AGENDA

Regular Meeting
Tuesday, September 19, 2017
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 07-2017, Parcel # 4716-04-203-254 Located at 6526 Edgewood Dr., Brighton MI 48116.
   Request a variance from Sec. 38-171 to allow a property to have two sheds.
   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 18. 2017 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

September 1, 2017
AGENDA

Regular Meeting
Tuesday, September 19, 2017
7:00 p.m.

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

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3. Roll Call of the Board

4. Approval of the Agenda

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7. New Business

8. Old Business

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   Meeting Minutes

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12. Adjournment

September 1, 2017

ZONING BOARD OF APPEALS

Joe Weinburger, Chairperson
Sarah Pearsall, Vice Chairperson
Wendy Hoover, Secretary

Deborah Yu 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-07-2017
Date of Application: August 2, 2017
Hearing Date: September 19, 2017
Applicant: Danny Threet
Property ID: 4716-04-203-254
Property Address: 6526 Edgewood Dr., Brighton MI 48116

Applicable Provisions of the Zoning Ordinance:

38-171 (5)
(5) On lots or parcels with a net lot area of one (1) acre or greater no detached accessory building in an LA, 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. No more than one (1) detached accessory building shall be permitted on residential lots of less than five (5) acres. For residential lots greater than five (5) acres, one (1) accessory building shall be permitted, plus one (1) for each whole five (5) acres of lot area (see Table 171-1 below).

**Table 171-1**

<table>
<thead>
<tr>
<th>Acreage</th>
<th>Number of Accessory Buildings</th>
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</thead>
<tbody>
<tr>
<td>Less than 10 acres</td>
<td>One (1) accessory building</td>
</tr>
<tr>
<td>10 to 14.9 acres</td>
<td>Two (2) accessory buildings</td>
</tr>
<tr>
<td>15 to 19.9 acres</td>
<td>Three (3) accessory buildings</td>
</tr>
<tr>
<td>20 to 24.9 acres</td>
<td>Four (4) accessory buildings</td>
</tr>
<tr>
<td>25 to 29.9 acres</td>
<td>Five (5) accessory buildings</td>
</tr>
</tbody>
</table>
Request a variance from Section 38-171 (5) to allow a second 12 x 16 detached accessory structure on the property.

Notices: Notice of public hearing sent to the applicant, September 1, 2017
Notice of public hearing published in the Livingston County Press and Argus, September 1, 2017

Report Prepared By: Debra McKenzie

CASE FILE DOCUMENTS:

1.1 Site Plan
1.2 Aerial

Written Correspondence and Documentation
2.0 Completed application form
2.1 Letter of application with attachments
2.2 Proof of ownership
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: DANNY & DONNA THREET
Address: 6526 EDGEWOOD DR
City/State/Zip: BRIGHTON MI 48116
Phone: 810-623-0410 Fax:
E-Mail d.threet@comcast.net

Property Owner Information

Name: DANNY & DONNA THREET
Address: 6526 Edgewood Dr
City/State/Zip: BRIGHTON MI 48116
Phone: 810-623-0410 Fax:
E-Mail d.threet@comcast.net

Location of Property for which the variance requested

Address 6526 Edgewood Dr Brighton, MI 48116
Cross Streets
Tax Identification # 4716-04-203-3254
Zoning District LA
Lot Size/Acreage 2.19
Current Use Residential

Variance Request 38.171

Total Number of Variances Requested 4

List the applicable Code Section Name, Section Number, and Subsection to be considered by the ZBA. 38.171
This information is contained in the Green Oak Charter Township Zoning Code Book

Describe Request 38.171
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

See Attachment #1

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. A variance is necessary in order for us to not only enjoy the property but to maintain the property without putting ourselves or others in danger by using the road to enter the property with equipment for maintenance, i.e., pushing equipment up/down road. 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 of such variance will not be materially detrimental to the public welfare or materially injurious to the public welfare or surrounding property owners.

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

Granting of such variance will not adversely affect 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 that most properties in the district don't have such a big drop midway of their property leading to a flat yard.
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]

**Donna Threet**

Signature of Applicant

[Signature]

Signature of Owner, if different

Date: **8-3-2017**

Date:
ATTACHMENT 1

In December 2016 we purchased lot 138, we cleaned up the lot to have a yard and parking area. July 2017 we combined lot 138 with our property, lot 139 and southerly 40 feet lot 140. We have an existing storage shed on lot 139, there is no possible way to extend this existing storage shed to accommodate maintaining lot 138 as there is a approximately a 13 foot (drop) hill down to lot 138. The only access to this section of property to maintain it is the one lane road, which is also a hill. Due to the topography it causes a hardship to maintain and enjoy this section of property and would be dangerous to push and pull heavy equipment up and down the hill (road). Most properties in the district don’t have a big drop (hill) midway of their property leading to flat yard. We are requesting a variance to build a 2nd storage shed on lot 138 to store lawn mower, snow blower, lawn furniture and other equipment.
Hill side
Dropping Down
From Lot 139
to Lot 138
Existing Storage Shed
hillside to Lot 138

Alley
Back of
Lot 138
Edgewood Dr
Road going down
to Lot 138
Edgewood Dr
Road going up
from Lot 138
Date: August 2, 2017  
Applicant: Danny Threet  
Address: 6526 Edgewood, Brighton MI 48116  
Property ID: 4716-04-203-134 now 4716-04-203-254  
Request: Land Use for Shed

PROJECT DESCRIPTION:  
The applicant is requesting a land use for a 12' x 16' (192 SF) shed. The subject site is approximately .162 acres in size, zoned LA, Single Family, located west of Academy and south of Grand River.

<table>
<thead>
<tr>
<th>Ordinance Number: 38-171 Accessory Building, Structure and Uses</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setbacks - Waterfront</strong></td>
<td>Shall not encroach upon waterfront yard setback</td>
<td>Not applicable</td>
</tr>
<tr>
<td><strong>Front</strong></td>
<td>Detached accessory buildings shall not be allowed in the front yard except for lots bordering on water.</td>
<td>Shed in rear yard</td>
</tr>
<tr>
<td><strong>Rear</strong></td>
<td>5 feet</td>
<td>21 feet</td>
</tr>
<tr>
<td><strong>Sides</strong></td>
<td>5 feet</td>
<td>5 feet to side property line. More than 10 feet to principal building</td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Number of buildings</strong></td>
<td>For less than 10 acres 1 accessory building allowed</td>
<td>Two detached accessory building proposed</td>
</tr>
<tr>
<td><strong>Building Height</strong></td>
<td>For lots or parcels with a net lot area less than one (1) acre, accessory buildings shall not exceed fourteen (14) feet in height.</td>
<td>Under 14 feet</td>
</tr>
<tr>
<td><strong>Easements</strong></td>
<td>Shall not be located in or on any utility or private road easement.</td>
<td>Not located on any easement</td>
</tr>
<tr>
<td><strong>Building size</strong></td>
<td>(3) A detached accessory building to a residential building may occupy not more than 25 percent of a required rear 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.</td>
<td>Accessory building is located in a rear yard and does not occupy more than 25% of required yard or 20% of non-required yard. Shed is 192 sf.</td>
</tr>
<tr>
<td><strong>Maximum lot coverage</strong></td>
<td>30% lot coverage</td>
<td>Under 30% lot coverage</td>
</tr>
</tbody>
</table>
Note: 38-171 (8) Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes.

Your application does not meet zoning compliance

Debra McKenzie,
Zoning Administrator,
810 231-1333 ext. 104
# Green Oak Charter Township

**Application for Land Use**

**I. PROJECT INFORMATION**

<table>
<thead>
<tr>
<th>PROPERTY OWNER</th>
<th>ADDRESS</th>
<th>ZIP CODE</th>
<th>PHONE NUMBER</th>
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<tbody>
<tr>
<td>Danny &amp; Donna Threet</td>
<td>6526 Edgewood Dr</td>
<td>48116</td>
<td>810-623-0410</td>
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<table>
<thead>
<tr>
<th>CITY/STATE</th>
<th>ZIP CODE</th>
<th>PHONE NUMBER</th>
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<tr>
<td>Brighton</td>
<td></td>
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</table>

<table>
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<th>CONTRACTOR</th>
<th>CITY/STATE</th>
<th>ZIP CODE</th>
<th>PHONE NUMBER</th>
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<tr>
<th>JOB ADDRESS</th>
<th>TAX ID</th>
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<td>4-716-04-203-254</td>
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<table>
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<tr>
<th>LOT NUMBER</th>
<th>SUBDIVISION</th>
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<table>
<thead>
<tr>
<th>SIGNATURE</th>
<th>DATE</th>
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<tbody>
<tr>
<td>Donna Threet</td>
<td></td>
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</table>

**II. TYPE OF IMPROVEMENT**

<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>SHED &lt; 200 SF</th>
<th>TREE REMOVAL</th>
<th>OTHER</th>
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<tbody>
<tr>
<td>FENCE</td>
<td>RE-CONTOURING</td>
<td>GRADING</td>
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**III. INFORMATION REQUIRED**

Two copies of a drawing, drawn to scale, showing the following:

1. Location, shape, area and dimensions for the lot or acreage.

2. Location of the proposed construction, alteration or repair upon the lot or acreage affected, along with existing structures, wells and disposal systems.

3. Dimensions, height, bulk of structures and setback lines.

4. Nature of the proposed construction, alteration or repair and the intended uses.

5. Present use being made of any existing structure affected and any proposed change in the use thereof.

6. Show ownership of property affected by the permit

**IV. INSPECTION REQUIRED**

Inspection to be scheduled by:

1. Date which job will be completed: _________________ DATE

2. Schedule final inspection for: _________________ DATE

**ZONING ADMINISTRATOR APPROVAL:**

**FEMA:** "AX" Z6093C 0363D

**Zoning:** "LA" 0.219 acre
Best Barns Brookfield 12' x 16' Shed

Key features
- Hardware Included
- Double Sliding Doors

Description

Item # 07170861000P Model # brookfield1216

Keep All Your Gear Protected in the Best Barns Brookfield Shed

When you need extra space to store your lawn tools, get the Best Barns 12'x16' Shed to deliver ample storage space. The doors install in the middle of the 16' wall, so you'll have room to the right & left. With ample entry space and a roomy interior you’ll be able to store your riding mower and much more. This shed comes with all materials pre-cut and ready for assembly. All fasteners and hardware are included.

Enjoy stylish and rugged storage with the Best Barns Brookfield Shed

- Exterior siding is Louisiana-Pacific SmartSide primed with embossed cedar texture
- Sturdily-built roof trusses stand up to 90 mph winds
- Easy to follow assembly instructions. Some cutting may be required
- Foundation (floor), paint and shingles not included
- Roof cupola shown in photo not included
- Windows are sold separately by Sears.com

Would you like to provide feedback on the Product Information displayed?

Provide Feedback

Sold by: Sears

Regular price $2899.99
Your savings $494.43

$2405.56

FREE Delivery Outdoor Storage $25

Earn $149.05 in points to redeem later

Gift Eligible

Oversized Shipping

Free oversized shipping. See details in checkout

Store Pickup Not Available

Learn about our regular price offer

View Alaska/Hawaii Pricing
Livingston County Health Department-Environmental Health Division
2300 E. Grand River, Suite 102
Howell, MI 48843
517.546.9858 * 517.546.9853 FAX
http://co.livingston.mi.us/health

Building Review

SITE ADDRESS: 6526 EDGEWOOD DR BRIGHTON 48116
PARCEL NO.: 16-04-203-134
TOWNSHIP: Green Oak Township

OWNER
DANNY & DONNA THREET
6526 EDGEWOOD DR
BRIGHTON MI 48116
PRIMARY :810-623-0410

Environmental Sanitarian:

PROJECT DESCRIPTION

SHED
Information:
Use: Residential
Type Sewage Disposal: Municipal
Water Supply: On-site

Demolition: No
Accessory Structure: Yes
Structure Type: Outbuilding
Number of Bedrooms: to
Amount of Fixtures:
Type of Fixtures:

Comments:

Complete 07/20/2017 Approved per site plan.

APPROVED
Environmental Sanitarian: Beau C. Forrette

Reviewed Date: July 20, 2017
<table>
<thead>
<tr>
<th>Grantor</th>
<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>Front. Trans.</th>
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<tr>
<td>LEE, MARK R</td>
<td>7,000</td>
<td>12/23/2016</td>
<td>QC</td>
<td>03-VACANT LAND SALE</td>
<td>2016R-039457</td>
<td>BUYER/SELLER</td>
<td>100.0</td>
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</table>

**Property Address**

6526 EDGEWOOD DR

**Owner's Name/Address**

THREET, DANNY & DONNA
6526 EDGEWOOD DR
BRIGHTON MI 48116

**Class:** RESIDENTIAL-IMPRO
**Zoning:** LA

**School:** BRIGHTON
**P.R.E. 100% 12/23/2016**

**DBA:**

**2018 Est TCV Tentative**

<table>
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<tr>
<th>Improved</th>
<th>Vacant</th>
<th>Land Value Estimates for Land Table 003NL.003NL. 3 LAKES-OFF LAKE LAND</th>
<th>* Factors *</th>
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<td>X</td>
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<td>Description</td>
<td>Frontage Depth</td>
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<td>Dirt Road</td>
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<td>Topography of Site</td>
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<td>Wetland</td>
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<td>Flood Plain</td>
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</table>

**The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Green Oak, County of Livingston, Michigan***
**Residential Building 1 of 1**

**Parcel Number:** 4716-04-203-254  
**Printed on:** 09/12/2017

### Building Type
- X Single Family
- X Mobile Home
- X Town Home
- X Duplex
- A-Frame
- X Wood Frame

### Building Style:
- One Story

### Year Built Remodeled
- 1950
- 1970

### Condition:
- Average

### Room List
- Basement
- 1st Floor
- 2nd Floor
- 3:1 Bedrooms

### (1) Exterior
- X Exterior
- X Wood/Shingle
- Aluminum/Vinyl
- Brick

### (2) Windows
- X Windows
- Many
- Large Avg.
- Small

### (3) Roof
- X Gable
- X Hip
- X Mansard
- X Shed
- X Asphalt Shingle
- Chimney:

### (4) Interior
- X Drywall
- X Paneling
- Wood
- X T&G

### Trim & Decoration
- X Ex
- X Ord
- X Min

### Size of Closets
- X Lg
- X Ord
- Small

### (5) Floors
- X Ord
- X H.C.

### Kitchen
- Vinyl
- Carpeted
- Other:

### (6) Ceilings
- X Drywall

### (7) Excavation
- Basement: 504 S.F.
- Crawl: 0 S.F.
- Slab: 773 S.F.
- Height to Joists: 0.0

### (8) Basement
- Conc. Block
- Poured Conc.
- Stone
- Treated Wood
- Concrete Floor

### (9) Basement Finish
- Recreation SF
- Living SF
- Walkout Doors
- No Floor SF

### (10) Floor Support
- Joists:
- Unsupported Len:
- Cntr.Sup:

### (11) Heating/Cooling
- Gas
- Wood
- Oil
- Coal
- Elec.

### (12) Electric
- Central Air
- Wood Furnace

### (13) Plumbing
- 2 Average Fixture(s)
- 1 2 Fixture Bath
- Softener, Auto
- Manual
- Solar Water Heat
- No Plumbing
- Extra Toilet
- Extra Sink
- Separate Shower
- Ceramic Tile Floor
- Ceramic Tile Wains
- Ceramic Tub Above
- Vent Fan

### (14) Water/Sewer
- Public Water
- 1
- Public Sewer
- 1
- Water Well
- 1000 Gal Septic
- 2000 Gal Septic

### (15) Built-ins
- Appliance Allow.
- Cook Top
- Dishwasher
- Garbage Disposal
- Bath Heater
- Vent Fan
- Hot Tub
- Unvented Hood
- Vent Hood
- Intercom
- Jacuzzi Tub
- Jacuzzi repl.Tub
- Oven
- Microwave
- Standard Range
- Self Clean Range
- Sauna
- Trash Compactor
- Central Vacuum
- Security System

### (15) Fireplaces
- Interior 1 Story
- Interior 2 Story
- 2nd/Same Stack
- Two Sided
- Exterior 1 Story
- Exterior 2 Story
- Prefab 1 Story
- Prefab 2 Story
- Heat Circulator
- Raised Hearth
- Wood Stove
- Direct-Vented Ga

### (16) Porches/Decks
- Year Built:
- CCF (1 Story)
- 335
- WPP
- Class:
- Exterior:
- Brick Ven.
- Stone Ven.
- Common Wall:
- Foundation:
- Finished ?:
- Auto. Doors:
- Mech. Doors:
- Area:
- Storage Area:
- No Conc. Floor:

### (17) Garage
- Carport Area:
- Roof:
- Bsmt Garage:
- Cntr/Mult:
- X 1.510
- E.C.F.
- X 1.100
- Estimated T.C.V.: 104,297

### Stories
- Exterior Foundation
- Rate
- Bsmt-Adj
- Heat-Adj
- Size
- Cost
- 1 Story Siding
- Slab
- 64.38
- -11.19
- 1.92
- 773
- 42,600
- 1 Story Siding
- Basement
- 64.38
- 0.00
- 1.92
- 504
- 33,415

### Other Additions/Adjustments
- Walk Out Basement Door(s)
- 775.00
- 1
- 775

### (13) Plumbing
- 3 Fixture Bath
- 2400.00
- 1
- 2,400
- 2 Fixture Bath
- 1600.00
- 1
- 1,600
- Public Sewer
- 1162.00
- 1
- 1,162
- Well, 100 Feet
- 2700.00
- 1
- 2,700

### (16) Porches
- CCP (1 Story), Standard
- 44.00
- 40
- 1,760
- WPP, Standard
- 7.10
- 835
- 5,929
- Phy/Ab/Phy/Funct/Econ/Comb,%Good= 68/100/100/100/68.0, Depr.Cost = 94,815
- ECP (603NL.3 LAKE OFF LAKE ECP)
  - 1.100 => TCV of Bldg: 1 = 104,297

### Notes
-*** Information herein deemed reliable but not guaranteed***
Parcel Number: 4716-04-203-254, Residential Building 1

Walkout

1 Sty/Slab
773.0 ft²

1 Sty/Bsmt
504.0 ft²

CCP
835.0

WPP

32.0'
8.0'
37.0'
32.0'
19.0'
24.0'
21.0'
20.0'
8.0'
20.0'
12.0'
30.0'
13.0'
20.0'
7.0'

*** Information herein deemed reliable but not guaranteed***
Before you order our kit or begin construction, obtain a building permit. If additional documents are required contact Richard@barnkits.com.

**Brookfield Elevation**

2x4 Trusses 24" o.c.

6/12 Roof Pitch

6' - 0"

5' - 4"

7' - 3" Headroom

6' - 4" Sidewall Height

2x4 Studs 24" o.c.

15' - 9" Floor Length

12' - 0" Building Width

**Foundation:** By owner

**Wall Framing:** Constructed from 2x4 precut wall studs spaced 24" on center between top and bottom plates.

**Siding:** Louisiana-Pacific 'Smart Panel' primed 8" o.c. groove with 50 year warranty, 5 year labor replacement

**Roof System:** 2x4 trusses spaced 24" on center, (40 psf ground snow load, 90 mph wind load). 7/16" OSB roof sheathing. *Shingles by owner.*

**Exterior Trim:** White pine trim for corners, door, gable trim and sidewall fascia fascia.

**Hardware:** Nails for all framing, metal hurricane hangers for trusses and door hardware.

---

**3/4" Plywood**

4x4 Treated Runners

2x4 Treated Joist 16" o.c.

---

**5/8" OSB**

2x4 Treated Joist 16" o.c.

---

**Deluxe Floor:** 4x4 treated runners can be installed directly on the grass. The runners elevate the floor providing air flow under the floor eliminating moisture. 8' and 10' wide floors have three runners, 12' wide floor have four. The floor covering is 3/4" plywood.

**Standard Floor:** This floor system is best installed over an existing foundation, cement slab, blacktop or gravel base. Bricks or patio stones can be used to level the 2x4 frame. The floor covering is 5/8" OSB (oriented strand board).
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</table>
GREEN OAK CHARTER TOWNSHIP
PLANNING AND ZONING DEPARTMENT
10001 Silver Lake Road, Brighton, MI 48116
Phone: 810-231-1333 ext.104 Fax: 810-231-5080

AFFIDAVIT OF MAILING OF PUBLIC HEARING NOTICES

STATE OF MICHIGAN
Ss

COUNTY OF LIVINGSTON

REASON FOR PUBLIC HEARING: Variance
NAME OF APPLICANT: Danny Threet
ADDRESS OF APPLICATION: 6526 Edgewood, Brighton MI 48116
DATE OF PUBLIC HEARING: September 19, 2017
BOARD HOLDING PUBLIC HEARING: Zoning Board of Appeals

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

I Debra McKenzie being first duly sworn, do hereby depose and say that I caused to be prepared for mailing, and mailed by First Class mail, on September 1, 2017 , a Notice of Public Hearing, a true copy of which is attached hereto and made a part hereof, to each owner of or party in interest in property located within three hundred (300) feet or five hundred (500) feet whichever is appropriate and/or abutting the subject's property line described in the subject's property description, as such name and address of owner is described in the attached Notice, and as such name and address appears in the computerized property tax assessment roll records of the Assessing Department of Green Oak Charter Township as of the date of the computer printout; and printed out mailing labels from that computerized database for said parcels affected; that each such envelope had contained therein the appropriate Notice of the aforesaid hearing, was securely sealed with postage fully prepaid thereon for First Class Mail delivery; and that all of said envelopes were placed on the outgoing mail receptacle at Green Oak Charter Township Hall in Brighton, Michigan on the said date for the above referenced hearing meeting.

Debra McKenzie,
Zoning Administrator
GREEN OAK CHARTER TOWNSHIP
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 THE GREEN OAK CHARTER TOWNSHIP ZONING BOARD OF APPEALS WILL HOLD A PUBLIC HEARING ON SEPTEMBER 19th AT 7:00 P.M. AT THE GREEN OAK CHARTER TOWNSHIP HALL, 10001 SILVER LAKE ROAD, BRIGHTON, MI for hearing the following variance request.

ZBA Case 07-2017, Parcel # 4716-04-203-254, Located at 6526 Edgewood Dr., Brighton MI 48116. Request a variance from Sec. 38-171 to allow a property to have two sheds.

ZBA Case 08-2017, Parcel # 4716-28-300-008, Located in the Upper Peninsula Club 10820 Houghton Road Whitmore Lake, MI 48189. Request a Variance from 38-494 to rebuild cottage on old footings. Non-Conforming Uses

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 Planning-Zoning@greenoaktwp.com prior to noon, September 19, 2017.

Green Oak Charter Township Zoning Board of Appeals

Notice of Posting according to Act 359 of 1947;
Posted: September 1, 2017
NOTICE OF POSTING

Please be notified that Green Oak Charter Township Zoning Board of Appeals will hold a public hearing on September 19, 2017 at 10001 Silver Lake Road, Brighton MI at 7:00 p.m. for hearing the following variance request: ZBA Case 07-2017, Parcel # 4716-04-263-254, Located at 6526 Edgewood Dr., Brighton MI 48116. Request a variance from Sec. 38-171 to allow a property to have two sheds. ZBA Case 08-2017, Parcel # 4716-28-300-008, Located in the Upper Peninsula Club 10820 Houghton Road Whitmore Lake, MI 48189. Request a Variance from 38-494 to rebuild cottage on old footings. Non-Conforming Uses

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

(09-01-2017 DAILY 3128732)
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-08-2017
Date of Application: June 19, 2017
Hearing Date: September 19, 2017
Applicant: James Lyon
Property ID: 4716-28-300-008
Property Address: 10820 Houghton Road, Whitmore Lake, MI 48189

Nature of Application: The applicant is requesting an exception to 38-494 Sections of the Green Oak Charter Township non-conforming, structures. Applicant requests to keep the New Single-Family home that he started construction on in the early spring. The new home is 692.4 SF and is a 1 story. The home was built without a building permit. The home is located within the Upper Peninsula Club. The property is zoned R2 single family residential. The Upper Peninsula Club has multiple homes on the property.

Zoning District: R2, Single Family

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

Notice of the meeting was sent to property owners within 300 feet. Notice was also posted on Green Oak Charter Township properties and the Township’s website. I have not received any public comment regarding this application.
Notices: Notice of public hearing sent to the applicant, September 1, 2017
Notice of public hearing published in the Livingston County Press and Argus, September 1, 2017

Report Prepared By: Debra McKenzie

CASE FILE DOCUMENTS:

1.0 Zoning Map
1.2 Site Plan
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
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: James Lyons
Address: 1883 Peck Rd
City/State/Zip: Walled Lake MI 48390
Phone: 810-341-0915 Fax: 
E-Mail: BigDaddyJimLyons@Gmail.com

Property Owner Information
Name: UP Club
Address: 10770 Calumet Rd
City/State/Zip: Walled Lake MI 48189
Phone: Fax: 
E-Mail: UPG NEWS@YAHOO.COM

Location of Property for which the variance requested
Address: 10820 Houghton
Cross Streets: 
Tax Identification #: Information available from the Green Oak Charter Township Assessing Dept.
Zoning District: 
Lot Size/Acreage: 
Current Use: Cottage

Variance Request: 38-49c Non Conforming Uses

Total Number of Variances Requested: 1

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

______________________________________

______________________________________

_____________
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

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.

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.
1. The exceptional and extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone include the fact that the Upper Peninsula Club (UP Club) and all of its approximately 250 members own the 10 acres parcel of land and the club house. Conversely all cottages are privately owned by individual members in good standing with the club. Only member can be cottage owners.

2. The variance would be necessary for the preservation and enjoyment of a substantial property rights possessed by other property in the same vicinity including myself and the 31 other cottage owners on the UP club property.

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 as the variance and modification will be beneficial the public welfare and other properties as the variance will allow the property to be brought up to currently safety and building codes. The UP Club was founded in 1917 and moved to the current location in Green Oak Township in 1941. Due to the unique circumstances of the privately owned cottage being on the club owned property it is imperative that any and all variances and modification are done for the benefit of all parties involved.

4. The granting of such variance will not adversely affect the purpose or objective of the master plan of the township, the original structure was built in 1947 and expanded in 1961 had been vacant for several years, the goal of this modification and variance is to rebuild the cottage as close as possible to the previous structure and to bring additional value to the UP Club and community in general.

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 so general or recurrent a nature, as there was very little historic information and/or documentation on the previous structure this variance is sought to establish a permanent record for both the township and the private owner, and no further variance should be needed.
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: 8-18-17

Signature of Owner, if different

Date:

Zoning Board of Appeals
Application
The proposed permit request is being reviewed per the Green Oak Charter Township Zoning Code of Ordinances and the regulations for your request are summarized below:

- Ordinance Number: 38-136 Schedule of area, height and setback regulations
- Section 38-494 Nonconforming structures

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning District</td>
<td>R 2, Single Family</td>
</tr>
<tr>
<td>Setbacks</td>
<td></td>
</tr>
<tr>
<td>Waterfront/ Front Yard</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>No property lines listed</td>
</tr>
<tr>
<td>Side Yards</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Lot area</td>
<td>21,750 sq. ft.</td>
</tr>
<tr>
<td>Lot width at building site</td>
<td>125 ft.</td>
</tr>
<tr>
<td>Building height</td>
<td>32 ft.</td>
</tr>
<tr>
<td>Percent of maximum lot coverage</td>
<td>30%</td>
</tr>
<tr>
<td>Section 38-494 Nonconforming structures</td>
<td>No such structure may be enlarged or altered in a way that increases its nonconformity.</td>
</tr>
</tbody>
</table>

Your application has been reviewed and does not meet the Green Oak Charter Township Zoning Code of Ordinances. If you wish to appeal any decision of the ordinance you can file an application with the Zoning Board of Appeals. Applications can be found on our web site.

38-494 This structure is non-conforming and cannot be enlarged.

You can view the whole Green Oak Charter Township Zoning Code at [www.greenoaktwp.com](http://www.greenoaktwp.com). Do not hesitate to call with any questions or concerns.

Debra McKenzie,
Zoning Administrator,
810 231-1333 ext. 104
Livingston County Health Department
Environmental Health Division
2300 E. Grand River Ave., Ste. 102
Howell, MI 48843
517.546.9858 * 517.546.9853 FAX
co.livingston.mi.us/health

PERMIT#: SEP2017-00171
APPLIED: 06/02/2017
ISSUED: 06/13/2017
EXPIRES: 06/13/2018

Sewage Permit

SITE ADDRESS: 10820 HOUGHTON WHITMORE LAKE 48189
PARCEL NO.: 16-28-300-008
TOWNSHIP: Green Oak Township
SUBDIVISION: UPPER PENINSULA CLUB
LOT/PARCEL: /
DIRECTIONS:

OWNER
UPPER PENINSULA CLUB
10739 NINE MILE
WHITMORE LAKE MI 48189

BUILDER
JAMES LYONS
1883 DECKER RD
WALLED LAKE MI 48390
PH 810-343-0915

CONTRACTOR
KENSINGTON VALLEY EXCAVATING LLC
PO BOX 1134
HOWELL, MI 48844
PH 517-223-8915

Environmental Sanitarian: Beau C. Forgette
Issued Date: June 13, 2017

Project Description:
ADMINISTRATIVE APPEAL # SEV2017-00109

Information:
Type of Use: RESIDENTIAL
Type of Water: Residential
Type of Work: Tank Only
# of Tanks/Capacity: 1 / 1,600
Field Size: 0
# Beds/Baths: 1 / 0
Type of Parcel: Metes and Bounds
Basmt Plumbing:

Disp.Sys: Pretreatment: None
Type of Flow: Gravity
Effluent Filter: NONE
Sys.Elevation:
Max.Est.Flow:

Special Requirements:
***Tank installation required. Sanitarian must witness excavation and tank placement. Contact Sanitarian to set up inspection.***
Pump and haul permit, as approved by the Administrative Appeal #Sev2017-00109. An annual operation & maintenance permit will be required by LCHD for as long as pump and haul is utilized for sewage disposal.
Septic tank shall be certified watertight by the manufacturer once the tank is set in place.

**Note: An interior water meter device shall be installed capable of monitoring the outgoing sanitary flow. These numbers will be used to compare the gallons leaving the home to the gallons being pumped from the tank.***
Inspections required: 1) tank installation/vacuum test 2) installation of high water alarm + test 3) contract with a licensed Michigan septic hauler 4) deed restriction 5) verification of water meter

Environmental Sanitarian: Date Filed:
Livingston County Health Department
Environmental Health Division
2300 E. Grand River Ave., Ste. 102
Howell, MI 48843
517.546.9858 * 517.546.9853 FAX
co.livingson.mi.us/health

Well Permit

PERMIT #: WEL2017-00215
APPLIED: 6/2/2017
ISSUED: 6/13/2017
EXPIRES: 06/13/2018

SITE ADDRESS: 10820 HOUGHTON WHITMORE LAKE 48189
PARCEL NO.: 16-28-300-008
TOWNSHIP: Green Oak Township
SUBDIVISION: UPPER PENINSULA CLUB
LOT/PARCEL: DIRECTIONS:

OWNER
UPPER PENINSULA CLUB
10739 NINE MILE
WHITMORE LAKE MI 48189

BUILDER
JAMES LYONS
1883 DECKER RD
WALLED LAKE MI 48390
PH: 810-343-0915

CONTRACTOR

Environmental Sanitarian: Beau C. Forgette

Issued Date: June 13, 2017

Project Description:
Administrative Appeal # Sev2017-00109

Information:
Type of Work: Replacement
Type of Water: Residential
Sewer Type: On-Site
Well First: Special Requirements:

ALL WELL CONSTRUCTION ACTIVITIES SHALL COMPLY WITH PART 127, ACT 368, OF 1978, AS AMENDED, AND SECTION 409 OF THE LIVINGSTON COUNTY SANITARY CODE.

FINAL PERMIT APPROVAL CONTINGENT UPON SUBMITTAL OF ACCEPTABLE: 1. BACTERIOLOGY ANALYSIS, 2. NITRATE ANALYSIS, 3. ARSENIC ANALYSIS, 4. WELL RECORD, AND 5. WELL DRILLING NOTIFICATION.

IF ARSENIC IS DETECTED ABOVE THE DRINKING WATER STANDARD (0.010 MG/L), THE WELL SHALL NOT BE APPROVED UNTIL SUCH TIME AS 1. ACCEPTABLE WATER TREATMENT HAS BEEN INSTALLED AND PROVIDES WATER BELOW 0.010 MG/L, OR 2. A NEW WELL IS DRILLED AND PROVIDES WATER BELOW 0.010 MG/L. PLEASE CONTACT LCHD TO DISCUSS OPTIONS AND REQUIREMENTS.

IF AN EXISTING WELL WAS PRESENT IT MUST BE PROPERLY ABANDONED ACCORDING TO R325.1662 -1665 OF GROUNDWATER QUALITY CONTROL, PART 127, ACT 368, P.A. 1976. INDICATE ON WELL LOG AS TO ABANDONMENT OF OLD WELL.

WELL SHALL MAINTAIN A MINIMUM OF 50 FT. TO ALL SEPTIC SYSTEMS.

Environmental Sanitarian: 

Date Finalized:
Public Hearing Notice

May 23, 2017

To: Neighboring Property Owners
   Mark St. Charles, Green Oak Township Supervisor

From: Livingston County Health Department, Environmental Health Division

Re: Notice of Public Hearing for the proposed renovation of a home located at 10820 Houghton Drive, Green Oak Township, Section 28; Parcel ID# 4716-28-300-008

To Whom It May Concern:

James Lyons is requesting a variance to Section 301.14 and 301.23 of the Livingston County Sanitary Code. The proposal consists of rebuilding an existing house that was damaged by a tree. The soils that exist on this property do not meet the requirements for suitability under Section 301.15 of the Sanitary Code and the condition and location of the current septic system is unknown. Due to the site conditions, the owner is proposing the installation of a septic tank for waste storage that will be pumped out as necessary.

The Appeal Hearing will be held at 9:00am, Friday, June 2nd in the Health Department Conference Room located at 2300 East Grand River, Howell.

Public written or verbal comments are welcome. Contact Aaron Aumock, Field Program Coordinator at (517) 552-6873 or aaumock@livgov.com should you have any questions or comments.

Livingston County Health Department will protect, preserve, and promote the health and safety of the people of Livingston County.
Homeowner Affidavit

I hereby certify the electrical work described on this permit application shall be installed by myself in my own home in which I am living or about to occupy. All work shall be installed in accordance with the State Electrical Code and shall not be enclosed, covered up, or put into operation until it has been inspected and approved by the Electrical Inspector. I will cooperate with the Electrical inspector and assume the responsibility to arrange for necessary inspections.

The Department will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability or political beliefs. If you need help with reading, writing, hearing, etc. under the Americans with Disabilities Act, you may make your needs known to this agency.

Page 4
12/15/2010
Right Side Elevation
10820 Houghton

- 8" Dutchlap Unreal Siding
- 8" x 12" Concrete Block
LOADING (psf)
TCLD 23.1
(Top Chord)
BCLD 7.0
BCDL 9.9

SPACING
Plate Grip COL 1.15
Lumber COL 1.15
Rep Stress Incr YES
Code IRC2012TP12009

CSL 0.27
TC 0.88
BC 0.88
WB 0.26

DEFL in
Vert(LL) -0.19 6-8 >989 240
Vert(TL) -0.49 8-10 >481 180
Horz(TL) 0.84 6 n/a n/a

PLATES GRIP
MT20 197/144

WGT Weight: 68 lb FT % 10%

REATIONS (lb)
Max. Horz 2=7/1(LC 12)
Max. Uplin 2=5/1(LC 14)

FORCES (lb)
Max. Comp. Ten. - All forces 250 lb or less except when shown.
Top Chord 2.9=1260/113, 3.9=1245/132, 10.1=855/77, 11=913/92, 12-13=913/92, 12-13=913/92, 12-13=913/92
5.1=855/77, 5.1=1245/132, 5.1=1245/132
Bot Chord 3.0=855/117, 3.0=855/117
Web 3.0=385/16, 3.0=385/16

NOTES:
1) Wind: ASCE 7-10; Vult=115mph (3-second gust) VIRC12012=91mph; TCLD=4.2psf; BCLD=6.0psf; h=158; B=48; L=241; eave=41;
Cat. II, Exp B; enclosed; MWFRS (directional) and C-C Exterior(1) 0-0 to 2-6-0; Exterior(2) 2-6-0 to 10-0-0; Exterior(3) 10-0-0 to 13-0-0
zone; cantilever left and right exposed; end vertical left and right exposed; C-C for members and forces & MWFRS for reactions shown;
Lumber COL=1.60 plate grip COL=1.60
2) TCLD: ASCE 7-10; Pgt= 30 psf (ground snow); Pcf=23.3 psf (flat roof snow); Category II, Exp B; Partially Exp; C=1.1
3) Unbalanced snow loads have been considered.
4) This truss has been designed for greater rain roof live load of 16.5 psf or 100% flat roof load of 23.5 psf on overhangs
5) This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
6) * This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will
7) Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 100 lb upfit at joint(s) 2, 6,
8) "Semi-rigid pitchbacks including heels" Member end fixity model was used in the analysis and design of this truss.
9) Warning: Additional permanent and stability bracing for truss system (not part of this component design) is always required.
Re: 16-06836R  
Jim Lyons - Cottage

The truss drawing(s) referenced below have been prepared by MiTek USA, Inc. under my direct supervision based on the parameters provided by Michigan Timber & Truss Co.

Pages or sheets covered by this seal: 128231874 thru 128231875

My license renewal date for the state of Michigan is October 31, 2017.

Lumber design values are in accordance with ANSI/TPI 1 section 6.3
These truss designs rely on lumber values established by others.

November 8, 2016

Liu, Xuegang

IMPORTANT NOTE: The seal on these truss component designs is a certification that the engineer named is licensed in the jurisdictions(s) identified and that the designs comply with ANSI/TPI 1. These designs are based upon parameters shown (e.g., loads, supports, dimensions, shapes and design codes), which were given to MiTek. Any project specific information included is for MiTek's customer's file reference purpose only, and was not taken into account in the preparation of these designs. MiTek has not independently verified the applicability of the design parameters or the designs for any particular building. Before use, the building designer should verify applicability of the design parameters and properly incorporate these designs into the overall building design per ANSI/TPI 1, Chapter 2.
Parcel Number: 4716-28-300-008
Jurisdiction: GREEN OAK TOWNSHIP
County: LIVINGSTON
Printed on 09/12/2017

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

Property Address
10739 NINE MILE RD

Owner's Name/Address
UPPER PENINSULA CLUB
10739 NINE MILE
WHITMORE LAKE MI 48189

Class: RESIDENTIAL-IMPRO
Zoning: R2
School: BRIGHTON
P.R.E. 0%
DBA: NEW SINGLE-FAMILY

2018 Est TCV Tentative DEMOLISH
08/28/2013 PB03-0356 ISSUED

X Improved | Vacant | Land Value Estimates for Land Table 4799.4799 BRIGHTON M&B

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

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

*** 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>
</tr>
</thead>
<tbody>
<tr>
<td>X Single Family Mobile Home Town Home Duplex A-Frame</td>
<td>X Eavestrough X Insulation 0 Frent Overhang 0 Other Overhang</td>
<td>X Gas Wood Oil Coal</td>
<td>X Electric Steam</td>
<td></td>
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</tr>
<tr>
<td>X Wood Frame</td>
<td>(4) Interior</td>
<td>X Drywall Panelled Plaster Wood T&amp;G</td>
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<tr>
<td>Building Style: 2 STORY</td>
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<tr>
<td>Yr Built Remodeled 2001 200 0</td>
<td>Trim &amp; Decoration</td>
<td>X Ex X Ord X Min</td>
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<tr>
<td>Condition: Average</td>
<td>Size of Closets</td>
<td>Lg X Ord Small</td>
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<tr>
<td>Room List</td>
<td>Doors Solid X H.C.</td>
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<tr>
<td>Basement 1st Floor 2nd Floor Bedrooms</td>
<td>(5) Floors</td>
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<tr>
<td>Kitchen: Vinyl Other: Carpeted Other:</td>
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<tr>
<td>Exterior:</td>
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<tr>
<td>Wood/Shingle Aluminum/Vinyl Brick X Insulation</td>
<td>(6) Ceilings</td>
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<tr>
<td>X X X Drywall</td>
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<td>X Insulation</td>
<td>(7) Excavation</td>
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<tr>
<td>Basement: 0 S.F. Crawl: 651 S.F. Slab: 0 S.F. Height to Joists: 0.0</td>
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<tr>
<td>X Windows</td>
<td>(8) Basement</td>
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<tr>
<td>8 Conc. Block Poured Conc. Stone Treated Wood Concrete Floor</td>
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<td>(9) Basement Finish</td>
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<tr>
<td>Recreation SP Living SP Walkout Doors No Floor SP</td>
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<tr>
<td>(10) Floor Support</td>
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<tr>
<td>Joists: 2x 8 16oc Unsapped Leng: Cntr.Sup: Steel I-Bea</td>
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<tr>
<td>(11) Exterior Foundation Rate Bsmt-Adj Heat-Adj Size Cost</td>
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<tr>
<td>2 Story Siding Crawl Space 116.57 -10.96 0.00 0.00</td>
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<tr>
<td>Other Additions/Adjustments Rate</td>
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<td>13 Plumbing</td>
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<td>1 Average Fixture(s) 3 Fixture Bath 1 2 Fixture Bath</td>
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<td>Softener, Auto Softener, Manual Solar Water Heat Extra Toilet</td>
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<td>(14) Water/Sewer</td>
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<td>1000 Gal Septic 2000 Gal Septic</td>
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<td>Lump Sum Items:</td>
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<td><strong>Class:</strong></td>
<td>CntyMult</td>
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<tr>
<td><strong>Foundation:</strong></td>
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<td><strong>Floor Area:</strong></td>
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<tr>
<td><strong>Total Base Cost:</strong></td>
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<tr>
<td><strong>Total Base New:</strong></td>
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<td><strong>Note:</strong></td>
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<td>**Phy/Ab.Phy/Ecn/Econ.&amp;%Good= 86/100/100/100/86.0, Depre.Cost = 87,453</td>
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<td>1.034 =&gt; TCV of Bldg: 1 = 90,427</td>
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*** Information herein deemed reliable but not guaranteed ***
Parcel Number: 4716-28-300-008, Residential Building 1

- **WALKOUT**
  - 30.0' WPD
  - 340.0 sf

- **Concrete Wall 10.0" x 5.0'**

- **House #2**
  - 10880 Camulet
  - 2 Stv/Bsmt
  - 1404.0 sf
  - 26.0'

- **House #3**
  - 38790 Seminol Ct.
  - (No Sketch)

- **House #1**
  - 10823 Camulet
  - 1 Stv/Crawl
  - 288.0 sf
  - 24.0'
  - 27.0' WPD
  - 215.0 sf

*** Information herein deemed reliable but not guaranteed***
<table>
<thead>
<tr>
<th>Building Type</th>
<th>Roof (cont.)</th>
<th>Heating/Cooling</th>
<th>Built-ins</th>
<th>Fireplaces</th>
<th>Porches</th>
<th>Garage</th>
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*** Information herein deemed reliable but not guaranteed***
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<th>(15) Fireplaces</th>
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<td>ECF (4799 BRIGHTON M&amp;B - POST 1990)</td>
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*** Information herein deemed reliable but not guaranteed***
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<td>Overall Bldg Height:</td>
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** ** Calculator Cost Data ** **

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<td>Ave. X Low</td>
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<table>
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<tr>
<th>Heat#1: Wall or Floor Furnace</th>
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<tbody>
<tr>
<td>Heat#2: Wall or Floor Furnace</td>
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Ave. SqFt/Story: 4540
Ave. Perimeter: 232
Has Elevators: *

*** Basement Info ***

Area: 2080
Perimeter: 144
Type: Unfinished/Utility
Heat: No Heating or Cooling

* Mezzanine Info *

Area #1: (No Rates)
Type #1: Office

Area #2: (No Rates)
Type #2: Office

* Sprinkler Info *

Area: Type: Low

(1) Excavation/Site Prep:
(2) Foundation: Footings
X Poured Conc | Brick/Stone | Block
(3) Frame:
(4) Floor Structure:
(5) Floor Cover:
(6) Ceiling:

(7) Interior:
(8) Plumbing:
Many Above Ave. Average Typical Few None
Total Fixtures
3-Piece Baths Washules Water Heaters
2-Piece Baths Wash Fountains Water Softeners
Toilets

(9) Sprinklers:
X Few

(10) Heating and Cooling:
X Gas
Oil Coal Stoker Hand Fired Boiler

(11) Electric and Lighting:

Outlets:
X Few
Average Many Unfinished

Flex Conduit
Rigid Conduit
Armored Cable
Non-Metalic
Bus Duct

(12) Exterior Wall:

Flex Conduit
Rigid Conduit
Armored Cable
Non-Metalic
Bus Duct

(13) Roof Structure: Slope=0

(14) Roof Cover:

** ** 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 ext.104  Fax: 810-231-5080

AFFIDAVIT OF MAILING OF PUBLIC HEARING NOTICES

STATE OF MICHIGAN

Ss

COUNTY OF LIVINGSTON

REASON FOR PUBLIC HEARING: Variance
NAME OF APPLICANT: James Lyon
ADDRESS OF APPLICATION: 10820 Houghton
DATE OF PUBLIC HEARING: September 19, 2017
BOARD HOLDING PUBLIC HEARING: Zoning Board of Appeals

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

I Debra McKenzie being first duly sworn, do hereby depose and say that I caused to be prepared for mailing, and mailed by First Class mail, on September 1, 2017, a Notice of Public Hearing, a true copy of which is attached hereto and made a part hereof, to each owner of or party in interest in property located within three hundred (300) feet or five hundred (500) feet whichever is appropriate and/or abutting the subject’s property line described in the subject’s property description, as such name and address of owner is described in the attached Notice, and as such name and address appears in the computerized property tax assessment roll records of the Assessing Department of Green Oak Charter Township as of the date of the computer printout; and printed out mailing labels from that computerized database for said parcels affected; that each such envelope had contained therein the appropriate Notice of the aforesaid hearing, was securely sealed with postage fully prepaid thereon for First Class Mail delivery; and that all of said envelopes were placed on the outgoing mail receptacle at Green Oak Charter Township Hall in Brighton, Michigan on the said date for the above referenced hearing meeting.

Debra McKenzie,
Zoning Administrator
Green Oak Charter Township  
Zoning Board of Appeals  
Regular Meeting Minutes  
July 18, 2017

Roll Call:  
Wendy Hoover  
Adele Niendorf, alternate  
Sarah Pearsall  
Jim Tuthill  
Joe Weinburger

Guests:  
38

Also Present:  
Debra McKenzie, Zoning Administrator

APPROVAL OF AGENDA

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

Voice Vote:  
Ayes: Unanimous  
Nays: None

MOTION APPROVED

1. ZBA Case 04-2017, Parcel #4716-04-203-250, Located at 6490 Academy Dr.,  
Brighton MI 48116 a (vacant lot). Request a variance from Section 38-445  
Private Driveways to allow additional access on a private driveway for a  
new single home.

   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

Joe Tizedes, 1526 Somerville Lane, Howell, Mi. Mr. Tizedes explained that he is  
seeking a variance from Section 38-444 and 38-455 to allow additional access on a  
private drive to build a new family home to be used as a cottage. There are four parcels  
that currently have access to this private drive, and theirs is the only one that is vacant.  
He provided a brief layout of the area. Each of the 4 lots has its own primary footage on  
Academy Drive. The driveway itself has been in place since 1950. Also, lot 38 is also  
part of the sewer assessment district which they have been paying for one residential  
equivalent unit since the first rolls of the sewer district in 2002.
There is no way for them to have the same property rights or the same level of enjoyment on a lake front property without the ability to construct a dwelling for use as a single-family cottage. A dwelling is needed for shelter, to recreate, bath facilities and overnight stays. The request would not be materially determinantal to the public welfare. The proposed house on lot 38 will meet all the setbacks and is set back far enough off the driveway area so that it is clear and free. They are committed to making sure there are no encumbrances on the driveway path. There are no other provisions in the driveway maintenance agreement that relinquishes any property rights. There is nothing in the driveway agreement that it in any way agrees to deed restrict the ability to build on that lot, there is nothing in the agreement that states those rights are relinquished by the way of that agreement. In the legal description of the properties in that agreement, Lot 38 is listed in equal footing as the other 3 parcels.

Regarding the uniqueness of this situation, he mentioned they have been paying for sewer taps since the very first rolls and he is unaware of any other parcel that has been paying for sewer taps for 15 years and hasn't had the right to build on the property.

This is in line with the Master Plan, assuring the same property rights, enjoyment of ownership and the idea of having a burdensome restriction on this lot, to not build a dwelling on it, this is residential zoning, especially considering the way they have gone through the process to mitigate any hardships, and come into compliance as much as possible. He did not think it was in spirit of the Master Plan to deny them their property rights, substantially the same property right as other similar properties.

The circumstances that make this unique are the restrictions of a private driveway ordinance when all four of the properties have their own frontage. This is not a back-lot situation. There is a 3rd driveway at 6500 Academy. To be held to the restrictions is not reasonable. The township turned down a transfer until they provided a copy of the driveway maintenance agreement in September 2001. That was provided and after the Township read the provisions and found that lot 38 was on equal footing the land transfer was approved. The ordinance referred to the number of parcels that can be on a private drive and lot 38 has been a parcel serviced by that driveway. The structure itself is the exactly the average on the houses on either side of it. The practical difficulty is that they have a driveway that runs through their property for which they need to apply to gain access to their property through it.

Mr. Tuthill stated by doing a land transfer the applicant took it from 3 lots to 4 lots on the same driveway. Mr. Tizedes stated the driveway itself does not have to be expanded, moved or altered, it is in the same place since 1950, nothing is being adjusted. The only thing that changed is the moving of the parcel lines, lots 39 and 40 became a single parcel and 37 and 38 became single. Ms. Pearsall stated she had safety concerns, they can only have 2 driveways coming out onto a road.

Mr. Weinburger opened the public hearing at 7:25 p.m.
Barbara Bankau 6510 Academy Dr. – She commented she lives 2 lots south of the proposed building site for almost 39 years. She is in the middle of the shared driveway. This is the 4th time she has come before the ZBA to contest a new house on this lot. She explained the applicant has been denied by this board 3 previous times to build a house and then the applicant sued the Township and was also denied. The applicant owned the four lots, rented the cottage on lot 37 and lived in the house on lot 39. He was advised since lot 38 was a non-conforming lot he could build on either side but could not build on that lot. The applicant was denied because of the driveway situation. The applicant has created this situation by ignoring the ZBA and court findings and has now sold and moved away from Academy Drive. She explained the photos don’t show the incline on both ends of the driveway to get up to Academy Drive and a garage was built on lot 37 which causes more hazard and congestion in the driveway. They have to try to avoid the house and the garage. Most times they slide into the vacant lot and with the position of the proposed well there is no way that won’t be hit. She is also concerned about the distance from the proposed garage to the edge of the driveway. There is no way something wouldn’t be hit in that driveway during the winter months. Her concern is the safety of the driveway, there are always children playing there. She explained the applicant already owned two cottages on this lake and moved away, she didn’t think they had any intention of living in the proposed home. She questioned why anyone would continue paying for a sewer tap when they were told they couldn’t build on that lot. She felt the ordinance is there for a reason and their main concern is the safety of having another house and vehicles on the driveway. The bottom line is the applicant created this and the driveway situation has not changed since the denials. Therefore, the variance must be denied for the safety of their children and grandchildren.

Michael Carroll, Senior 6520 Academy Dr., Brighton – He commented that the photos are intentionally deceptive and do not represent the actual conditions on a daily basis. Where are the vehicles that occupy the homes plus any vehicles of family and friends? Where are all the bikes and the skateboards that are present on this private drive at any given time, it looks like a ghost town. He is concerned with the authenticity and it’s inaccurate. By adding another house, you significantly increase the traffic by 35% to 45% to the driveway increasing safety concerns. If you come out the front door of the two middle houses in one or two steps you could get whacked by a car going by, it’s 3 or 4 feet. Tell that to an 8-year-old boy going out the door. The applicant states he wants to build a cottage. These aren’t cottages, they are full size 2,000-3,000 sq. ft. homes. The applicant’s real intent is to build the biggest square foot structure he can get away with and on completion sell it to the highest bidder. The applicant does not want to live there, he has lived on both sides. He noted the north and south ingress and egress are not safe to exit due to the excess slope angle and is an accident concern. The danger of the ice is compounded during the winter. He has been there for 7 years and he hoped the application was denied.

John Mogelnicki 10882 Valleyview Dr., - He stated he used to live 4 to 5 houses south and is very familiar with the property. He would agree that the existence of a driveway agreement exists and he thought on page 1 of that agreement it requires 2 accesses and if that is the case then the applicant’s argument regarding the property being split in half and each half serve only 2 properties is a moot point. He would also
raise the issue regarding setbacks. He would think that the normal setback from the
property line would have to be applied to the setback from the driveway because that is
now a joint use property under the driveway agreement. In the description, it shows 19’
which is 11’ short of the required 30’. He agreed with Mr. Carroll that the pictures do not
show how steep the access egress on both ends are. While the applicant stated he has
been paying for the sewer, he sees no document stating that. If it is not outright donicd
he felt that should be checked before he is granted anything.

**Margaret Mogelnicki 10882 Valleyview Dr.** – She has driven that driveway, when it
wasn’t raining or snowing and it’s not easy. You must drive very slowly because people
can open their door and be on the driveway. Having owned both properties on either
side and coming to the ZBA before he knew the lot was buildable because of the road.
The lot is the same as before. There is no real road, it’s a driveway. She would like it to
be turned down because it’s still a driveway.

**Michael Carroll 6500 Academy Dr.** - He stated if the ordinance in 2001 required a
Class B road for four houses then the owner of lot 38 created the non-conformity of the
road when he did the land transfer. Also, the owner of lot 38 was turned down 3 times
previously with the request for a variance but then they still decided to pay for a sewer
and just because they decided to take that risk doesn’t mean it should support their
request for a variance. The ordinance for the driveway states it must be 18’ with 2’
shoulders which is a total of 22’. The existing driveway is actually 10’ in some sections
so this is less than half of what the ordinance requires. The driveway at 6500 is only 14’
across but the drawing makes it look much bigger. It also shows additional space
between the driveway and the garage which further mis-represents the actual condition.
The applicant submitted a lot of detail on his plans however, the driveway is what the
variance is needed for and there is no dimension showed on the road. The driveway
agreement is 2 pages in length but only 1 page was submitted so they only have half
the data. The owners of lot 38 have not maintained the driveway for the past 10 years.
The existing grade is double for the maximum standard. The existing grade is 16%
which is a huge safety concern. There are times when two cars are facing each other
and one needs to back out onto Academy and trying to back out with a grade that is
16% is very dangerous. The increase in traffic would be about 33% which is not a
marginal increase. This increase would create a more dangerous condition. The
children play in the driveway all the time and their doorway is 2 feet from the driveway.
The unclear and insufficient road data and the safety aspect are reasons why this
should be rejected.

**6480 Academy Dr.**, She is the purchaser of the house that was sold last year. Her
home sits on a corner and they cannot see any traffic coming or going around that turn.
Cars come flying around that corner all the time and it’s even hard for them to pull out.
Having the driveway there and the kids out there all the time is a safety hazard.

**Danielle Carroll 6500 Academy Dr.** – She commented she reiterated the same
concerns with the safety of the kids. It worries her greatly that there could be more
traffic with a new house. In the winter time to get up that hill she always slides into that
lot. They all must use the two driveways, she cannot get into her garage without using
it. The applicant also uses it to go out that side as well, it’s an impossible thing to think they would only use one side of it.

Pamela, - On May 7, 2016 she arrived at 6500 Academy Drive to pick up her son. She stopped her vehicle and as she exited the car a man who was later identified as Mr. Tizedes came running up the hill screaming at her telling her she couldn’t park there and had to move. She was later informed that he did not own that driveway and it is a shared common driveway. She was very uncomfortable to be confronted like that. Having his driveway coming off the shared driveway would be more strife for the existing homeowners as well as those visiting them.

Todd Sensoli 6600 Academy Dr, - He stated just from living down the street he sees how fast the cars come around that corner and when you’re banking around that corner you can’t see anything. To think one of those kids could be in the wrong spot at the wrong time is horrifying to him. He saw some pictures and there is no way that a car could do what was pictured, you must peer over the top of the car to even see because the grade is so high. He wished they wouldn’t do anything on that lot it really frightens him. It just doesn’t make any sense.

Mr. Weinburger closed the public hearing at 7:46 p.m. due to no one wishing to make comment.

Mr. Tizedes stated since he went through this 15 years ago and significant differences have occurred in the Zoning Ordinance with the creation of the LA zone and it went from 15’ setbacks to 7’ setbacks. After the land transfer, he applied for a building permit and it was denied solely on the 15’ setbacks, it didn’t state anything about a driveway. Everyone is concerned with the safety of the children. The agreement requires that the space be unencumbered and provide clear passage through it, it should not place an extra burden on him for people having the kids playing in the driveway. People can watch for kids and the easiest slope is on their lot. The requirements of a private road would be 60’ and that is the practical difficulty because it’s a 40’ lot and they can’t put a 60’ road on it. He would be willing to have a core sample done if needed. The land transfer was approved. As far as maintaining the driveway, he had it plowed twice only to have it covered up with snow blower snow. Regarding the fact that he came out yelling is a bold face lie. The pictures were taken with his phone it is not trick photography. As far as the driveway agreement he is unaware of any 2nd page he only has ever seen 1 page and it’s a full complete document.

Motion by Pearsall, second by Tuthill
To deny case ZBA 04-2017, Parcel # 4716-04-203-250, also known as 6490 Academy Dr., Brighton MI 48116 a (vacant lot.) The request for the variance for use from Sec. 38-445 Private Driveways is not necessary. Without the variance, the property does not have applicable access to the property.

The Request for a variance from Sec. 38-445 Private Driveways has not satisfied the requirements for variances for the following reasons:
There are no 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. Location of driveway

Such variance is not necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.

The granting of such variance or modification will 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 does 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 a general or recurrent a nature.

The practical difficulty causing the need for the variance request has been self-created by the applicant.

**Roll Call Vote:** Ayes: Unanimous  
Nays: None

**MOTION APPROVED TO DENY**

1. **ZBA Case 05-2017, Parcel #4716-12-301-009, Located at 7987 Lochlin Dr. Brighton, MI 48116.** Request a variance from Section 38-361(G) (5) to allow for a floodplain setback of 0 instead of the required 25 feet.

David LeClaire from Livingston Engineering explained he is representing the owners of the parcel. This is a lot in Kensington Pines and this building was originally about 16,000 square feet and additions have been added. The owner is looking for more storage for his business and the PUD Agreement does allow for a separate building on the property as long as it is architecturally compatible with the existing building. It is the owners desire to build another 4,000-square foot building on the west end of the property. This parcel is the only parcel that backs up to the Davis Creek that is in the floodplain. They are asking for a variance so they do not have to get a permit to fill the floodplain. They do have to get a permit from the DEQ because they will still have to fill in some of the floodplain. This permit will not have any hardship on any of the neighbors or the public in general. It is a minor variance.

Mr. LeClair explained the practical difficulty is in obtaining a permit from a jurisdictional agency that does not require that setback. The DEQ does not like giving permits for something that they don’t require. This is a floodplain which is different from a floodway, technically they can build a building in a floodplain.
Mr. Weinburger opened the public hearing at 7:54 p.m. and closed the public hearing due to no comments.

**Motion by Tuthill, second by Pearsall**

*To deny ZBA Case 05-2017, Parcel #4716-12-301-009, Located at 7987 Lochlin Dr. Brighton, MI 48116.*

**Roll Call Vote:** Ayes: Unanimous  
Nays: None

**MOTION APPROVED TO DENY**

2. ZBA Case 06-2017, Parcel #4716-04-203-088, a vacant lot located on Sporny Dr., Brighton, MI 48116. Request two variances from Section 38-136 for setbacks and height and the second variance under Section 38-171 is to allow a detached accessory structure to be built on a contiguous vacant property without a primary residence.

Michael Sedlak, 6355 Maple Hill Dr, Brighton. Mr. Sedlak explained he is requesting two variances. This would allow him to build an accessory building on a vacant lot that he owns. The practical difficulty is that the properties cannot be contiguous because of Sporny Road separating the lots. There is also a topographical practical difficulty on the existing property.

Mr. Sedlak explained from the south side of the property to the north side of the property in less than 100 feet is an over 30' topographical rise. Ms. Hoover asked what the need is for the height variance. Mr. Sedlak responding it's just for the size so that he can put vehicles that he has inside the building.

Ms. McKenzie clarified that the property is contiguous it just can't be combined and be considered a single property. The road cannot be vacated.

Mr. Sedlak explained he misstated, the practical difficulty is the owner's property is contiguous but the applicant is unable to combine property under the Land Division Act. The owner wishes to utilize the same property rights as surrounding property owners as they have attached and detached structures. The structure will not impede the view of the lake by surrounding neighbors. The structure will not adversely affect adjacent property values. The property and structure will be harmonious with the surrounding properties in the design. The granting of the variance will not affect the Township's Master Plan as the property is currently zoned Lakes Area and will continue to meet that zoning. The existing house/property does not have an adequate area to place a structure due to topographical and well head area. The conditions are not recurrent in nature as not everyone has a road prohibiting the joining of the property.

Mr. Weinburger stated he would feel more comfortable if a deed restriction stating that he can't sell one piece without the other. Mr. Sedlak agreed.

Mr. Weinburger opened the public hearing at 8:05 p.m.
**Gale Olson, 6384 Maple Hill** – She commented she is the other person who has a similar situation. She has a house on Maple Hill and on the other side she has a garage. Her two properties cannot be linked because of the road and yet they are linked because of the drain field. She was permitted to build a garage and the setbacks were allowed. She believed Mr. Sedlak should be allowed the same.

**Ian Carmichael, 6376 Maple Hill** – He commented when Mr. Sedlak bought the house, he bought a building that had been lived in with renters. He has cleaned up not only the house and property but also the lots that he bought. The road on Sporny is never going be used as a road. It’s been filled in with chunks of concrete and it is basically not a road. Mr. Sedlak has cleaned up his lots and where he is proposing to build will not affect anyone and he is in support of the variance.

**John Wenderlich, 6307 Baldwin Circle** – He commented that this property backs up to his and his concern is regarding soil erosion. It will be within a few feet of his fence and he is worried about soil erosion. He is also concerned with the height and questioned what will be parked in there and if it will affect his view.

**Diane Zielinski 6262 Briggs Lake** - She questioned the height of the structure. Mr. Sedlak stated it will not exceed 19’. She has two parcels that are contiguous to this parcel. She is not opposed to a structure going on there but she would like to have mandated screening to screen off the two contiguous parcels.

**John Zielinski, 6320 Baldwin Circle** – He also did not oppose the structure but felt there should be some screening involved.

Mr. Weinburger closed the public hearing at 8:17 p.m. due to no more comments.

Mr. Sedlak stated as far as the soil erosion concern he will address any soil erosion because he also does not want that to happen, there will have to be some land balancing done and the dead trees will either need to be removed or trimmed back and he has already gotten estimates for that. As far as the screening, the limit for screening is 6’. Although it is something he would consider in the future right now both lots are heavily wooded and overgrown and there hasn’t been anything done to them in years. It would be something he could consider in the future but not something he would consider right now.

**Motion by Pearsall, second by Niendorf**

To approve ZBA Case 06-2017, Parcel #4716-04-203-088, a vacant lot located on Sporny Dr., Brighton, MI 48116.

The variance is necessary for the contiguous vacant property without a primary residence. The request for a variance from Section 38-136 and Section 38-171 has satisfied the requirements for a variance for the following reasons: There are exceptional or extraordinary circumstances that are applicable to the property, noting the topographical issues on the
lot with the primary residence that do not generally apply to other properties in the area.

The property cannot be combined because the road has not been vacated. Such a variance is necessary for the preservation and enjoyment of a substantial property right by other property in the same zone or vicinity based on the location of the road.

The granting of such a variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such a zone or district which the property is located.

The granting of the variance does not adversely affect the proposed or objectives of the Master Plan of the Township. The condition or situations of the specific piece of property or the intended use of the property for which the variance is sought is not of a general or reoccurrence in nature.

The majority of the property located in Green Oak Charter Township do not have roads between them. The practical difficulty causing the need for the variance request has not been self-created by the applicant.

The applicant shall obtain a deed restriction so that the properties cannot be sold separately.

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 Tuthill  
To approve the minutes of May 16, 2017 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 8:26 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary
Roll Call: Wendy Hoover
Adele Neindorf, Alternate
Sarah Pearsall
Jim Tuthill
Deborah Yu
Joe Weinburger

Absent: Deborah Yu
Joe Weinburger

Guests: 6

Also Present: Debra McKenzie, Zoning Administrator

APPROVAL OF AGENDA

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

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

1. ZBA Case 07-2017, Parcel #4716-04-203-254 located at 6526 Edgewood Drive, Brighton MI 48116. Request a variance from Section 38-171 to allow a property to have two sheds.

Representing ZBA Case 07-2017: Danny & Donna Threet

Ms. Threet explained they would like to build a second out building. They purchased the lot 138 which adjoined their property in order to prevent further legal problems. They had some legal problems since the grinder pump was located on that lot. They would be entitled to build an outbuilding on lot 138 if they tore down the outbuilding on lot 139. It causes a great hardship because of the topography between lot 138 and 139 due to a 16’ drop. The only other access would be to take their equipment down the road which is hilly. They are requesting a 2nd outbuilding so that they can safely maintain the property on 138 and maintain their other property at 139.

Mr. Tuthill stated he understood, it doesn’t look like an easy thing.
Ms. Pearsall opened the public hearing at 7:07 p.m. and closed it due to no one wishing to speak.

**Motion by Tuthill, second by Hoover**
To approve ZBA Case 08-2017 because the applicant has shown a practical difficulty and there are extraordinary circumstances with the topography of the lot. The variance is necessary for the preservation and enjoyment of their property. It will not be materially detrimental to the public welfare, and not adversely affect the purpose or objectives of the Township Master Plan and it’s not self-created.

**Roll Call Vote:**
Ayes: Unanimous
Nays: None

**MOTION APPROVED**

2. ZBA Case 08-2017, Parcel #4716-28-300-008. Located in the Upper Peninsula Club 10820 Houghton Road, Whitmore Lake, MI 48189. Request a variance from 38-494 to rebuild cottage on old footings. Non-Conforming Uses.

**Representing ZBA Case 08-2017: James Lyon**

Mr. Lyon explained there was an existing cottage that was destroyed by a fallen tree. He got bad advice from people who told him he didn’t have to have a permit to re-build the building on the existing foundation, if he stayed within the original footprint. The had been building for 4 months once it got red tagged. He immediately started working with the Township. He explained it was originally built in 1941 and added onto in 1968. According to Livingston County there was no record of a record septic system. The cottage is a little smaller than the original because it doesn’t have the addition on it. The variance would create the official record since there were none. It is a one-bedroom cottage.

Ms. Hoover confirmed the cottage is now smaller. Mr. Lyon stated yes. There will be a new septic and well. The Health Department did a perk test and he has a contractor doing the septic system. Mr. Lyon stated he thought he was preparing an existing building, he fully admitted he made a mistake as far as not getting a permit. The cottages can only be sold to another member of the Upper Peninsula Club who is in good standing.

Ms. Pearsall opened the public hearing at 7:17 p.m. and closed it due to no one wishing to comment.

**Motion by Pearsall, second by Neindorf**
To approve a variance to Section 38-494 of the Zoning Ordinance to permit a newly-constructed, nonconforming structure to remain, subject to the following conditions:
1. Applicant shall apply for all necessary permits within five (5) business days from today, including, but not limited to, all building, electrical and mechanical permits.

2. The applicant shall pay double the permit applications fees for all after-the-fact permits.

3. The Township shall inspect the structure for compliance with all applicable codes.

4. Applicant shall not be permitted to occupy the structure until such time as all final inspections have been received, and a certificate of occupancy is issued.

5. Applicant shall permit the Township Assessor to enter the property and the structures to take photographs and measurements for assessment purposes, as necessary.

6. Applicant shall obtain all other permits required from other governmental agencies, including, but not limited to, the Livingston County Health Department.

7. Applicant is prohibited from erecting or applying for any further expansion of the structure or any other accessory structures on the property.

It will not be detrimental to the Township’s Master Plan.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

NEW BUSINESS – None

OLD BUSINESS - None

APPROVAL OF THE Meeting Minutes

Motion by Hoover, second by Tuthill
To approve the minutes of July 18, 2017 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 7:19 p.m. due to no further business.
Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto

Recording Secretary