

Green Oak Charter Township
Zoning Board of Appeals
Special Meeting Minutes
February 23, 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

- 1. 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.**

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

Mr. LeVanway explained they are requesting a variance from Section 38-136. In the schedule of regulations it speaks to a rear yard setback of 75 feet and side yard setback of 35'. They came in last fall on behalf of Unilock for an office addition. Through the course of the site plan review it was pointed out that there is outdoor storage within the side and rear yard setbacks. They are requesting the variance on the setbacks to permit the outdoor storage to continue as it has since Unilock came to Green Oak in 1989. Unilock has invested a large amount in the Township including a 6 million dollar investment with the recent addition to the plant.

The removal of the outdoor storage would make the addition non usable. The outdoor storage capacity is required due to seasonal operations, the product can only be sold during the summer months but the production is done in the winter. Mr. Neibauer stated

49 that they sell more than they can make so taking away the yard space would be very
50 detrimental to what they have to do.

51
52 Ms. Hoover stated that she noticed the storage is encroaching on the State park land.
53 Mr. Neibauer stated yes and that has happened over the past 25 years, it has been
54 addressed by moving it, grading the area and seeding it last fall. Mr. LeVanway stated
55 that they have proposed a chain link fence along the property line to prevent any
56 encroachment.

57
58 Mr. Weinburger stated that the applicant must supply parking. Mr. LeVanway stated
59 that there is parking along the side and the parking calculations will be clarified for the
60 employees. They will maintain the parking adjacent to the proposed office addition.

61
62 Ms. Pearsall stated that they also need the 75' to put the green belt? Mr. LeVanway
63 stated the expectation is that the area will be storage. Ms. Pearsall stated a greenbelt
64 would be part of that. Mr. Neibauer stated that they have never had a setback they
65 have used the full scope of the property since 1989 and they back up to the State land.
66 Ms. Pearsall stated that a fence is not green space. Mr. Neibauer stated they are
67 saying they are not doing the greenbelt.

68
69 Ms. Sellis questioned the practical difficulty. Mr. Neibauer stated they sell more than
70 they can produce. They produce 9 months out of the year. There is not a lot of
71 landscaping going on now. At a certain point they would not have enough product to
72 sell, the storage is needed, their storage capacity is about 2.4 million square feet in
73 storage and the turn that about 4 times a year. The storage aspect is very challenging,
74 they have always operated with that space.

75
76 Mr. Weinburger opened the public hearing at 7:20 p.m.

77
78 **Bob Moran, 10877 Sparkling Waters Court** – Mr. Moran explained he is the Chair of
79 the Planning Commission. He stated the Planning Commission does not take their
80 interpretation of the Zoning Ordinance lightly and they don't typically send things to the
81 ZBA for a ruling. In this case, this operation is one of the primary industries within
82 Green Oak Township. The principal reason they are there is to put a screening in
83 between an activity and the people that would typically see that. In this situation when
84 there is nothing that separates the State land from this activity and they have operated
85 for years in this manner. The applicant wants a reduction of the 75' to 35' they are not
86 planning to use the reduced setback of 35' to continue to use as storage, there will be a
87 greenbelt but smaller than 75'. The Planning Commission did approve it with the
88 condition the applicant came to the ZBA.

89
90 Mr. Weinburger closed the public hearing at 7:23 p.m.

91
92 Mr. LeVanway proposed planting evergreen plantings every 50' feet for a 10' foot
93 greenbelt around the perimeter. He proposed a 10' greenbelt buffer for the rear and
94 side setbacks which would reduce the variance request to 65' in the rear and 25' on the
95 side.

96

97 **Motion by Pearsall, second by Sellis**
98 **To table 04-2016, Parcel #4716-11-200-018, Located at 12591 Emerson**
99 **Drive, Brighton, MI 48116 to the next meeting based on a change in the**
100 **request.**

101
102 **Roll Call Vote: Ayes: Unanimous**
103 **Nays: None**

104
105 **MOTOIN APPROVED**

- 106
107
108 2. **ZBA Case 05-2016, Parcel #4716-22-301-248, located at 9276 Silverside Dr.,**
109 **South Lyon, Michigan 48178. Request two variances from section 38-136,**
110 **of 25.2 feet from the waterfront setback leaving the setback at 14 feet 10**
111 **inches from the water's edge, 16 feet from rear yard setback leaving 24 feet**
112 **from the property line. These variances would allow a new home using**
113 **portions of the existing footprint.**

114
115 Representing ZBA Case 05-2016: Bernard Ely, 13908 Eaton Dr. Plymouth Mi

116
117 Mr. Ely explained he purchased the property at 9276 Silverside this past summer. He
118 also bought the property next door to him. There are two buildings there now but there
119 will be one, he got permits to tear down one of the garages which was right on the lot
120 line and then there is another garage 3' away from the first one also on the lot line. He
121 will tear that down this summer. He would also like to put up a retaining wall because
122 one end of the property is 11' high and it goes down to 9' where the garages are.
123 Everyone parks on the street so the cars are on the right of way, there have always
124 been a number of cars and that will be eliminated. The visibility is better for the property
125 since he removed a two trees. The variance is to go back to where the house was
126 existing at the street and it's in the same line. The practical difficulty is the lot size, the
127 setbacks would be 40' and 40' so there is not enough width.

128
129 Mr. Weinburger opened the public hearing at 7:39 p.m.

130
131 **Resident, 9253 Silverside Drive** – She didn't understand what "the middle" meant.
132 Ms. McKenzie explained the structure was torn down and the 2nd structure is currently in
133 the proximity of the old house but not in the exact footprint. She is concerned with the
134 environmental affects and questioned how the applicant will prevent any runoff into the
135 lake from a structure that is so close to the lake.

136
137 **Larry Marshall, 12099 Pine Brook Lane** – He questioned the existing structure. The
138 applicant will be increasing the variance with the existing structure that is still standing.
139 He will be moving the garages off the road within 14' of the lake and having a boat
140 launch there would be a concern about materials coming from the garage and running
141 into the lake.

142
143 Mr. Weinburger closed the public hearing at 7:44 p.m.

145 Ms. Hoover asked how the applicant can contain any spills. Mr. Ely stated he has two
146 brand new cars and he won't get any oil spills in the garage.

147
148 **Motion by Pearsall, second by Sellis**
149 **To approve ZBA Case 05-2016, Parcel #4716-22-301-248, located at 9276**
150 **Silverside Dr. South Lyon, MI. 48178. The request is for two variances**
151 **from section 38-136, of 25.2 feet from the waterfront setback leaving the**
152 **setback at 14 feet 10 inches from the water's edge, 16 feet from rear yard**
153 **setback leaving 24 feet from the property line. Also, this is based on**
154 **decreasing some of the variance by two feet. There are exceptional and**
155 **extraordinary circumstances and conditions applicable to the property that**
156 **do not generally apply to other properties. The variance will allow the**
157 **applicant to conform to the existing building. The variance is necessary for**
158 **the preservation and enjoyment of the substantial property right possessed**
159 **by others in the same district and is a condition or situation of general or**
160 **reoccurring nature in the area for the following reasons: its waterfront**
161 **property and on non-conforming lots.**

162
163 **Roll call Vote: Ayes: Unanimous**
164 **Nays: None**

165
166 **MOTION APPROVED**

167
168 **NEW BUSINESS –None**

169
170 **OLD BUSINESS - None**

171
172 **APPROVAL OF THE Meeting Minutes**

173
174 **Motion by Pearsall, second by Hoover**
175 **To approve the minutes of January 19, 2015 as presented.**

176
177 **Voice Vote: Ayes: Unanimous**
178 **Nays: None**

179
180 **MOTION APPROVED**

181
182 **CORRESPONDENCE – None**

183
184 **CALL TO THE PUBLIC**

185
186 **Mike Dillon, 9338 Silverside – He explained he sat on the Zoning Board before. He**
187 **questioned that the last applicant used the secondary property where the house was,**
188 **the structure was gone when he bought the property so wouldn't the grandfathering go**
189 **away. Ms. McKenize stated that it is not being built on the exact footprint and he got a**
190 **brand new variance.**

191

192 **Sally, 9271 Silverside Dr.** – She would like to know what the rule is, she lives across
193 the street and she had a feeling there would be a parking issue. Ms. McKenzie stated
194 that parking is allowed in the road right of way. The resident asked if it is true that he
195 got approval from the DEQ for a boat launch? Ms. McKenzie stated yes.

196
197 **Debra, 9247 Silverside** - She stated the Board was worried about a 35' greenbelt in the
198 first case but they allowed the 2nd applicant to put up a garage 14' from the lake front.
199 Cement is porous, and he will fertilize his lawn, we've spent a lot of time and money to
200 keep the lake clean, they don't know what will happen. It seemed to her that the time
201 was quick and it seemed like their minds were already made up she thought it was
202 really rushed. She felt there could be a real problem.

203
204 **Ann Valley, 9300 Silverside Dr.** – She agreed that the decision was already made, she
205 was shocked how quickly it was passed. She thought it was too close to the lake and
206 she is concerned about the parking situation. She lives next door where Doane Road
207 meets Silverside and there have been so many accidents. There should have been
208 more consideration.

209
210 Mr. Weinburger closed the call to the public at 7:58 p.m. due to no further comments.

211
212 **ADJOURNMENT**

213
214 The Zoning Board of Appeals meeting was adjourned at 7:58 p.m. due to no further
215 business.

216
217
218
219 Respectfully Submitted,

220
221 *Kellie Angelosanto*

222
223 Kellie Angelosanto
224 Recording Secretary