mr. Krebs stated when he checked out the property it appears to him that they are not moving any closer. Ms. Pearsall confirmed that the backyard is sloping.

Mr. Weinburger opened the public hearing and closed it due to no one wishing to make comment.

Ms. McKenzie noted a letter that was received from a neighbor regarding tree removal. Mr. Grebba explained he will not be removing any trees because of the addition.

Motion by Rainko, second by Pearsall
To approve ZBA Case #04-2018 Parcel #4716-27-400-026, Located at 11425 Nine Mile Road, South Lyon, MI 48178. Request a variance from Section 38-136 side yard setback. The applicant is requesting to reduce the minimum required 15 feet side yard setback to 9 feet, to add an addition to the property.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Motion by Weinburger, second by Rainko
To add an addendum to the motion that the addition is built to the prints that were submitted.

Roll Call Vote: Ayes: Unanimous
MOTION APPROVED

3. ZBA Case 05-2018, Parcel #4716-04-202-032, Located at 10840 Grand River Ave., Brighton, MI 48116. Request a variance from Section 38-136 rear yard setback. The applicant is requesting to reduce the minimum required 40 feet rear yard setback to 27.5 feet, the variance is for the building location and parking spaces to remain within the rear yard setback.

Representing ZBA Case 05-2018: John Gumma
Eric Baritta
Mark Mizer

Mr. Gumma explained the applicant has owned the store for over 17 years. They are seeking a rear yard variance to accommodate their building. Ms. Pearsall commented that the lot is very shallow. Mr. Weinburger commented that they would becoming more compliant.

Mr. Rainko commented that the applicant is 122 feet away in the rear to the nearest resident. This area is highly wooded as well. Mr. Rainko commented that this is a great idea.

Mr. Weinburger opened the public hearing.

Robin, 6108 Vicky Jean – She commented that she is behind this property and she wondered where the storm water drain will be located. Mr. Mizer explained they have been working on this issue for the last 3 years and there is no property allowing them to discharge water beyond their property so they came up with the solution to have underground detention/retention and the water will be slowly released into the soil. The soils are all sandy soils, so they are in good condition. The Drain Commissioner has also already approved the underground retention.

Mr. Weinburger closed the public hearing due to no further comments.

Motion by Rainko, second by Pearsall
To approve ZBA Case 05-2018 Parcel #4716-04-202-032, Located at 10840 Grand River Ave., Brighton, MI 48116. Request a variance from Section 38-136 rear yard setback. The applicant is requesting to reduce the minimum required 40 feet rear yard setback to 27.5 feet, the variance is for the building location and parking spaces to remain within the rear yard setback. All fees owed to the Township including the outstanding sewer fee of $1119.73 be paid.

Ms. Pearsall added the following to the motion:
There are exceptional or extraordinary circumstances or conditions applicable to the applicants site since the property is very shallow. The
The area is predominantly highway commercial in nature. The lot is narrow which restricts parking in the back.

The variance is necessary for the preservation and enjoyment of a substantial property right possessed by the property owner in the same district, stores are permitted on the highway, HC Highway Commercial Zoning District.

The depth of the property interferes with the ability to erect the store within the area appropriately. The granting of the variance will not be detrimental to the public welfare or injurious to the properties in the area. Reducing the rear yard setback to allow for a new store and allowing parking in the rear setback should not affect neighboring property values.

The granting of the variance will not adversely affect the objectives of the Master Plan. The location is on property rezoned and planned for highway commercial. The purpose and intent of requiring setbacks for structures is primarily to maintain uniform lot development, as well as maintaining similar architectural appearance in each lot. Reducing the rear yard setback allows for the new store and should not impair the purpose of the Master Plan and should help with regards to safety of the community.

The 37 parcels in Victoria Park Subdivision range in size and the variance request is not so recurrent in nature as to require an amendment to the Zoning Ordinance. The request is of specific needs to the applicant. The practical difficulty is not self-created and the problem was not created by the applicant but was created by the platting of the shallow lot.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

1. ZBA Case 03-2018, Parcel #4716-24-403-001, Located at 13781 Monarch Dr., South Lyon, MI 48178. Request a variance from Section 38-136 rear yard setback to reduce the minimum required 45 feet rear yard setback to 35 feet, to install a sunroom on the rear of the property.

Ms. McKenzie noted she contacted the applicant and has not had a response.

Motion by Pearsall, second by Rainko
To table ZBA Case 03-2018, Parcel #4716-24-403-001, Located at 13781 Monarch Dr., South Lyon, MI 48178 until the next ZBA meeting.

Voice Vote: Ayes: Unanimous
Nays: None
MOTION APPROVED

NEW BUSINESS – None

OLD BUSINESS - None

APPROVAL OF THE Meeting Minutes

Motion by Pearsall, second by Showerman
To approve the minutes of May 15, 2018 as presented.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

CORRESPONDENCE - None

CALL TO THE PUBLIC - None

ADJOURNMENT

The Zoning Board of Appeals meeting was adjourned at 7:33 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary
AGENDA

Regular Meeting
Tuesday, September 18, 2018
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 03-2018, Parcel # 4716-24-403-001, Located at 13781 Monarch Dr., South Lyon MI 48178. Request a variance from Section 38-136 rear yard setback to reduce the minimum required rear yard setback to 35 feet, to install a sunroom on the rear of the property.
   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 06-2018, Parcel # 4716-05-101-043, Located at 6051 Aldine Dr., Brighton MI 48116. Request a variance from Section 38-136 side yard setback. The applicant is requesting to reduce the minimum required 10-foot side yard setback to 5 feet, to allow for a 20’ x 20 attached garage.
   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 July 17, 2018 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

August 31, 2018