Green Oak Charter Township  
Zoning Board of Appeals  
Regular Meeting Minutes  
January 19, 2016  

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

Absent:  Jim Tuthill  

Guests:  16  

Also Present:  Debra McKenzie, Zoning Administrator  

APPROVAL OF AGENDZA  

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

Voice Vote:  Ayes: Unanimous  
Nays: None  

MOTION APPROVED  

ELECTION OF OFFICERS  

Motion by Pearsall, second by Sellis  
To nominate the current officers as follows:  
Joe Weinburger, Chair  
Sarah Pearsall, Vice Chair  
Wendy Hoover, Secretary  

Roll Call Vote:  Ayes: Unanimous  
Nays: None  

MOTION APPROVED  

1.  ZBA Case 01-2016, Parcel #4716-30-300-019 & 4716-30-300-043 address E M-36 Whitmore Lake, 48189, West of Lemen Road, south of Spicer Road.  
Zoned GB, General Business District (Conditional).  Request variance from  
Section 38-311 (f), Parking Regulations to allow parking spaces within the  
front yard setback.  

Representing ZBA Case 01-2016: Kurt Anderson, Civil & Environmental Consulting  
James Kenney, 7197 Rickett Road
Mr. Kenney explained that he purchased this property a few years ago and he is planning to reopen it as a landscape business. He understood he has to meet today’s standards and he is having difficulty meeting the handicap parking requirements. Mr. Anderson explained that their proposal meets the requirements and the safety of the customers. The back of the building is not ADA accessible but the handicap parking could be accommodated in the front of the building.

Mr. Weinburger opened the public hearing at 7:08 p.m. and closed it due to no comments.

Mr. Anderson explained putting the parking spaces in the rear is a struggle for this existing condition. The safest way to get handicap patrons to the store is to put the spaces at the front of the store.

Ms. Pearsall recused herself from voting since she voted on this issue at the Planning Commission level.

Motion by Hoover, second by Sellis
To approve the variance request in ZBA case 01-2016 for 8480 M36, Whitmore Lake, MI 48189 to allow the two handicap parking spaces within the front yard setback as proposed. The practical difficulty is the need to be ADA compliant and this would create a safety hazard if the parking was to be put behind the building. The variance is not detrimental to the Master Plan and will improve public safety.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

2. ZBA Case 02-2016, Parcel #4716-14-300-020, 12051 Andresen Drive, South Lyon, MI 48178. North of Twelve Mile and South of Soane, Zoned Residential Farming, 5.03 acres. Request a variance from Section 38-171 (2) to allow a detached accessory building within the front yard setback.

Representing ZBA Case 02-2016: Todd and Susan Underhill

Mr. Underhill explained that they took possession of the property on December 31, 2015 and they are the owners of the property. The request parallels the ideas in the mission statement by taking a piece of historic rural land and be respective of its heritage. This piece of property is the last parcel in this community to be developed. There would be minimal physical changes to the property. There are 5 landmark trees, and many large hardwoods that creates a 60’ canopy. They have spent time with a woodlot professional and in order to save as many trees as possible they staked out potential areas to establish a balance where the structures could be accommodated. The logical place for the accessory building is behind the house. Due to the setbacks, the
only tree free area with minimal removals and a lower elevation from where the house would actually do for gravity septic field creates a hardship for them.

Ms. Pearsall questioned that the applicant feels their practical difficulty is that they don’t want to remove any trees. Mr. Underhill stated they only want to remove minimal trees.

Ms. Sellis questioned if there are other places to put the building on the property if they were willing to cut down trees. Mr. Underhill stated that they could clear a big hole in the woods and put the structure there. Ms. Hoover commented that they didn’t have to have a walk out for their house. Mr. Underhill stated they are offering where they would prefer to have the house. Mr. Weinburger stated that there is a way to put the structure and meet the ordinance. Mr. Underhill stated that they still have to have a space big enough for the septic and he would prefer not to cut any trees down. Ms. Yu stated that they can’t have trees over a septic and asked if they could switch the house and septic. Mr. Underhill stated no because the ground is higher, the septic needs to be lower to have a gravity septic. Ms. Hoover stated that they could use a pump.

Mr. Weinburger stated if the house goes on the highest elevation then the septic does not have to be so low and a pump can be used. Mr. Underhill stated he preferred not to use a pump. Ms. Pearsall stated that they are creating their own practical difficulty; variances go with the land forever. Mr. Weinburger stated that the Board understood that the applicant would prefer not to cut down trees or use a pump but the applicant can meet the ordinance without a variance.

Mr. Weinburger opened the public hearing at 7:21 p.m.

**Larry Marshall, 12099 Pinewood Lane, South Lyon.** He is a resident of the Pinebrook Community. He is Secretary of the Homeowners Association and he was previously on various boards at the Township. He explained that a variance is creating a change in the law forever with any variance. The applicant mentioned the desire to preserve the trees since the lot is a fully wooded lot, so trees will be removed regardless of where the buildings are placed. The pole barn could be put in the back of the house and he opposes this request.

**Sarah Stanton, 12043 Andresen Drive** – She is concerned with the variance and they have not seen any plans and it feels a little odd to her that they are asking for a variance prior to any of the neighbors being aware of it.

Mr. Weinburger closed the public hearing at 7:24 p.m. due to no further comments.

Mr. Underhill stated that they did not present it to the association because they haven’t gotten to that point. He felt that the elevation changes were a hardship.

**Motion by Pearsall, second by Hoover**
To deny ZBA Case 02-2016, 4716-14-300-020 at 12051 Andresen Drive, South Lyon, 48178. This was a variance zoned residential farming request a variance from Section 38-171 (2) to allow a detached accessory building within the front yard setback. There are not exceptional or extraordinary
circumstances that apply to the property. There are no topographical issues, there are no peculiar things with the property and the property is fine to create a home without the variance. The applicant can enjoy the same substantial property right possessed by other properties in the same district or surrounding area.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Motion by Pearsall, second by Hoover
She moved that ZBA Case 02-2016 is denied.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

3. ZBA Case 03-2016, Parcel #4716-14-2000-009, 12789 Twelve Mile Road, South Lyon, MI 48178. East of Dixboro and West of Rushton, Zoned Residential Farming, 5.48 acres. Request a variance from Section 38-171 (5) to allow a second detached accessory structure on the property.

Representing ZBA Case 03-2016: David Penz
Jared Penz

Mr. Penz stated that he has had one detached building for 20 years where he does woodworking along with a metal shop for personal use. It is not feasible to add onto the current structure due to elevation changes. Adding onto the east would eliminate natural light and block view from the house. The hardship is that it would be incapable to park vehicles. Practical difficulty is that he would have no access to pull in vehicles due to the swamp.

He explained that he would have about 80 feet to the other property but the elevation is the issue due to the swamp. He wants to build from the property line, away from the swamp. He would not be interfering with any neighbors. If he attached the building it would block his view and he would have a hard time getting into the building.

Mr. Weinburger opened the public hearing at 7:36 p.m. and closed it due to no comments.

Mr. Penz stated that he thought the addition would improve his property.

Motion by Sellis, second by Hoover
To approve the variance requested with regard to parcel # 4716-14-2000-009, 12789 Twelve Mile Road, South Lyon, MI 48178. The request is for a variance from Section 38-171 (5) to allow a second detached accessory structure on the
property. She moves that there is a practical difficulty with this property because there is a swamp wetland area that would compromise the building if it should be added to the existing building. That circumstance applicable to this situation does not apply generally to other properties in the area. The variance is necessary for the preservation of the substantial property as well as the safety and integrity of the additional building and is not a condition or situation which would be generally recurring in similarly situated property.

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 Sellis
To approve the minutes of November 19, 2015 as presented.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

CORRESPONDENCE – The ZBA and Planning Commission report for 2015 was provided in the packet.

CALL TO THE PUBLIC - None

ADJOURNMENT

The Zoning Board of Appeals meeting was adjourned at 7:40 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto
Kellie Angelosanto
Recording Secretary