Green Oak Charter Township
Zoning Board of Appeals
Special Meeting Minutes
March 22, 2016

Roll Call: Sarah Pearsall
Deborah Sellis
Jim Tuthill
Deborah Yu, Alternate
Joe Weinburger

Absent: Wendy Hoover

Guests: 5

Also Present: Debra McKenzie, Zoning Administrator

APPROVAL OF AGENDA

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

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

1. Tabled from 2-23-16 meeting, ZBA Case 04-2016, Parcel #4716-11-200-018.
Located at 12591 Emerson Drive, Brighton, MI 48116. Request two
variances from Section 38-136 Schedule of Area Height and Setback
Regulations for side and rear yard setbacks. The rear yard variance
request of 65’ and side yard variance request of 25’. A 4’ high chain link
fence will be placed at the buffer limit to clearly delineate the product
storage area.

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

Mr. LeVanway explained they were tabled at the last meeting to allow the opportunity
for them to modify the request. The request is for a 65’ rear yard setback and 25’ side
yard setback to keep as much outdoor storage as possible. They will be reducing the
storage by 10’ on both the rear and the side. The practical hardships are this area is
currently used as outdoor storage. Unilock is a seasonal business, they produce more
product and store the product due to the limited selling season. Additionally, when
looking at the site plan there is a greenbelt area along the front and a detention area,
when those are taken into account then there is a limited amount of storage.
Mr. Weinburger opened the public hearing at 7:06 p.m. and closed it due to no one wishing to comment.

Motion by Pearsall, second by Sellis
To approve ZBA Case 04-2016, Parcel #4716-11-200-018, Located at 12591 Emerson Drive, Brighton, MI 48116 to approve the 25' side yard setback and the 65' rear yard setback due to the exceptional and extraordinary circumstances due to the seasonal product and needing the storage space to maintain their business. The variance is necessary for the preservation of their business and to be able to enjoy the property the way they always have. The granting of the variance will not be materially detrimental to public welfare or adversely effect surrounding properties due to the fact it is wooded and public land. The granting of the variance will not adversely affect the purpose of the objectives of the Township Master Plan. There will also be a 4' high chain link fence to protect the buffer.

Roll Call Vote:  Ayes: Unanimous
Nays: None

MOTION APPROVED

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

Representing ZBA Case 06-2016: Denise Csatari
David Csatari

Ms. Csatari explained they sold their home in Brighton and made their primary residence in Whitmore Lake. The cottage is 674 sq. ft. that has been in Mr. Csatari’s family since the 1970’s. They have decided to take the cottage down due to the extensive amount of work that is needed and the size of the cottage. They plan to build a new home with a garage. They will build the garage first and move their belongings from the cottage into the garage. Due to the plotting of the road it makes it impossible to join the two parcels together. They would be happy to sign a deed restriction to ensure if they ever sold the house and garage would be sold together. The garage meets all the setback requirements. The second hardship is that they will initially exceed the 50% square footage restriction when they build the garage. The house also meets all setback requirements. They included letters of support from their neighbors.

Mr. Weinburger asked what the square footage of the new garage will be. Ms. Csatari stated 1024’. Mr. Weinburger confirmed they need the 50% variance to build the garage now and then the new home will be 2160’. The applicant agreed to obtain the deed restriction prior to building.

Motion by Sellis, second by Pearsall
With regard to ZBA Case 06-2016 Parcel #4716-32-200-024, located at 10430 Rosaltha Dr., Whitmore Lake, MI 48189 she moved to approve the variance request from Section 38-1 to allow both a detached accessory structure on a vacant parcel and a variance request from Section 38-171 to allow the square footage of the accessory structure to exceed 50% of the existing cottage. With regard to Section 38-1 there are extraordinary circumstances applicable to the property in that the property is divided by a road it is applicable to all of the streets within this district and that particular setup makes it impossible to put both an accessory structure and a cottage on the same parcel. The variance is necessary for the preservation and enjoyment of the homeowners as indicated by the custom of the property and the street and the houses and garages that similarly situated. The granting of the variance would not be materially detrimental to the public welfare or adversely affect the surrounding properties as evidenced by the existing properties and the support that Mr. and Mrs. Cstari have requested. The granting of the variance will not adversely affect the purpose or objective of the Township Master Plan because such variances already clearly exist. The practical difficulty is not self-created.

With regard to Section 38-171 allowing the square footage to exceed 50%, the extraordinary or exceptional circumstances in this particular instance is that there is no garage that currently exists there is the primary structure which is 674’ so the variance is needed so the garage of 1024’ can be built and in the future, the home built on the other side of the road will be greater than an additional 50% there by meeting Section 38-171 and coming into compliance with the code so it’s actually temporary at this point in time. The variance is necessary for the preservation and enjoyment of a substantial right possessed within the property due to having a garage and a home on the same parcel albeit divided by a road. The granting of the variance will not be materially detrimental to the public welfare and will not adversely affect the purpose or objectives of the Township Master Plan and is not a practical difficulty that is self-created. Before a building permit is issued with regard to this parcel the Deed Restriction shall be implemented requiring that both parcels will be sold together and cannot be separated.

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 Yu
To approve the minutes of February 23, 2016 as presented.
Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

CORRESPONDENCE

Ms. McKenzie provided a brochure that offers ZBA Training if anyone on the Board is interested.

CALL TO THE PUBLIC - None

ADJOURNMENT

The Zoning Board of Appeals meeting was adjourned at 7:21 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary