

Green Oak Charter Township  
Zoning Board of Appeals  
Regular Meeting Minutes  
May 21, 2019

Roll Call: Todd Krebbs, Secretary  
Sarah Pearsall, Vice Chair  
Dan Rainko, Board Liaison  
Steven Showerman, Chairman  
Jim Yuill

Guests: 8

Also Present: Chris Loper, Alternate  
Bill Besso, Alternate

**APPROVAL OF AGENDA**

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

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

**MOTION APPROVED**

**A. ZBA Case 02-2019, Parcel #4716-22-301-094, located at 9440 Silverside Dr., South Lyon, MI 48178. Request a variance from Section 38-136 side yard setbacks. The applicant is requesting both side yard setbacks to be at 7 feet instead of the required 15 feet.**

Mr. Hudson explained he is the son in law of the owner Tamara Smith and is representing her.

Derek M., builder/contractor

Mr. Hudson explained they are asking for a variance from Section 38-136 side yard setback to allow for each side yard to be at 7 feet instead of the required 15 feet. This will allow a new single family home to be built. The applicant would like to build a new home that is approximately 3,300 square feet and demo the existing home. The original home was built in 1931. The lot is pie shaped 48' wide at the lake. There is a septic field and tank which limits their available area to build and there is a detached garage. The main structure was built in the 1920's and there are areas where it has sunk over

49 time and then an attachment to the house was added in the 70's and is it has sunk  
50 down quite a bit. Currently the structure has a full basement which is under the high  
51 water line. There are 3 sump pumps that run all the time.

52  
53 The builder for the project explained the biggest hardships are the lake and septic  
54 system and the water table. The foundation is bad, they can't walk in a straight  
55 direction no matter which way they go. He confirmed the septic system was built for 5  
56 bedrooms.

57  
58 Mr. Krebbs asked if the goal would be to keep the tank, septic field and well. Mr.  
59 Hudson sated yes. And he confirmed there are 5 bedrooms and 2 full baths now. The  
60 proposed home will have 5 bedrooms and 3 full baths. They are working with the  
61 county and will meet code. Mr. Hudson confirmed they will be keeping the garage.

62  
63 Mr Krebbs questioned if there are any plans to fix the driveway of the current lot. Mr.  
64 Hudson stated they will have to tear down some trees and will straighten out the  
65 driveway. Builder stated they will save as many trees as they can, he didn't see any  
66 reason to tear up the driveway.

67  
68 Mr. Yuill confirmed the deck will be removed. Mr. Hudson confirmed they have no plans  
69 to build a side deck.

70  
71 Mr. Krebbs asked what the footprint of the current home is, if they demo, what is the  
72 rationale for not keeping the footprint, if it's at two stories they would be 4200 sq. feet.  
73 Mr. Hudson stated they didn't want to build it that big. Mr. Hudson stated they are also  
74 looking at moving the home away from the lake and they wanted to maximize the width.

75  
76 The builder confirmed the old footings will be removed. They will remove everything, fill  
77 it in, compact it and then put in the pylons.

78  
79 Mr. Showerman opened the public hearing at 7:20 p.m.

80  
81 **Bob Henderson 9434 Silverside-** He questioned the existing height of the structure  
82 and the proposed height, he wondered if there are any restrictions in the code for  
83 height. There is a shadow affect that may happen to his property with regards to the 2<sup>nd</sup>  
84 story. He would like more information regarding the utilities constraint. He does  
85 appreciate bringing the front of the home back since it opens his view, he is not sure  
86 what the setback is. He questioned if the tree out front on the water side will be staying.  
87 There is a ditch that effectively splits their properties, the catch basin is on his property  
88 and he would like information on the grading plan and if it will shift more of the ditch  
89 onto his property.

90  
91 **Bob Santilli, 9446 Silverside** – He stated he has lived on the lake for over 15 years.  
92 There has been a lot of new construction and home repair in that time. If they approve  
93 this he has no objections, it will bring a lot of beauty to the lake

94

95 **Andy Eisenberg, 9398 Silverside** – He is in support. Silverlake has narrow lots and  
96 he would like as many people as possible to enjoy the lake. Most homes are non-  
97 conforming and he is in favor of it as well.

98  
99 Mr. Showerman closed the public hearing at 7:25 p.m. due to no further comments.

100  
101 Mr. Hudson explained they don't have final designs yet, the second story would be a  
102 pitched roof and it would be oriented differently than it is today and they would like the  
103 gable to face the lake. The builder explained the height requirement will be met. Mr.  
104 Yuill noted the water run off will be at the front and back of the house instead of the  
105 sides as it is now.

106  
107 Mr. Krebbs asked if the current foundation will be moved back with the new pylons. Mr.  
108 Hudson stated yes. The new offset to the lake is going from 25' to 32.8'.

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110  
111 **Motion by Pearsall, second by Rainko**

112 **To approve ZBA Case 02-2019, Parcel #4716-22-301-094 15' to 7' on both**  
113 **sides. There are exceptional or extraordinary circumstances or conditions**  
114 **applicable to the property that do not apply generally to other properties in**  
115 **the same district. The area is predominately residential in nature. Physical**  
116 **conditions and circumstances exist that now limit the options on where a**  
117 **new single family home can be placed. Although the subject site is**  
118 **uniform in shape with many of the other parcels of the Silverlake**  
119 **Subdivision created in 1917, staff does consider the parcel to be somewhat**  
120 **irregularly shaped. Staff notes that although the property is smaller than**  
121 **the minim lot size required in R2 zoning district. This is a result of the**  
122 **existing lot dimensions created in 1917 of 50 feet width (where 125' is**  
123 **required). As such, the subject site is 75' narrower in width than is**  
124 **typically required. With the neighboring parcels essentially being narrow.**

125  
126 **The position of the existing septic field on the property limits possible**  
127 **locations of any additional structure. The septic field restricts the**  
128 **placement of the new single family home. The soil conditions the site**  
129 **interferes with the placement of new single family home.**

130  
131 **The variance is necessary for the preservation or enjoyment of a**  
132 **substantial right possess by other property owners in the same district.**  
133 **New single family homes are permitted in the R-2 district. The location of**  
134 **the existing septic field interferes with the ability to erect the home within**  
135 **the area on property appropriately. The reduced setbacks will be**  
136 **compatible with immediate adjacent property and, therefore the requested**  
137 **variance has little potential to affect the order and convenience of the**  
138 **public health, safety, morals etc.**

139  
140 **The granting of the variances would not adversely impact the objectives of**  
141 **the Master Plan. The location is on property zoned and planned for**  
142 **residential use. The purpose and intent of requiring setbacks for**

143 structures is primarily to maintain uniform lot development, as well as  
144 maintaining similar architectural appearance on each lot. If granted,  
145 reducing the side setback to allow placement of the home should not  
146 impair the purpose and intent of the Master Plan.

147  
148 The parcels in section 22 range in size. The variance request is not so  
149 recurrent in nature as to require an amendment to the Zoning Ordinance.  
150 The request is specific to the needs of the applicant, site conditions of the  
151 subject parcel. The conditions related to the size of the property and  
152 placement of the existing structure on the lot are unique and not ordinarily  
153 found in the R2 zoning district. Since the current setback requirements  
154 were created by the Zoning Ordinance long after the property was platted  
155 and first built upon, the need for the variance arises from the Zoning  
156 Ordinance rather than the actions of the owner.

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158 Roll Call Vote: Ayes: Unanimous  
159 Nays: None

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161 **MOTION APPROVED**

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164 **NEW BUSINESS** – None

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167 **OLD BUSINESS** – None

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169 **APPROVAL OF THE MEETING MINUTES**

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171 Motion by Rainko, second by Pearsall  
172 To approve the Meeting Minutes of April 23, 2019 as presented.

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174 Voice Vote: Ayes: Unanimous  
175 Nays: None

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177 **MOTION APPROVED**

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180 **CORRESPONDENCE** – None

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183 **CALL TO THE PUBLIC** - None

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186 **ADJOURNMENT**

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188 Motion by Yuill, second by Pearsall  
189 To adjourn the ZBA meeting at 7:34 p.m.

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

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194           **MOTION APPROVED**

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198           The Zoning Board of Appeals meeting adjourned at 7:34 p.m. due to no further  
199           business.

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203           Respectfully Submitted,  
204  
205           *Kellie Angelosanto*  
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207           Kellie Angelosanto  
208           Recording Secretary