

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 AGENDZA

**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.

48 Mr. Weinburger opened the public hearing at 7:06 p.m. and closed it due to no one
49 wishing to comment.

50

51 **Motion by Pearsall, second by Sellis**

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

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64 **Roll Call Vote: Ayes: Unanimous**
65 **Nays: None**

66

67 **MOTOIN APPROVED**

68

69 **2. ZBA Case 06-2016, Parcel #4716-32-200-024, located at 10430 Rosaltha Dr.,**
70 **Whitmore Lake, MI 48189. Request two variances from Section 38-1 to**
71 **allow a detached accessory structure on a vacant parcel and Section 38-**
72 **171, to allow the square footage to exceed 50%.**

73

74 Representing ZBA Case 06-2016: Denise Csatari
75 David Csatari

76

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

88

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

93

94 **Motion by Sellis, second by Pearsall**

95 With regard to ZBA Case 06-2016 Parcel #4716-32-200-024, located at 10430
96 Rosaltha Dr., Whitmore Lake, MI 48189 she moved to approve the variance
97 request from Section 38-1 to allow both a detached accessory structure on
98 a vacant parcel and a variance request from Section 38-171 to allow the
99 square footage of the accessory structure to exceed 50% of the existing
100 cottage. With regard to Section 38-1 there are extraordinary circumstances
101 applicable to the property in that the property is divided by a road it is
102 applicable to all of the streets within this district and that particular setup
103 makes it impossible to put both an accessory structure and a cottage on
104 the same parcel. The variance is necessary for the preservation and
105 enjoyment of the homeowners as indicated by the custom of the property
106 and the street and the houses and garages that similarly situated. The
107 granting of the variance would not be materially detrimental to the public
108 welfare or adversely affect the surrounding properties as evidenced by the
109 existing properties and the support that Mr. and Mrs. Cstari have
110 requested. The granting of the variance will not adversely affect the
111 purpose or objective of the Township Master Plan because such variances
112 already clearly exist. The practical difficulty is not self-created.
113

114 With regard to Section 38-171 allowing the square footage to exceed 50%,
115 the extraordinary or exceptional circumstances in this particular instance
116 is that there is no garage that currently exists there is the primary structure
117 which is 674' so the variance is needed so the garage of 1024' can be built
118 and in the future, the home built on the other side of the road will be
119 greater than an additional 50% there by meeting Section 38-171 and coming
120 into compliance with the code so it's actually temporary at this point in
121 time. The variance is necessary for the preservation and enjoyment of a
122 substantial right possessed within the property due to having a garage and
123 a home on the same parcel albeit divided by a road. The granting of the
124 variance will not be materially detrimental to the public welfare and will not
125 adversely affect the purpose or objectives of the Township Master Plan and
126 is not a practical difficulty that is self-created. Before a building permit is
127 issued with regard to this parcel the Deed Restriction shall be implemented
128 requiring that both parcels will be sold together and cannot be separated.
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130 Roll Call Vote: Ayes: Unanimous
131 Nays: None
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133 **MOTION APPROVED**

134 **NEW BUSINESS** –None
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136 **OLD BUSINESS** - None
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138 **APPROVAL OF THE Meeting Minutes**
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140 Motion by Pearsall, second by Yu
141 To approve the minutes of February 23, 2016 as presented.
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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