

Green Oak Charter Township  
Zoning Board of Appeals  
Regular Meeting Minutes  
September 15, 2015

Roll Call: Wendy Hoover  
Sarah Pearsall  
Deborah Sellis  
Jim Tuthill  
Joe Weinburger

Guests: 14

Also Present: Debra McKenzie, Zoning Administrator

**APPROVAL OF AGENDZA**

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

**Voice Vote: Ayes: Unanimous  
Nays: None**

**MOTION APPROVED**

- 1. ZBA Case 09-2015, Parcel #4716-06-203-053 Pleasant View Estates No. 3. Lot 53, 6457 Meyer Ave, Brighton, MI 48116. Request a variance from 38-171(3) Accessory Building, Structure and Uses, to allow a structure that will exceed fifty percent of the principal building.**

Representing ZBA Case 09-2015: James Goodwin, 6457 Meyer Ave. Brighton

Mr. Goodwin explained he put up a car port which he was led to believe was not a permanent structure. If his house was 380' sq. ft. larger he wouldn't have to be here for a variance. He put the carport out back out of public view trying to keep mischief from happening, he has had things stolen in the past and he wants to protect his property. The car port is not a hindrance and it is up to code. He put it in the back because he has an expensive truck and boat that won't fit in his garage and he wants to keep it out of public view. He is 11% over the 50% he is allowed. His septic is in the middle of his backyard. The structure is 20' x 26' and he didn't think the car port would fit on the side of his home due to the existing trees.

Mr. Tuthill commented that if the applicant's home was bigger he wouldn't have to have a variance.

47 Mr. Goodwin commented that his home was built in 1975 and it wasn't designed to hold  
48 the trucks from today. He is just trying to protect his belongings from vandalism or  
49 people stealing from him.

50  
51 Mr. Weinburger opened the public hearing at 7:11 p.m.

52  
53 **Dan Miner, 8905 Lee Road** – He explained that he lives on the property adjacent to the  
54 applicant. In terms of his placement of that particular structure it puts it in a position  
55 where he can't see it from his property at all. There would be no interference or lack of  
56 ability for them to use their property. The applicant has been a great neighbor and  
57 maintains his property and is a good candidate. He is living by the spirit of the  
58 ordinance in terms of asking for the variance.

59  
60 Mr. Weinburger closed the public hearing at 7:12 p.m.

61  
62 Mr. Goodwin stated the structure has been up for about 3-4 months and he has learned  
63 that he needs to come here and check things out before doing something.

64  
65 **Motion by Hoover, second by Pearsall**  
66 **To approve the variance request ZBA Case 09-2015 to allow an accessory**  
67 **building greater than 50% of the principal building, due to the location of**  
68 **the septic and the applicant would have to remove trees unnecessarily. It**  
69 **is impossible to add square footage to the home. This is not a detriment to**  
70 **the community, safety or master plan.**

71  
72 **Roll Call Vote: Ayes: Sellis, Tuthill, Hoover**  
73 **Nays: Pearsall, Weinburger**

74  
75 **MOTION APPROVED**

76  
77 **2. ZBA Case 10-2015, Parcel #4716-16-300-011, 8921 Evergreen Road,**  
78 **Brighton, MI 48116. Request a variance from 38-171(3) Accessory Building,**  
79 **Structure and Uses, to allow a structure that exceeds 100 percent of the**  
80 **principal building.**

81  
82 **Representing ZBA Case 10-2015: William Ernest, 8921 Evergreen Road**

83  
84 Mr. Ernest stated his request is to expand one of two accessory structures. Both were  
85 built before zoning ordinances. He needs to expand his hobby woodworking shop. The  
86 doors will be changed from the front of the building to the north side. The site plan  
87 shows setbacks from the roads and property and the Detroit Edison high lines. He  
88 cannot add on to the back of it due to the high lines and the same on the back of the  
89 house. The front of the house also has high lines on the side and he cannot expand the  
90 house that way. The front of the house has a well and the road. The south side of the  
91 house has the driveway, severe bank and very little room so the house cannot be  
92 expanded. The practical difficulty is that he can't expand the present house. He could  
93 tear down one accessory structure and add on to the other but it would be cost

94 prohibitive. He is not near any property lines and in no way will it affect the neighbors or  
95 detract from the neighborhood. He would like to be able to use his property.

96  
97 Mr. Ernest explained he is in excess of 100' from the rear property line.  
98 He would like to elongate the existing building, easiest and cheapest way to add on and  
99 make it functional, the addition will hold his band saw. It requires about 13.5 feet of  
100 length to operate in and about 8-9' of width. The band saw will fit north to south along  
101 the front wall of this addition.

102  
103 **Anna Ernst** – She commented that she has been neighbors with the applicant for  
104 years and he is responsible. She has no problem with the request and felt this is the  
105 safest way possible to do this. The applicant wants the space for the safety of using the  
106 band saw and she felt he was very smart in asking for the extension. She will see it  
107 every day and she has no issue.

108  
109 **Walt Ernst** – He explained that the applicant's property is across the street from his  
110 home. He thought the addition would be shielded from Hidden Lake He is in support  
111 of the request. He commented that the space is needed for a band saw.

112  
113 Mr. Weinburger opened the public hearing at 7:24 p.m. and closed it at 7:28 p.m.

114  
115 Mr. Ernest explained that his practical difficulty is the electrical lines and he can't add on  
116 to the house.

117  
118 **Motion by Tuthill, second by Pearsall**  
119 **To approve ZBA Case 10-2015 due to the practical difficulties of the DTE**  
120 **lines and it's just a small expansion and it will not interfere with the**  
121 **neighbors.**

122  
123 **Roll Call Vote: Ayes: Unanimous**  
124 **Nays: None**

125  
126 **MOTION APPROVED**

127  
128 **3. ZBA Case 11-2015, Parcel #4716-16-406-210, Hidden Lake Estates Unit 210,**  
129 **10477 Morning Light Court, South Lyon, MI 48178. Request a variance from**  
130 **Section 38-136, lot coverage. 38-136 Schedule of Regulations states**  
131 **(maximum lot coverage is 30%).**

132  
133 **Representing ZBA Case 11-2015: Michael Soave**  
134 **Theresa Soave**

135  
136 Mr. Soave explained he is seeking a variance for lot coverage. He purchased the lot in  
137 2010. In 2013 they contracted with an architect, in February 2015 he submitted for  
138 approval through the building department and was denied based on side yard  
139 deficiencies and lot coverage. At that time they met with the architect and had the plans  
140 redrawn to meet the deficiencies and resubmitted. At that point they met all the criteria  
141 and went to 29.6% lot coverage. When they resubmitted it took a long time for a review.

142 When the review was done he was told that the deck is now being considered into the  
143 calculation for lot coverage. With the inclusion of the deck they are now over in the  
144 calculation for lot coverage. He felt that there are several areas where their lot is  
145 unique. His lot is smaller and irregular shaped. The home they have proposed will fit  
146 in nice with the neighborhood and compliment the homes in the area. The deck is  
147 cement. Mr. Weinburger stated technically this deck could be a room in a hurry. Mr.  
148 Soave stated no he was told that if it didn't have a roof over it doesn't count in  
149 calculation of lot coverage. They have shrunken the home down and it is now under  
150 30%. Mr. Weinburger stated that they are over the 30% when the deck is included. Mr.  
151 Soave stated yes, but the deck is self-supported.

152  
153 Mr. Weinburger stated that when he looks at the plot plan they filled it right up and for  
154 the size of the lot and the large home that they are putting on it with this structure over it  
155 they are just overbuilding for the lot size and as far as he can tell there is no practical  
156 difficulty, the lay of the land is fine. Mr. Soave stated that their practical difficulty is that  
157 they would have no way to access their rear yard. Mr. Weinburger confirmed that it is a  
158 walkout basement and they could make the deck smaller. Mr. Soave stated that he was  
159 told he would have to get a variance for any deck. Mr. Weinburger stated that they  
160 could make the house smaller.

161  
162 Mr. Soave explained that they have to meet the restrictions of the subdivision. The  
163 proposed home is 2900 sq. ft. plus the bonus room over the garage for a total of 3100  
164 sq. ft. without the deck. The requirements are 2750 sq. ft. Ms. McKenzie stated if the  
165 applicant decreased the size of the home then they could build the deck, that's what  
166 they were told. Mr. Soave stated he had a conversation with the Building Official and if  
167 they were to go back to the drawing board and start a whole new plan and make the  
168 house smaller there is a 2700 plus minimum, they are pretty close. Ms. Pearsall  
169 explained that a variance is land based and a practical difficulty goes with the land. Ms.  
170 Pearsall continued because the applicant knew the lot was irregular when he bought the  
171 land it does not constitute a practical difficulty. Mr. Soave stated that they had not been  
172 using lot coverage on decks until recently. Ms. Pearsall stated yes they have, it has  
173 been an ordinance for at least two years. Mr. Weinburger stated that because of the lot  
174 size the applicant is self-imposing this, they have plenty of room to build a nice home,  
175 smaller maybe so they can get a deck on it. It is not that irregular shaped. Ms.  
176 McKenzie stated that the applicant told her he was taking the deck off and when she  
177 wrote the compliance letter she wrote that it was for the home only.

178  
179 Ms. Pearsall stated the fact that the lot is irregular is not a practical difficulty.

180  
181 Mr. Soave stated that their home is compatible in design and he was told by Ms.  
182 McKenzie after getting the review back from the first time, that this was a perfect  
183 scenario to go to the ZBA and felt there was a practical difficulty and a hardship there.  
184 Ms. McKenzie stated no.

185  
186 Mr. Weinburger opened the public hearing at 7:45 p.m.

187  
188 **Bob Moran, 10787 Sparkling Waters Court** – Mr. Moran stated that he does not  
189 support the request for the variance, there is not a practical difficulty associated with the

190 applicant's request. The applicant knew the irregularity of the lot when he purchased it.  
191 The developer developed all of these lots so he could maximize financial gain. There  
192 are differences elsewhere in Hidden Lake because the developer did not follow his own  
193 Master Deed Guidelines in some cases. This case is clear cut; the house is oversized  
194 for the lot and in terms of the terrace/deck/patio it is a structure and should be counted  
195 as part of the structure of the house.

196  
197 **Earl LaFave, 10795 Silver Lake Road** – He stated that he is here on behalf of the  
198 developing company. When the applicant submitted plans he was made aware that the  
199 home would need to be downsized. The definition of decks has been debated back and  
200 forth. Now the decks are considered part of the calculation. There is no way a one  
201 story building will fit on this lot. It is one of the smallest lots in Hidden Lake. It does  
202 require a transition from the upper level to the lower level and many were built before  
203 the change was made. The applicant complies with all of the setbacks. He stated if  
204 the applicant would consider a wooden deck he would approve it. Ms. McKenzie stated  
205 a wooden deck is still included in the calculation of lot coverage.

206  
207 **David Compo** – He owns lot 211 and his concern is the code change. He felt a wooden  
208 deck would allow a better from his property and the concrete would block the view to  
209 him selling lot 211. He felt the rules have been inconsistent at best. He would be  
210 inclined to grant the variance if it was a wooden deck.

211  
212 Mr. Weinburger closed the public hearing at 7:54 p.m.

213  
214 Mr. Soave stated he would be open to doing a wood or composite deck if he was  
215 granted a variance. Mr. Weinburger stated it is lot coverage and even with a wooden  
216 deck it would be over. He hasn't heard any practical difficulty.

217  
218 Ms. Pearsall explained that a variance goes with the land. Mr. Soave stated he felt it  
219 would be good for the Township and the community. Ms. Pearsall stated the law says  
220 you cannot have more than 30% lot coverage, the aesthetics of the home are not going  
221 to be there forever; it's a land issue.

222  
223 Ms. McKenzie explained in 2013 the ordinance changed regarding lot coverage. They  
224 took out impervious surface and added lot coverage instead.

225  
226 **Motion by Pearsall, second by Tuthill**  
227 **To deny the request to increase the maximum lot coverage in ZBA Case 11-**  
228 **2015 Parcel #4716-16-406-210, Hidden Lake Estates Unit 210, 10477**  
229 **Morning Light Court, South Lyon, MI 48178. There are no exceptional or**  
230 **extraordinary circumstances or conditions applicable to the property in the**  
231 **same district or zone. Such a variance is not necessary for the**  
232 **preservation or enjoyment of a substantial property right possessed by**  
233 **other property in the same zone or vicinity. The granting of such a**  
234 **variance would be detrimental to the existing area.**

235  
236 **Roll Call Vote:      Ayes: Unanimous**  
237 **Nays: None**

