



GREEN OAK CHARTER TOWNSHIP

Planning and Zoning Department Zoning Board of Appeals

AGENDA

Regular Meeting
Tuesday, November 18, 2014
7:00 p.m.

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

1. Call to Order
2. The Pledge to the Flag
3. Roll Call of the Board
4. Approval of the Agenda
5. Tabled from the September 16, 2014 meeting ZBA Case 19-2014, 11339 N. Shore Dr., Whitmore Lake, 48189, Parcel # 4716-32-203-005 Request a variance from Section 38-494 Nonconforming structures. The ordinance states no structure may be enlarged in a way that increases its non-conformity. The applicant would like to add a 26 foot x 32 foot garage with bonus room addition to the south side, road side of the home. They are requesting a 15 foot setback when 30 feet is required.
 - a. Applicant's Presentation of the Case – maximum of ten minutes
 - b. Board members may question the Applicant
 - c. Open Public Hearing – a maximum of three minutes shall be allotted to individuals, and a maximum of five minutes to a group representative
 - d. Close Public Hearing
 - e. Rebuttal by Applicant – a maximum of two minutes allotted
 - f. Decision of the ZBA
6. ZBA Case 22-2014, 9270 Silverside Dr., South Lyon, Michigan 48178. Parcel # 4716-22-301-132 Request a variance to allow an accessory building on a parcel without a principal building on the same lot.

38-1, *Accessory building or structure* means a supplementary building or structure on the same lot or parcel of land as, and detached from, the principal building or part thereof occupied by or devoted exclusively to any accessory use.

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 - 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

ZONING BOARD OF APPEALS

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

Jim Tuthill, Twp. Board Rep.
Gary Gaylord, Member
Billy Lintner, Alternate

Green Oak Charter Township
Zoning Board of Appeals
Regular Meeting Minutes
November 18, 2014

Approved: January 20, 2015

Roll Call: Gary Gaylord
Wendy Hoover
Sarah Pearsall
Jim Tuthill
Joe Weinburger

Guests: 7

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. Tabled from the September 16, 2014 meeting, ZBA Case 19-2014, 11339 N. Shore Dr., Whitmore Lake, 48189, Parcel #4716-32-203-005 Request a variance from Section 38-494 Nonconforming Structures. The ordinance states no structure may be enlarged in a way that increases its non-conformity. The applicant would like to add a 26 foot x 32 foot garage with bonus room addition to the south side, rad side of the home. They are requesting a 15 foot setback when 30 feet is required.

Representing ZBA Case 19-2014: James & Jacqueline Burkowski

Ms. Burkowski explained that they have provided a certified survey which was at the request of the ZBA at the last meeting. Mr. Burkowski stated that they did talk to Rick Little at Livingston County Road Commission and he came out and took a look at the right of way and said it was considered an undeveloped right of way. Ms. Burkowski explained that there won't be any thru traffic because it is not considered a public road. She stated that their difficulty is the peculiar shaped lot and it doesn't meet the setbacks. Mr. Burkowski stated that they do own the adjacent lot.

Mr. Weinburger stated that the garage is measured on the floor plan as 26' x 22' but the applicant is asking for 26' x 32' he questioned which size is correct? Ms. Burkowski explained that they want the garage to be 26' x 32'.

49 Ms. Hoover asked if the home was over the lot line. Ms. Burkowski stated no. Mr.
50 Burkowski stated that they also own lot 33 and when purchased the home they bought
51 lot 7 at the same time and lot 6 and lot 33 were separate purchases.

52
53 Mr. Weinburger explained that if there is a way to comply without increasing a non-
54 conformity then that is what the ZBA will look for. Ms. Burkowski stated that as long as
55 they didn't combine the lots she was told that they could always build on lot six because
56 it was grandfathered. Mr. Weinburger explained that if the applicant wants only to
57 consider their house then they have to provide a practical difficulty for that lot. Mr.
58 Weinburger questioned what is wrong with the land. Ms. Burkowski stated it was the
59 angle of the house. She does not want to connect the two parcels together.

60
61 Mr. Weinburger opened the Public Hearing at 7:12 p.m. and closed it due to no
62 comments.

63
64 Mr. Burkowski stated that the easement right of way is not used.

65
66 **Motion by Pearsall, second by Hoover**

67 **To deny ZBA Case 19-2014 for a variance to allow and accessory structure**
68 **increasing the nonconformity, they have not satisfied the requirements for a**
69 **variance for the following reasons; there are not exceptional or extraordinary**
70 **circumstances or conditions applicable to the property, a variance is not**
71 **necessary for the preservation or enjoyment of a substantial property right**
72 **possessed by other property in the same zone or vicinity, the granting of such**
73 **a variance or modification will be materially detrimental to the public welfare,**
74 **the granting of such a variance does not adversely affect the purpose and**
75 **objectives of the master plan. The practical difficulty is nonexistent.**

76
77 **Roll Call Vote: Ayes: Unanimous**
78 **Nays: None**

79
80 **MOTION APPROVED**

81
82 **2. ZBA Case 22-2014, 9270 Silverside Dr., South Lyon, Michigan 48178. Parcel**
83 **#4716-22-301-132 Request a variance to allow an accessory building on a**
84 **parcel without a principal building on the same lot 38-1, Accessory building or**
85 **structure means a supplementary building or structure on the same lot or**
86 **parcel of land as, and detached from, the principal building or part thereof**
87 **occupied by or devoted exclusively to any accessory use.**

88
89 **Representing ZBA Case 22-2014: Jim Dayton**
90 **Wendell Dayton**

91
92 Mr. Dayton explained that he plans to build a house but the Township won't issue a
93 permit until the structure is torn down. He is asking for a variance to allow the garage to
94 stay standing and tear down the principal structure. Mr. Dayton stated he would plan
95 to start building in 2016. He explained that they have been ordered to demolish the
96 house. By demolishing the home, the rebuild would be non-compliant and that is a big

97 concern that the one or two years from now would they get knocked down for that. Mr.
98 Payton stated that they were going to try and get an approval for a mini waste water
99 treatment, they cannot do a typical septic but they will approve a holding tank.

100
101 Mr. Weinburger stated he can't see himself voting for something that may or may not
102 happen and the accessory structure would have to come down. He would not vote
103 because it is two years down the road and the applicant is not even sure it would be
104 built.

105
106 Mr. Gaylord stated that they don't have jurisdiction since a variance only lasts a year if
107 the construction was not started within a year.

108
109 Mr. Payton (Older) stated that it is a financial reason to not demolish the accessory
110 structure.

111
112 There was brief discussion regarding the time it would take the applicant to begin
113 consecution.

114
115 Mr. Weinburger opened the public hearing at 7:27 p.m.

116
117 **Sally and Robert Pregotzer, 9271 Silverside Drive** – She stated that they live across
118 the street from the property and they see no reason why the garage should be torn
119 down, it is a very nice structure and it would not look bad. Mr. Pregotzer stated that the
120 applicant will have to maintain the property and will need a place to store a lawnmower
121 etc., the house is an eyesore and the Township is holding up the demolition of the
122 house when the garage is a non-objectionable structure.

123
124 Closed public hearing at 7:29 p.m. due to no further comments.

125
126 **Motion by Hoover, second by Tuthill**

127 **To approve ZBA 22-2014, a variance to allow an accessory structure to remain**
128 **on a parcel without a principal structure as follows:**

129
130 **The applicant has not demonstrated the standards to establish a practical**
131 **difficulty. However, this variance is being granted as a courtesy to the**
132 **applicant to allow the accessory structure to remain to give applicant time to**
133 **construct the principal residence; subject to the following specific conditions:**

- 134
135 a. **All building plans must be submitted, all necessary permits obtained**
136 **(including a septic permit), and construction of the permanent home**
137 **completed with eighteen (18) months of this approval.**
138 b. **If the single-family home is not completed within the eighteen month**
139 **timeframe, then the accessory building (garage) shall be demolished by the**
140 **applicant. The demolition is to occur within 30 days after the eighteen**
141 **month period has expired. The applicant shall post a performance**
142 **guarantee in the form of cash or an irrevocable letter of credit in the**
143 **amount of \$4000 dollars to cover the demolition of the accessory building**

144 by the township in the event the applicant fails to demolish within the
145 required time frame.

- 146 c. Building (garage) should only be used for personal storage. There shall be
147 no commercial or other activity taking place on the property.
148 d. The applicant shall maintain the accessory structure and surrounding
149 grounds in an orderly appearance at all times.

150
151 Roll Call Vote: Ayes: Gaylord, Tuthill, Hoover, Pearsall
152 Nays: Weinburger

153
154 MOTION APPROVED

155
156 NEW BUSINESS

157
158 Motion by Pearsall, second by Tuthill
159 To approve the calendar for 2015.

160
161 Voice Vote: Ayes: Unanimous
162 Nays: None

163
164 MOTION APPROVED

165
166 OLD BUSINESS - None

167
168 APPROVAL OF THE September 16, 2014 Meeting Minutes

169
170 Motion by Tuthill, second by Pearsall
171 To approve the minutes of September 16, 2014 as presented.

172
173 Voice Vote: Ayes: Unanimous
174 Nays: None

175
176 MOTION APPROVED

177
178 CORRESPONDENCE - None

179
180 CALL TO THE PUBLIC

181
182 Ms. Burkowski – She commented that it was proposed that they wanted to do the 32'
183 garage and she questioned what if they did the 25'. She explained that it would still not
184 be conforming but it would be farther away. She stated that they can't be forced to use
185 the adjacent lot.

186
187 ADJOURNMENT

188
189 The Zoning Board of Appeals meeting was adjourned at 7:51 p.m. due to no further
190 business.

192

193

194 Respectfully Submitted,

195

196 Kellie Angelosanto

197

198 Kellie Angelosanto

199 Recording Secretary