1. Call to Order
2. The Pledge to the Flag
3. Roll Call of the Board
4. Approval of the Agenda

5. ZBA Case 01-2016, Parcel # 4716-30-300-019 & 4716-30-300-043 address 8480 E M-36, Whitmore Lake, 48189. West of Lemen Road, south of Spicer Road. Zoned GB, General Business District (Conditional). Request variance from Section 38-311 (f), Parking Regulations to allow parking spaces within the front yard setback.
   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

   ZBA Case 02-2016, Parcel # 4716-14-300-020, 12051 Andresen Drive, South Lyon, MI 48178. North of Twelve Mile and South of Doane. Zoned Residential Farming, 5.03 acres. Request a variance from Section 38-171 (2) to allow a detached accessory building within the front yard setback.
   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
ZBA Case 03-2016, Parcel # 4716-14-200-009, 12789 Twelve Mile Road, South Lyon, MI 48178. East of Dixboro and West of Rushton. Zoned Residential Farming, 5.48 acres. Request a variance from Section 38-171 (5) to allow a second detached accessory structure on the property.

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. New Business

7. Old Business

8. Approval of November 19, 2015 Meeting Minutes

9. Correspondence

10. Call to the Public – maximum of three minutes shall be allotted to individuals, and a maximum of five minutes to a group representative

11. Adjournment

Posted December 30, 2015
Case Number: ZBA-01-2016
Date of Application: 12-15-2015
Hearing Date: January 19, 2016
Applicant: James Kenny (Green Associates of Hamburg)
Property ID: 4716-30-300-019 and 4716-30-300-043
Property Address: 8480 E. M-36 Whitmore Lake, MI 48189

Nature of Application: Request a variance from Section 38-311(f) the ordinance states that commercial parking is not allowed within the front yard setback. Applicant is requesting a variance to allow necessary ADA parking spaces within the front yard setback. Zoning District: Zoned GB, General Business District (Conditional).

Applicable Provisions of the Zoning Ordinance:

ARTICLE VII. OFF-STREET PARKING AND LOADING*

38-311

(f) Location for other uses. The off-street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted uses requiring such off-street parking, and such distance is to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served. The front setback area shall remain as open space, unoccupied and unobstructed from the ground upward, except for landscaping, plant materials, or vehicle access drives. A fully executed parking easement agreement for all off-site parking shall be signed by all parties involved and recorded for all off-street parking intended to service the main facility.

Notices: Notice of public hearing sent to the applicant, December 30, 2015
Proposal

The applicant is requesting a variance that would allow ADA parking spaces in the front yard.

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area</td>
<td>20,000 SqFt</td>
<td>4.06 acres</td>
</tr>
<tr>
<td>Lot Width</td>
<td>100 feet</td>
<td>255 feet</td>
</tr>
<tr>
<td>Front Yard Setback</td>
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</tr>
<tr>
<td>Rear Yard Setback</td>
<td>30 feet</td>
<td>Not shown</td>
</tr>
<tr>
<td>Lot Area Covered by All</td>
<td>35%</td>
<td>28.85 %</td>
</tr>
<tr>
<td>Buildings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Height</td>
<td>2 ½ stories or 30 feet</td>
<td>18 feet</td>
</tr>
</tbody>
</table>

The site plan that was presented to the Planning Commission on November 19, 2015 meets all of the district regulations except the two (2) barrier free parking spaces that are proposed in the front yard. Parking is prohibited in the front yard. However, the intent is to have these spaces as close to the entrance as possible. Additionally this is the only section of the drive that is proposed to be paved. Because the Zoning Ordinance does not permit parking on the front yard, the applicant must seek a variance.

CASE FILE DOCUMENTS:

1.0 Zoning Map
1.1 I Tax Map
1.2 Minutes
1.3 Site Plan
1.4 Aerial

Written Correspondence and Documentation
2.0 Completed application form
2.1 Letter of application with attachments
2.2 Proof of ownership
2.3 Notice of Public Hearing
2.4 Certificate of publication
GREEN OAK CHARTER TOWNSHIP
PLANNING AND ZONING DEPARTMENT
10001 Silver Lake Road, Brighton, MI 48116
Phone: 810-231-1333 ext.104 Fax: 810-231-5080

ZONING BOARD OF APPEALS
APPLICATION

DATE: 12/15/2015
CASE NUMBER: ZBA 01-2016

INSTRUCTIONS:

Prior to any appeal being filed with the Green Oak Charter Township Zoning Board of Appeals (ZBA), an applicant must have first applied for a building permit from the Green Oak Charter Township Building Department. The building permit must have had an administrative review conducted by a designated Building and Zoning Official and subsequently be denied if it is to be later considered by the Zoning Board of Appeals. This denial must be obtained in writing and copies submitted with the appeal application form, in no event should the denial letter be older than 30 days after the date of the decision from which the appeal is taken. The ZBA appeal application costs are not refundable.

If an appeal is filed with the ZBA, the following application form and a site layout must be completed. ELEVEN COPIES of the application, site layout and any additional pages or documents that the applicant desires the ZBA to consider must be provided prior to the application form being accepted by the Zoning Administrator. All appeals must be filed by noon the third Wednesday (one month prior) to the scheduled meeting date, in order to be considered for that month’s meeting. There is a limit of five cases per monthly agenda, and applications are taken in order of submission. If more than five applications are received, the additional applications will be scheduled for the following meeting. The applicant or authorized representative must appear in person on their scheduled date. If an authorized representative is designated, the applicant must designate their authority in writing prior to the ZBA hearing being conducted. All costs exceeding the application fee are the responsibility of the applicant and must be paid in full prior to any building permits being issued.

All property owners and occupants within 300 feet of the petitioner’s property will be notified by first class mail not less than 15 days prior to the public hearing.

While there is not a prescribed method to a presentation to the ZBA, the applicant should be prepared to provide all available proofs, documents, evidence, etcetera to support their request for a variance at the time of the
You must provide the following information as part of your application:

1) Site Plan layout drawn to scale, which details the following:
   - Show all adjoining property setbacks and structures
   - Show existing and proposed setbacks from road right-of-ways
   - Show existing and proposed structures
   - Show required and existing setbacks by noting it on the site plan
   - Show NORTH arrow

2) Photographs of property in relation to roads and existing structures, when appropriate, to properly depict the reason for the appeal.

3) Written denial from the Planning and Zoning Administrator denying a building permit for this original request. **Appeal shall be taken within such time as prescribed by the ZBA by general rule, but in no event later than 30 days after the date of the decision from which the appeal is taken.**

4) Eleven copies of the application, site layout and any additional pages or documents.

5) A completed application. Incomplete applications with missing information will be returned and not placed on the ZBA agenda until complete.

I hereby affirm that the above information is correct to the best of my knowledge and grant permission for Township officials, employees, consultants and members of the Zoning Board of Appeals to conduct an on-site inspection.

---

Signature of Applicant

Date: 12-1-2015

Signature of Owner, if different

Date:
Criteria for a Dimensional Variance

Please respond to the following statements. The application must meet all criteria in order to obtain a variance. 38-95 (8)

What are the exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone? Line of site, unsafe is behind buildings.

Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

The granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.

The granting of such variance will not adversely affect the purpose or objectives of the master plan of the township.

The condition or situation of the specific piece of property, or the intended use of such property, for which the variance is sought is not of so general or recurrent a nature.
hearing. Witnesses and/or any other tangible evidence to support the validity of the request for variance will be accepted and considered by the ZBA.

Applicant Information
Name: James Kenney
Address: 7197 Rich Rd
City/State/Zip: Brighton, MI 48116
Phone: 810-235-3151 Fax:
E-Mail: jk@kenney18.com

Property Owner Information
Name: James Kenney
Address: 7197 Rich Rd
City/State/Zip: Brighton, MI 48116
Phone: 810-235-3151 Fax:
E-Mail: jk@kenney18.com

Location of Property for which the variance requested
Address: 8186 E. M-36, Whitmore Lake
Cross Streets: Leman & M-36
Tax Identification #: Information available from the Green Oak Charter Township Assessor's Dept.
Zoning District: Green Oak
Lot Size/Acreage: 3.85
Current Use: Special Use / Garden Center

Variance Request: Handicap Parking

Total Number of Variances Requested: 1

List the applicable Code Section Name, Section Number, and Subsection to be considered by the ZBA.
This information is contained in the Green Oak Charter Township Zoning Code Book

Describe Request: Handicap Parking, seems unsafe in front of building and neighboring property owner owns an Illinois State shape making placement of a handicap sports pitiful
Green Oak Charter Township
Planning Commission
Regular Meeting Minutes
November 19, 2015

Approved: December 17, 2015

The meeting was called to order by Mr. Moran at 7:00 p.m.

Roll Call: Russell Brooks
Chuck Fellows
Rollin Green
Robert Moran
Sarah Pearsall
Lamberto Smigliani
Dean Williams

Also Present: Paul Montagno, Carlisle Wortman

Guests: 3

APPROVAL OF AGENDA

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

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Approval of the November 5, 2015 Regular Meeting Minutes

Motion by Green, second by Williams
To approve the minutes of November 5, 2015 as submitted with one addition.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

CALL TO THE PUBLIC – None

BUSINESS ITEMS

A. Site Plan Review for Green Oak Associate’s, LLC (Former Shady Stop) 8480 E M-36 Whitmore Lake, 48189
Representing Green Oak Associate’s, LLC: James Kenney
Kurt Anderson
Samantha Rice

Mr. Montagno reviewed the Carlisle Wortman memo dated 11/3/15. He explained the site plan is in good shape and recommends approval with the following items being addressed:

1. The applicant must seek a variance from the ZBA for Section 38.311 (f) which does not permit parking for commercial use in the front yard.
2. Per Section 38.313(1) the Planning Commission may consider waiving the requirement that all drives and parking lots are to be hard surface.
3. The applicant should either update the landscape plan to demonstrate that the requirements of Section 38-177 of the Zoning Ordinance are met, or the Planning Commission can modify the landscape standards if they believe the site meets the intent of the Ordinance.
4. Details must be provided for the light fixtures to demonstrate that they are fully shielded and down directed. This could be done on the final engineering plans.

Mr. Kenney gave a brief history of the project. Mr. Anderson explained that a gravel parking surface is being proposed because of the heavy equipment that will be used, and that equipment would just tear up a hard surface. The gravel also will allow some water infiltration as opposed to a hard surface. Mr. Anderson stated that they have proposed a bio swale that will dump into a retention basin that will overflow into a drain. The gravel is something that would help them with the conditions of the site. They are proposing 8” of limestone. Mr. Montagno explained that the engineers found that acceptable. Mr. Anderson stated that there is a turn-around in the back for trucks. The bins will be the vertical free standing style, with 4x18 blocks that will be stacked.

Mr. Moran asked if it is their intent to meet the landscaping requirements. Mr. Kenney stated that he had no problem meeting it; he just didn’t want to block the view of the property from M-36. Mr. Kenney agreed to come back with a specific landscape proposal. Mr. Anderson stated that there will be some trees impacted due to the bio swale, the rails to trails is immediately to the south of them and there will probably be some screening lost. Mr. Montagno stated that they will need to screen and soften the bin storage area. Mr. Moran stated the bin area has to be adequately screened from any residential areas, and where the existing vegetation is removed they would want to see the plans as to what will be replaced there.

Mr. Moran stated that the applicant will need to go the ZBA for a variance to allow parking in the front of the building. He explained that the Planning Commission may want to consider making an exception for the hard surface requirement since these types of operations usually don’t have paved areas and are gravel. He felt it makes sense to waive that requirement. The Planning Commission agreed and decided to waive the general requirement since there is no other location for the hard surface on the property except for where it’s being proposed and requiring it would be counter productive.

Motion by Smigliani, second by Pearsall
To approve the site plan for Green Oak Associates, LLC contingent on ZBA
approval for the placement of the handicap parking spots located on the east
left side of the entrance drive and subject to administrative approval of the
final landscape plan, meeting the general requirements for screening of the
containment areas, meeting the ordinance requirement for replacement of
any trees that are removed, and other elements of the site plan dated 10/6/15
and the plan will be revised to reflect changes resulting from tonight’s
review. All requirements of the detailed engineering and fire reviews would
be met by the applicant.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

REPORTS

Chairman – Mr. Moran briefly brought the Planning Commissioners up to date regarding
the land that has been sold at The Legacy Center and a Pre-application Meeting for
gymnasium and childcare facilities with the LEGACY PUD to be located south of Winans
Lake Road.

Township Board Representative – Trustee Green reported that the Board approved the
two rezoning requests for property on Whitmore Lake Road from RF to R2.

ZBA Representative- Ms. McKenzie reported that the ZBA approved the variance
request for the one application that was presented. Private road easement issue that was
previously approved 10 years ago and the application had let it lapse.

Planning Consultant – None
Correspondence – None

CALL TO THE PUBLIC - None

ADJOURNMENT

Mr. Moran adjourned the Regular Planning Commission meeting at 7:45 p.m. due to no
further business.

Respectfully Submitted,

Kellie Angelosanto
Kellie Angelosanto
Recording Secretary
Site Plan Review
For
Green Oak Township, Michigan

GENERAL INFORMATION

Applicant: Green Oak Associates of Hamburg, LLC
C/O James Kenney

Project Name: Green Oak Associates of Hamburg (Shady Stop)

Plan Date: October 10, 2014

Latest Revision: October 5, 2015

Location: 8480 E M-36, west of Lemen Road, south of Spicer Road

Zoning: GB, General Business District (Conditional)

Action Requested: Site Plan Approval

Required Information: As may be indicated in the following sections of this review.

PROJECT AND SITE DESCRIPTION

The applicant is requesting site plan approval to reopen and make site plan modifications to an existing landscaping supply/garden center business. The site will consist of three (3) existing structures located on a recently created 4.06-acre parcel along the southwest side of M-36, west of Lemen Road and South of Spicer Road.
The reopening of this use is being permitted through a conditional rezoning. One of the conditions for the rezoning was that the applicant submit a site plan for approval and apply for a Special Approval Use Permit for this site. A concept plan was approved as part of the conditional rezoning. The conditions and concept plan will provide general guidance for the review of this plan however, the conditions do state that the project is subject to the typical review process and requirements for site plans and special approval uses. The concept plan, based on the existing site, and some proposed improvements will bring the site into closer compliance with the Zoning Ordinance.

An aerial view of the subject site is provided below:

**Figure 1**
Aerial Photo of Subject Site

---

**PROJECT HISTORY**

The applicant submitted a conditional rezoning application with special conditions for the allowance of the garden center use. The conditional rezoning was approved and the statement of conditions was executed on March 11, 2014. The recently created parcel is the result of a land division application to split the original 13.921-acre parcel into two (2) separate parcels, one being the 4.06 acre parcel that the landscaping supply business occupies, and the other being a
9.86-acre parcel occupied by an existing residential home. The land division was granted by the Township’s Assessor on October 20, 2014.

A summary of the zoning and land uses surrounding the subject site is provided below:

<table>
<thead>
<tr>
<th></th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>R2, Residential single-family</td>
<td>R2, Residential single-family</td>
<td>LI, Limited Industrial</td>
<td>R2, Residential single-family</td>
</tr>
<tr>
<td>Use</td>
<td>Residential</td>
<td>Residential</td>
<td>Undeveloped</td>
<td>Residential</td>
</tr>
</tbody>
</table>

**Items to be Addressed**: None.

### AREA, WIDTH, HEIGHT, SETBACKS

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</table>

The proposal meets all of the district regulations except the two (2) barrier free parking spaces that are proposed in the front yard. Parking is prohibited in the front yard. However, the intent is to have these spaces as close to the entrance as possible. Additionally this is the only section of the drive that is proposed to be paved. Because the Zoning Ordinance does not permit parking on the front yard, the applicant must seek a variance. The applicant has indicated that they intend to seek a variance.

**Items to be Addressed**: The applicant must seek a variance from the ZBA from Sec. 38-311. (f) which does not permit parking for a commercial use in the front yard.

### NATURAL RESOURCES

**Topography**: The site appears to be generally flat.

**Wetlands**: There is an area within the wooded portion of the site that is labeled “low wet area”. This is the area where the ditch that bisects the property drains. This area is identified as a potential wetland on the MDEQ online wetland mapping program and appears to be hydraulically connected to wetlands on adjacent properties. There is no disturbance proposed for this area.
Woodland: There is a wooded area in the southwest corner of the site.

Soils: Soil survey information indicates that there are three predominant soils on site; Carlisle muck, Miami loam, 0 to 2 percent slopes, and Miami loam, 2 to 6 percent slopes.

Hazardous Materials Reporting Form: The applicant has completed the hazardous materials reporting form, which indicates there are no existing or proposed hazardous materials on the site.

**Items to be Addressed: None**

**SITE LAYOUT**

The site layout will remain generally consistent with the existing improvements on the site. There are three existing buildings on the site that are to remain. The existing structures include a 1500 square foot office/storefront attached to a 1,300 square foot greenhouse at the front of the site along with two existing buildings/greenhouses located along the north side of the site in the rear of the property. There is no indication as to how the buildings/greenhouse on the north side of the site will be used. The existing residential building has now been removed per that conditions of the rezoning. The existing parking area will be removed from the front yard and replaced with a new parking area behind the building on the south side of the site. As noted above, there are two (2) barrier free parking spaces in the front yard for which the applicant intends to see a variance.

A bush/sapling stock area is depicted behind the main building. There is an existing drive from M-36 that ends in the middle of the rear of the site in a large turnaround. There are no improvements or use proposed for the area between the existing building/greenhouse on the north side of the site and the existing drain that bisects the site. The site plan indicates that the area north of the ditch will “remain undisturbed”.

**Items to be Addressed: None.**

**SITE ACCESS AND CIRCULATION**

There will be no change to site circulation under this proposal. Access to the site will be provided via the existing driveway off East M-36. This drive is proposed to be paved for approximately 50 feet beyond the right-of-way at which point it transitions to gravel.

Beyond the paved drive, there is a single gravel drive that will provide access to the parking area behind the building, as well as the landscaping material stock area and the bush/sapling stock
area. This is an existing gravel drive that culminates in a turnaround at the back of the site on the west side.

The turnaround is oddly shaped with dimensions indicated to be +/- 60 feet by +/- 100 feet. Standard dimensions for a turnaround that would accommodate a 50 foot wheel based truck include a minimum 46.4 foot radius. Based on site visits, the surface of the turnaround area is in need of maintenance.

The site plan provides a cross section for the internal drive which includes 6 inches of lime stone over compacted subgrade. This has been reviewed by the Township Engineer.

**Items to be Addressed:** None.

### PARKING AND LOADING

There are 11 spaces including 2 barrier free spaces depicted on the site plan. According to Section 38-312 of the Zoning Ordinance, retail uses require 1 space for every 200 square feet of gross floor area, plus 1 space for every 3 employees. There are 1500 square feet of floor area requiring 8 spaces. The applicant has indicated there would be 3 employees. This would require 11 spaces plus 2 barrier free spaces for a total of 14 spaces. The applicant is proposing 15 spaces which includes 2 barrier free spaces.

The following table illustrates the parking requirements for the proposed building.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>No. of Spaces Required</th>
<th>No. Spaces Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off-Street</td>
<td>One space for every 200 sf of floor area.</td>
<td>1500 sf = 8</td>
</tr>
<tr>
<td></td>
<td>One space per every employee</td>
<td>3 employees = 3</td>
</tr>
<tr>
<td>Barrier Free</td>
<td>1 space per every 1-25 total spaces</td>
<td>11 = 1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>11</strong></td>
</tr>
</tbody>
</table>

The main parking area, not including the barrier free spaces is proposed to be gravel. The Zoning Ordinance requires all parking lots to be hard surface. According to Sec. 38-313(1), the Planning Commission can waive this requirement where:

a. Driveways, loading, or turnaround or storage areas receive only limited use and are not used for employee parking, customer parking, or primary access.

b. Gravel surfacing and potential problems arising from dust or scattered gravel will not impact neighboring properties.

c. Hard surfacing will significantly increase stormwater runoff and create a potential for flooding and/or soil erosion
**Items to be Addressed:** Per Section 38-313(1) the Planning Commission may consider waiving the requirement that all drives and parking lots are to be hard surface.

**SIDEWALKS/PATHS**

There is a new 6 foot wide walk being proposed between the driveway and the front door. There are no other walk ways or pathways provided on the site.

**Items to be Addressed:** None

**ESSENTIAL SERVICES**

No utilities have been depicted on the site. We defer review of essential services to the Township Engineer, Township Fire Marshal, and any interested outside agencies, such as the Livingston County Drain Commissioner and Livingston County Health Department.

**Items to be Addressed:** Final site plan approval is subject to the review of essential services by the Township Engineer, Township Fire Marshal, and any interested outside agencies, such as the Livingston County Drain Commissioner and Livingston County Health Department.

**LANDSCAPING**

Landscaping has been shown on the site plan. Specific plant materials have now been called out and numbers of plants have been included, however calculations demonstrating they meet the requirements of the Zoning Ordinance have not been provided. The following section of the Zoning Ordinance apply regarding landscaping for this site:

**General Site Landscaping** – Section 38-177(c)(1) requires one (1) tree per 3,000 square feet or portion thereof for any undeveloped area for which other specific landscaping requirements do not apply.

This would apply to the area where the existing house is to be removed as well as the open, undeveloped areas north of the drain and in back portion of the lot. Undeveloped areas where there are existing woodland would not need to be calculated into the undeveloped area.

**Roadway** – Per Section 38-177(c)(2), landscaping adjacent to roadways must contain: one (1) deciduous or evergreen tree per thirty (30) linear feet of road frontage, one (1) ornamental tree per 100 linear feet of road frontage, and five (5) shrubs per thirty (30) linear feet of road frontage.

A mixture of shrubs and deciduous trees have been depicted along the frontage on M-36. It appears they are deficient by 3 deciduous or evergreen trees, 34 shrubs, but have an extra 8 ornamental trees.
Screening — Per Section 38-177(c)(5), Screening in the form of a landscaped berm, greenbelt or wall shall be required on all sides of a nonresidential use which abuts directly upon land zoned or used for residential purposes. The applicant shall provide screening along the north property line.

A number of shrubs have been placed along the driveway and around the dumpster enclosure near the property line south of the main building.

The area immediately to the south of the parking area and the bulk storage area has an existing wooded buffer which would likely provide the necessary screening for the residential lot to the south. However there is a proposed a drainage swale that is to be installed in the area behind the bulk storage bins. Grading to create the swale will require the removal of the existing plant material. The applicant must provide a landscape screening buffer south of the bulk storage area.

The area in front of the main building which was previously use as a sales area is now being replaced with sod/grass.

**Items to be Addressed:** 1) The applicant should either update the landscape plan to demonstrate that the requirements of Section 38-177 of the Zoning Ordinance are being met, or the Planning Commission can modify the landscape standards if they believe the site meets the intent of the ordinance. 2) The applicant shall provide screening along the north property line according to Section 38-177(c)(5). 3) The applicant must provide a landscape screening buffer south of the bulk storage area.

**LIGHTING**

New building mounted lights are being proposed on three sides of the greenhouse. Details must be provided for the light fixtures to demonstrate that they are fully shielded and down directed.

The applicant has indicated that they do not intend to light the parking lot as their proposed hours are from 8 am to 5 pm.

**Items to be Addressed:** Details must be provided for the light fixtures to demonstrate that they are fully shielded and down directed. This could be done on the final engineering plans.

**SIGNS**

No new signage is proposed as part of the site plan. The site plan indicates that one (1) existing business sign near the entrance drive along M-36 is proposed to remain.

**Items to be Addressed:** None.
SUMMARY / RECOMMENDATION

This site contains an existing use that has been approved through a conditional rezoning which included a concept plan. The conditions of the rezoning allow for the use as retail garden center. The concept plan included in the conditions, generally allows the existing layout. We would suggest approval of this plan with the condition that the applicant address the following items.

1. The applicant must seek a variance from the ZBA from Sec. 38-311. (f) which does not permit parking for a commercial use in the front yard.
2. Per Section 38-313(1) the Planning Commission may consider waiving the requirement that all drives and parking lots are to be hard surface.
3. The applicant should either update the landscape plan to demonstrate that the requirements of Section 38-177 of the Zoning Ordinance are met, or the Planning Commission can modify the landscape standards if they believe the site meets the intent of the Ordinance.
4. Details must be provided for the light fixtures to demonstrate that they are fully shielded and down directed. This could be done on the final engineering plans.

CARLISLE/WORTMAN ASSOC., INC.
Paul Montagno, AICP

# 175-1426

Cc: Mark St. Charles, Supervisor
    Debra McKenzie, Planning & Zoning Administrator
    Leslie Zawada, Township Engineer
    Tim Kedzierski, Township Fire Marshal
    James Kenney, Applicant, via jimkenney18@yahoo.com
    John Enos, CWA Principle
Special Approval Land Use Review
For
Green Oak Township, Michigan

Applicant: Green Oak Associates of Hamburg, LLC
C/O James Kenney

Project Name: Green Oak Associates of Hamburg (Shady Stop)

Plan Date: October 10, 2014

Latest Revision: October 6, 2015

Location: 8480 E M-36, west of Lemen Road, south of Spicer Road

Zoning: GB, General Business District (Conditional)

Action Requested: Special Land Use Approval

Required Information: As may be indicated in the following sections of this review.

PROJECT AND SITE DESCRIPTION

The applicant is seeking Special Land Use approval to reopen an existing landscaping supply/garden center business. The business will consist of three (3) existing structures located on a recently created 4.06-acre parcel along the southwest side of M-36, west of Lemen Road and South of Spicer Road.
The reopening of this use is being permitted through a conditional rezoning. One of the conditions for the rezoning was that the applicant submit a site plan for approval and apply for a special approval use permit for this site. A concept plan was approved as part of the conditional rezoning. The conditions and concept plan will provide general guidance for the review of this plan. However, the conditions do state that the project is subject to the typical review process and requirements for site plans and special approval uses. The concept plan, based on the existing site, and some improvements which are part of the changes being proposed will bring the site into closer compliance with the Zoning Ordinance.

Please refer to the site plan review dated November 3, 2015, for additional information about the site.

**BASIS OF DETERMINATION – SPECIAL USES**

According to Sec. 38-44. Special approval use permits, the Planning Commission shall review the proposed special approval use in terms of the following standards:

1. Will be harmonious and in accordance with the general objectives or any specific objectives of the Township’s Master Plan.

   **The Township has considered this during the conditional rezoning process and determined that the use of this site as a plant nursery and retail garden center would be appropriate based on the historic use of this site. The Planning Commission may want to discuss all intended uses of the site with the applicant to ensure there are clear expectations from both the Township and the applicant.**

2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.

   **The use of this site as a plant nursery and retail garden center will not change the character of this area. This site has historically operated the same use. In fact, through the conditions of rezoning and the site plan process, the appearance of the site is being improved. There is a note on the plan that indicates that the bulk material will be wholly contained with the proposed 6 foot tall bins and will be limited to less than the height of the bin.**

3. Will not be directly or indirectly hazardous or disturbing to existing or future uses, ecosystems, waterways, wetlands, etc.

   **The nature of this operation is that much of the materials that are sold from the site are delivered and picked up in bulk in semi-trailers or dump trucks. The Planning Commission may want to limit the hours for deliveries and pickup of bulk materials and planting stock in order to protect the existing or future neighbors from noise disturbances.**
(4) Will be an improvement in relation to property in the immediate vicinity and to the Township as a whole.

    As noted above, the appearance of the site is being improved which will be a benefit for those in the immediate vicinity. The Planning Commission may want to see a detailed drawing of the bulk material enclosure. All material stored out should be screened from view from M-36.

(5) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately for any such service or facility.

    As noted above, the final site plan approval is subject to the review of essential services by the Township Engineer, Township Fire Marshal, and any interested outside agencies, such as the Livingston County Drain Commissioner and Livingston County Health Department.

(6) Will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.

    No additional cost should be borne by the Township if this use was approved.

(7) Will be consistent with the intent and purposes of this chapter.

    If the site is maintained per the approved site plan and use restrictions placed on the site per the approved conditional rezoning and additional conditions placed on the use by the Planning Commission, the use will be consistent with the intent and purpose of the Zoning Ordinance.

**SPECIAL APPROVAL USE CONSIDERATIONS**

The following are our recommended conditions and other discussion items for the Planning Commission to consider as they evaluate the specifics of the proposed use and the associated site plan:

1. The Planning Commission must evaluate the proposed use and base their determination on the standards in Section 38-44 (c).
2. The Planning Commission should discuss all intended uses of the site with the applicant to ensure there are clear expectations from both the Township and the applicant.
3. The applicant must provide a detailed drawing of the bulk material enclosure.
4. Place condition that bulk martial piles shall be wholly contained within the bins and shall be limited to less than the height of the enclosure.
5. Place condition that all material stored outdoors shall be screened from view from M-36.
6. Place condition that any machinery or equipment associated with the operations be stored indoors when not in use.
7. Limit delivery and pick up of large loads of bulk material and planting stock to the hours between 8:00 am to 5:00 pm.
8. Make compliance with the conditions of the conditional rezoning, signed by the Township Supervisor on March 11, 2014, a condition of the special approval use permit.

CARLISLE/WORTMAN ASSOC., INC.
Paul Montagno, AICP

# 175-1426

Cc: Mark St. Charles, Supervisor
    Debra McKenzie, Planning & Zoning Administrator
    Leslie Zawada, Township Engineer
    Tim Kedzierski, Township Fire Marshal
    James Kenney, Applicant, via jimkenney18@yahoo.com
    John Enos, CWA Principle
GREEN OAK TOWNSHIP FIRE DEPARTMENT

9384 Whitmore Lake Road
Brighton, Michigan 48116-8325

Phone 810-231-3663
Fax 810-231-4488

Kevin Gentry, Fire Chief

To:   GREEN OAK TOWNSHIP PLANNING AND ZONING
       Attention: Debra McKenzie

From: Tim Kedzierski, Fire Marshal

Date: October 9, 2015

Re: Site Plan Review, (Green Oak Associates Shay Stop M-36 revised October 2015)

A review of this site plan has been performed and at this time the Fire Department concerns are noted below.

Site plan approved however building plan shall be submitted for all buildings. Fire and Building life safety codes shall be enforced. Final fire inspection required. Certificate of Occupancy shall be generated prior to occupying any structures.

Proposed Bush / Sapling Stock Area, what is operating guideline for quantity and removal of debris in this area?
<table>
<thead>
<tr>
<th>Parcel Number: 4716-30-300-019</th>
<th>Jurisdiction: GREEN OAK TOWNSHIP</th>
<th>County: LIVINGSTON</th>
<th>Printed on: 01/12/2016</th>
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</thead>
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<td>Grantee</td>
<td>Sale Price</td>
<td>Sale Date</td>
<td>Inst. Type</td>
</tr>
<tr>
<td>THE SHADY STOP</td>
<td>GREEN ASSOCIATES OF HANE</td>
<td>70,000</td>
<td>11/19/2011</td>
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<tr>
<td>275 LANDHOLDINGS LLC</td>
<td>THE SHADY STOP</td>
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<td>01/18/2008</td>
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<tr>
<td>HAUGHTON, WILLIAM T &amp; KAT</td>
<td>275 LANDHOLDINGS LLC</td>
<td>425,000</td>
<td>08/25/2004</td>
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<tr>
<td>LARSON TRUST, FLORENCE</td>
<td>HAUGHTON, WILLIAM T &amp; KAT</td>
<td>0</td>
<td>10/02/2001</td>
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<tr>
<td>Property Address</td>
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<tr>
<td>8480 N-56</td>
<td>Class: RETIRED SPLIT/COM</td>
<td>School: WHITMORE LAKE</td>
<td></td>
</tr>
<tr>
<td>Owner's Name/Address</td>
<td>Zoning: R2</td>
<td>Building Permit(s)</td>
<td>Date</td>
</tr>
<tr>
<td>GREEN ASSOCIATES OF HAMBURG LLC</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8510 TIFISCO TRAIL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HOLLY MI 48442</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Tax Description</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SEC 30 TIN R6E COMM NW COR OF SE 1/4 OF SW 1/4 SD SEC, TH N98°W 842.96 FT, TH S7°43'43&quot;W 363.27 FT FOR POB, TH N98°26'44&quot;E 65 FT, TH S6°51'44&quot;E 18.03 FT, TH S25°54'29&quot;E 233.74 FT, TH S71°30'18&quot;W 38.64 FT, TH N77°03'43&quot;W 119.71 FT, TH N77°03'43&quot;W 484.78 FT, TH N 200 FT, TH S89°27'25&quot;E 250 FT, TH S0°33'37&quot;E 100 FT, TH N89°26'44&quot;E 257.52 FT TO POB COMP 3/84 FROM 006 &amp; 014</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Split on 04/03/2015 with 4716-30-300-228, 4716-30-300-013 into 4716-30-300-042, 4776-30-300-043;</td>
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<td></td>
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</tr>
<tr>
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<td></td>
<td></td>
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<tr>
<td>Split on 04/03/2015 with 4716-30-300-228, 4716-30-300-013 into 4716-30-300-042, 4776-30-300-043;</td>
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<td></td>
<td></td>
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The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Green Oak, County of Livingston, Michigan

*** Information herein deemed reliable but not guaranteed***
<table>
<thead>
<tr>
<th>Building Type</th>
<th>Roof (cont.)</th>
<th>Heating/Cooling</th>
<th>Built-ins</th>
<th>Fireplaces</th>
<th>Porches/Decks</th>
<th>Garage</th>
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</thead>
<tbody>
<tr>
<td>X Wood Frame</td>
<td>Drywall Plaster Wood 260</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Style: ONE STORY</td>
<td>Trim &amp; Decoration</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tr Built Remodeled</td>
<td>Ex X Ord</td>
<td>Min</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Size of Closets</td>
<td>Lg X Ord</td>
<td>Small</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Condition for Age: Average</td>
<td>Doors</td>
<td>Solid X H.C.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Room List</td>
<td>No./Qual. of Fixtures</td>
<td>Ex. X Ord.</td>
<td>Min</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Basement</td>
<td>Kitchen</td>
<td>Other</td>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st Floor</td>
<td>Other</td>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2nd Floor</td>
<td>Other</td>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3rd Floor</td>
<td>No. of Elec. Outlets</td>
<td>Many X Ave.</td>
<td>Few</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(7) Excavation</td>
<td>Basement: 648 S.F.</td>
<td>Crawl: 1533 S.F.</td>
<td>Slab: 0 S.F.</td>
<td>Height to Joists: 0.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X Wood/Shingle Aluminum/Vinyl Brick</td>
<td>3 Average Fixture(s)</td>
<td>3 Fixture Bath 2 Fixture Bath Softener, Auto Softener, Manual Solar Water Heat No Plumbing Extra Toilet Extra Sink Separate Shower Ceramic Tile Floor Cus. &amp;/or Tile Walls Ceramic Tub Alcove Vent Fan</td>
<td>2000 COMMERCIAL-MISC</td>
<td>1.000 =&gt; TCV of Bldg: 1.000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X Wood Shingle</td>
<td>Conc. Block</td>
<td>Poured Conc.</td>
<td>Stone</td>
<td>Treated Wood Concrete Floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Many Avg.</td>
<td>X X X X X X X X X</td>
<td>Large Avg.</td>
<td>Small</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(8) Basement</td>
<td>1000 Gal Septic</td>
<td>2000 Gal Septic</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rec. S.</td>
<td>Living S.</td>
<td>Walkout S.</td>
<td>No Floor S.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(9) Basement Finish</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(10) Floor Support</td>
<td>Joists:</td>
<td>Unsupported Len:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>X gambrel Hip Flat</td>
<td>Cantilever Sup.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>X Asphalt Shingle</td>
<td>Chimney: Brick</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*** Information herein deemed reliable but not guaranteed***
<table>
<thead>
<tr>
<th>Class: D</th>
<th>Quality: Low Cost</th>
<th>Percent Adj: +0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base Rate for Upper Floors = 29.70</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(10) Heating system: Space Heaters, Gas with Fan Cost/SqFt: 0.00 100% Adjusted Square Foot Cost for Upper Floors = 29.70</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Stories Number of Stories Multiplier: 1.000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average Height per Story: 8 Height per Story Multiplier: 0.890 Ave. Floor Area: 1,328 Perimeter: 156 Perim. Multiplier: 1.258 Refined Square Foot Cost for Upper Floors: 33.25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>County Multiplier: 1.49, Final Square Foot Cost for Upper Floors = 49.547</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Floor Area: 1,328 Base Cost New of Upper Floors = 65,798 Reproduction/Replacement Cost = 65,798 Eff.Age:50 Phy.%Good/Abnr.Phys./Func./Econ./Overall %Good: 35 /100/100/100/35.0 Total Depreciated Cost = 23,029</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Cost Items Rate Quantity/Area %Good Depr.Cost LOW COST CANOPY 18.00 224 35 1,411</td>
<td></td>
<td></td>
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<tr>
<td>ECF (2000 COMMERCIAL-MISC) 0.289 =&gt; TCV of Bldg: 1 = 7,063 Replacement Cost/Floor Area= 50.61 Est. TCV/Floor Area= 5.32</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8 Overall Bldg Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>* Mezzanine Info *</td>
</tr>
<tr>
<td>Area #1: Type #1: Office (No Rates)</td>
</tr>
<tr>
<td>Area #2: Type #2: Office (No Rates)</td>
</tr>
<tr>
<td>* Sprinkler Info *</td>
</tr>
<tr>
<td>Area: Type: Low</td>
</tr>
</tbody>
</table>

(1) Excavation/Site Prep: (7) Interior: (11) Electric and Lighting: (39) Miscellaneous:
<table>
<thead>
<tr>
<th>X Poured Conc</th>
<th>Brick/Stone</th>
<th>Block</th>
</tr>
</thead>
<tbody>
<tr>
<td>Many Above Ave.</td>
<td>Average Typical</td>
<td>Few None</td>
</tr>
<tr>
<td>Total Fixtures 3-Piece Baths 2-Piece Baths Shower Stalls Toilets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>Few Average Many Unfinished Typical</td>
<td></td>
</tr>
<tr>
<td>Flex Conduit Rigid Conduit Armored Cable Non-Metallic Bus Duct</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Incandescent Fluorescent Mercury Sodium Vapor Transformer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(13) Roof Structure: Slope=0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(14) Roof Cover:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*** Information herein deemed reliable but not guaranteed***
1 & 2 OF 3

GREENHOUSE
1 Sty/Slab
1,440.0 sf
8' High
50.0'

32.0'
20.0'
20.0'
10.0'
14.0'

30.0'
20.0'

1 Sty/Slab
1328.0 sf
8' High
50.0'

Sketch by Apex Sketch

*** Information herein deemed reliable but not guaranteed***
### Construction Cost

<table>
<thead>
<tr>
<th>High</th>
<th>Above Ave.</th>
<th>Ave.</th>
<th>X</th>
<th>Low</th>
</tr>
</thead>
</table>
** ** Calculator Cost Data ** **  
Quality: Average Adj: %0 $/SqFt: 0.00  
Heat#1: Space Heaters, Gas with Fan 100  
Heat#2: No Heating or Cooling 0%  
Ave. SqFt/Story: 1440  
Ave. Perimeter: 168  
Has Elevators:  
*** Basement Info ***  
Area:  
Type: Finished/Office (No Rates)  
Heat: No Heating or Cooling  
* Mezzanine Info *  
Area #1:  
Type #1: Office (No Rates)  
Area #2:  
Type #2: Office (No Rates)  
* Sprinkler Info *  
Area:  
Type: Average

### Base Rate for Upper Floors = 39.70

1. Heating system: Space Heaters, Gas with Fan  
   Cost/SqFt: 1.05  
   Adjusted Square Foot Cost for Upper Floors = 40.75

### County Multiplier: 1.49, Final Square Foot Cost for Upper Floors = 75.152

Total Floor Area: 1,440  
Base Cost New of Upper Floors = 108,220  
Reproduction/Replacement Cost = 108,220  
Eff.Age: 40  
Phys.%Good/Abnr.Phys./Func./Econ./Overall %Good: 35 /100/50 /100/17.5  
Total Depreciated Cost = 18,938  
ECF (2000 COMMERCIAL-MISC) = 0.289 => TCV of Bldg: 2 = 5,473  
Replacement Cost/Floor Area= 75.15  
Est. TCV/Floor Area= 3.80

### Miscellaneous:

Outlets:  
<table>
<thead>
<tr>
<th>X</th>
<th>Few</th>
<th>Average</th>
<th>Many</th>
<th>Unfinished</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Few</td>
<td>Average</td>
<td>Many</td>
<td>Unfinished</td>
</tr>
<tr>
<td></td>
<td>Flex Conduit</td>
<td>Rigid Conduit</td>
<td>Armored Cable</td>
<td>Non-Metallic Cable</td>
</tr>
<tr>
<td></td>
<td>Bus Duct</td>
<td>Incandescent Fluorescent</td>
<td>Mercury</td>
<td>Sodium Vapor</td>
</tr>
<tr>
<td></td>
<td>Transformer</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Exterior Wall:

<table>
<thead>
<tr>
<th>Thickness</th>
<th>Bsmt Insul.</th>
</tr>
</thead>
</table>

### Notes:

- Information herein deemed reliable but not guaranteed

---

### Description of Building/Section: 2 OF 3

- Parcel Number: 4716-30-300-019
- Class: S
- Calculator Occupancy: Greenhouse, Commercial
- Floor Area: 1,440
- Gross Bldg Area: 2,768
- Stories Above Grd: 1
- Average Sty Hght: 8
- Bsmt Wall Hght
- Depr. Table: 3%
- Effective Age: 40
- Physical %Good: 35
- Func. %Good: 50
- Economic %Good: 100
- Year Built: Remodeled
- Overall Bldg Height
- Comments:

### Additional Details:

- (1) Excavation/Site Prep:  
- (2) Foundation: Footings  
- X Poured Conc | Brick/Stone | Block
- (3) Frame:  
- (4) Floor Structure:  
- (5) Floor Cover:  
- (6) Ceiling:  
- (7) Interior:  
- (8) Plumbing:  
- Many Above Ave. | Average | Typical | Few None  
| Total Fixtures | 3-Piece Baths | 2-Piece Baths | Shower Stalls | Toilets  
| Urinals | Wash Bowls | Water Heaters | Wash Fountains | Water Softeners  

### Heating and Cooling:

- X Gas  
- Coal Stoker  
- Hand Fired Boiler  

### Electric and Lighting:

(11) Electric and Lighting:  

(39) Miscellaneous:  

---

### Calculations:

- Class: S  
- Quality: Average  
- Percent Adj: +0

---

### Printed on:

01/12/2016
GREEN OAK TOWNSHIP FIRE DEPARTMENT

9384 Whitmore Lake Road
Brighton, Michigan 48116-8325

Phone 810-231-3663
Fax 810-231-4488

Kevin Gentry, Fire Chief

To: GREEN OAK TOWNSHIP PLANNING AND ZONING
Attention: Debra McKenzie

From: Tim Kedzierski, Fire Marshal

Date: October 9, 2015

Re: Site Plan Review, (Green Oak Associates Shay Stop M-36 revised October 2015)

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Proposed Bush / Sapling Stock Area, what is operating guideline for quantity and removal of debris in this area?
March 5, 2014

Mark St. Charles, Supervisor
Green Oak Charter Township
10001 Silver Lake Road
Brighton, MI 48116

RE: Green Oak Associates of Hamburg, L.L.C.

Dear Mr. St. Charles:

Enclosed is the Conditional Rezoning Statement of Conditions, which has been signed by James Kenney, President of Green Oak Associates of Hamburg, L.L.C. If the same is approved by the Township, please obtain the required signatures, attach the legal description of the property, and forward the original back to me to be recorded with the Livingston County Register of Deeds.

If you have any questions, please feel free to call me.

Sincerely yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.

Carol A. Rosati

CAR:jah
Enclosure
CONDITIONAL REZONING

STATEMENT OF CONDITIONS

This STATEMENT OF CONDITIONS made and entered into this ___ day of _________, 2014, by and between the Green Oak Charter Township ("Township"), a Michigan municipal corporation, with office is located at 11429 E. Grand River, Brighton, Michigan 48116, and Green Oak Associates of Hamburg, LLC, a Michigan limited liability company ("Developer"), whose address is 7179 Rickett Road, Brighton, Michigan 48116.

RECEDALS

A. The Green Oak Charter Township Code, Section 38-542 Conditional Rezoning of the Zoning Ordinance, was adopted consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, MCL 125.3405.

B. Section 38-542 of the Zoning Ordinance recognizes that there are certain instances where it would be in the best interests of the Township, as well as advantageous to the Developer, that certain conditions could be proposed as part of a request for rezoning.

C. On August 15, 2013, Developer applied for a conditional rezoning from R2, Single-Family, to GB, General Business (Conditional), for a portion of the property located at 8480 M-36, Brighton, Michigan 48116. The parcel contains approximately 13.921 acres, and Developer sought to conditionally rezone only the 3.841 acre portion at the southeast corner. The subject parcel is described in the attached Exhibit A (the "Property").

D. Developer sought to conditionally rezone the Property for the purpose of redeveloping a former landscaping business and green house. Developer proposed tearing down the existing residential structure on the Property, and partial demolition and reconstruction of another existing building for the business.

E. Developer's proposed use as a plant nursery is a special approval use in the GB district. In addition, Developer's proposed use will require site plan approval.

F. Developer's application was accompanied by a voluntary offer in writing setting forth conditions related to the use and/or development of the Property for which the conditional rezoning was requested. The Developer also submitted a conceptual plan showing the specific proposed use of the Property.

G. On December 19, 2013, the Planning Commission, after public hearing, recommended approval of the conditional rezoning with conditions. The Minutes of the Planning Commission Meeting are attached as Exhibit B.

H. On December 18, 2013, the Livingston County Planning Commission recommended approval of the conditional rezoning with conditions (Exhibit C).
I. On February 5, 2014, the Township Board considered the conditional rezoning, based upon the conceptual plan, and subject to a certain Statement of Conditions. The Township Board tabled the case for clarification and revision by Developer of the conditions, and submission of a revised statement of conditions and conditional rezoning agreement.

J. On __________, Developer submitted a revised statement of conditions.

K. On __________, the Township Board approved the conditional rezoning with conditions, and approved this Statement of Conditions.

L. Under Section 38-542, the Statement of Conditions applicable to the conditional rezoning is required to be signed by the Developer. By executing this Statement of Conditions, the Township and the Developer desire to set forth and confirm the conditions under which the Township granted conditional rezoning.

NOW, THEREFORE, Developer agrees:

1. **Conditions Running with the Property.** This Statement of Conditions covers the Property described on the attached **Exhibit A.** The Statement of Conditions shall be binding upon and inure to the benefit of the Developer and the Township, and their heirs, successors and assigns, and shall run with the Property.

2. **Conceptual Plan.** The conditional rezoning was granted by the Township based upon the conceptual plan presented by Developer. The Property shall be developed in conformance with the conceptual plan, subject to modifications which may be required during the reviews contained in Section 6 below.

3. **List of Conditions.** The conditional rezoning was granted to Developer based upon conditions which were voluntarily offered by Developer. The conditions which form the basis of the Township's grant of the conditional rezoning are as follows:

   a. The conditional zoning to GB is approved subject to the use of the Property being limited to a plant nursery. This will include operating a greenhouse and retail garden center selling gardening supplies, topsoil, garden fill, sand, driveway gravel, specialized plant material, gardening tools, bird baths, paver stones, plant and tree nursery stock and related items; the storage and sale of topsoil, garden fill, sand and driveway gravel; and the seasonal sale of fruits and vegetables, firewood and Christmas trees.

   b. All other permitted uses and special approval uses in the GB, General Business District, are expressly prohibited.

   c. Developer shall apply for and obtain a lot split from the Township for the 3.841 acre parcel subject to this conditional rezoning. The lot split shall be approved prior to this conditional rezoning taking effect.

   d. Developer shall demolish the existing residential structure on the Property no later than September 1, 2014.
e. Developer shall apply for and obtain special approval use and site plan approval, and this conditional rezoning is conditioned upon special use approval and site plan approval being later granted.

f. The 10.080 acre portion of the original parcel shall remain zoned R2, and the existing residential home on the R2 parcel may remain.

g. A copy of this Statement of Conditions shall be recorded with the Livingston County Register of Deeds within thirty days of execution of this document. Developer shall pay all costs associated with recording the Statement of Conditions.

4. **Developer Acknowledgement.** Developer acknowledges that it voluntarily offered and consented to the provisions contained in this Statement of Conditions. Developer agrees that the conditions contained herein are fair, reasonable and equitable requirements and conditions; agrees that the Statement of Conditions does not constitute a taking of property for any purpose or a violation of any constitutional rights; and agrees to be bound by each and every provision of this Statement of Conditions. Furthermore, it is agreed and acknowledged that any improvements and undertakings described herein are necessary and roughly proportional to the burden imposed by the conditional rezoning, and are necessary to insure that public services and facilities will be capable of accommodating the development and the increased service of facility loads caused by the development; to protect the natural environment and conserve natural resources; to insure capability with adjacent uses of land; to promote use of the Property in a socially and economically manner; and to achieve other legitimate objectives authorized by law.

5. **Authority to Execute.** This Statement of Conditions has been authorized by all necessary action of Developer, and Developer acknowledges that it is the only party having an Interest in the Property, and has the authority to execute this Statement of Conditions and bind the Property to its terms and conditions.

6. **Obligation to Obtain Other Approvals.** Developer acknowledges that any use or development approved by the conditional rezoning that may require a special land use permit, a variance, or site plan approval under the terms of the Zoning Ordinance, may only be commenced if such special land use permit, variance, and/or site plan approval is ultimately granted in accordance with the terms of the Zoning Ordinance. Developer also acknowledges that modifications to the conceptual plan may occur as a result of the site plan approval process, engineering review, and review by other governmental agencies to assure compliance with all applicable Township, state or federal regulations and laws, and agrees to comply with any such modifications.

7. **Amendment.** This Statement of Conditions may only be amended in the same manner as required for the original conditional rezoning and Statement of Conditions.

8. **Compliance with Statement of Conditions.** Developer shall continuously operate and maintain the development and/or use of the Property in full compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply fully with the conditions contained with the Statement of Conditions shall constitute a violation of the Zoning Ordinance,
and be punished accordingly. Any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

9. **Time Period for Developing Property.** The approved development and/or use of the Property pursuant to building and other required permits, must be commenced upon the Property within two (2) years after the effective date by publication of the conditional rezoning action, and must thereafter proceed diligently to completion. If the development and/or use of the rezoned land does not occur within this time frame, Developer acknowledges that the Property shall revert to its former zoning classification, and the Township may initiate a rezoning of the Property to complete this reversion process.

10. **Township Right to Rezone.** Developer acknowledges that nothing in the Statement of Conditions shall be deemed to prohibit the Township from rezoning all or any portion of the Property subject to the Statement of Conditions to another zoning classification.

IN WITNESS WHEREOF, the parties have caused this Conditional Rezoning Statement of Conditions to be executed on the day and year recited above.

GREEN OAK CHARTER TOWNSHIP
a Michigan municipal corporation

By: Mark St. Charles
Its: Supervisor

By: Michael Sediak
Its: Township Clerk

ACKNOWLEDGEMENT

STATE OF MICHIGAN )
COUNTY OF LIVINGSTON ) ss

The foregoing Agreement was acknowledged before me by Mark St. Charles, the duly authorized Township Supervisor of the Green Oak Charter Township, and Michael Sediak, the fully authorized Township Clerk for the Green Oak Charter Township, on the 11th day of March, 2014.

JANN A. LEBRAM
Notary Public
Livingston County, Michigan
My Commission Expires: May 1st, 2019

JANNA L. LA BRAM
Notary Public - State Of Michigan
County Of Livingston
My Commission Expires May 1, 2019
Acting In The County Of Livingston.
ACKNOWLEDGEMENT

STATE OF MICHIGAN )
                     ) ss
COUNTY OF LIVINGSTON )

The foregoing Agreement was acknowledged before me by James Kenney, President of Green Oak Associates of Hamburg, LLC, a Michigan limited liability company, on the day of , 2014.

Notary Public
Livingston County, Michigan
My Commission Expires: 11/30/2017

SYLVIA PARSONS
Notary Public, State of Michigan
County of Livingston
My Commission Expires 11-20-2017
Acting in the County of Livingston
COMM AT THE W 1/4 COR OF SEC 29, T1N R6E; TH ALG THE E AND W 1/4 LINE FOLLOWING (2) COURSES; N87-09-40 E 2668.50 FT TO THE CENTER OF SEC 29 AS MONUMENTED AND N 87-12-20 E 749.17 FT; TH S 02-55-44 W 177.91 FT ALG THE WESTERLY 249 FT ROW OF US-23 EXPRESSWAY TO THE POB; TH CONT S 02-55-44 W 155.07 FT ALG SAID ROW LINE; TH S 87-12-11 W 360.57 FT ALG THE S LINE OF THE N 1/2 OF THE N1/2 OF THE NW 1/4 OF THE SE 1/4 OF SAID SEC 29; TH N 02-20-35 W 154.30 FT; N 87-12-11 E 374.82 FT TO THE POB. CONT 1.30 AC5 M/L

SPLIT ON 10/02/2008 FROM 4716-29-300-032;
GREEN OAK CHARTER TOWNSHIP
PLANNING AND ZONING DEPARTMENT
10001 Silver Lake Road, Brighton, MI 48116
Phone: 810-231-1333 ext.104  Fax: 810-231-5080

Zoning Board of Appeals Report

Case Number: ZBA-02-2016

Date of Application: 12-16-2015

Hearing Date: January 19, 2016

Applicant: Todd & Susan Underhill

Property ID: 4716-14-300-020

Property Address: 12051 Andresen Drive, South Lyon, MI 48178

Applicable Provisions of the Zoning Ordinance:

38-171 (2)
(2) Detached accessory buildings shall not be allowed in the front yard except for lots bordering on water, pursuant to subsection (4), below. No accessory building shall be located in or on any utility or private road easement. Request a variance from Section 38-171 (2) to allow a detached accessory building within the front yard setback.

Notices: Notice of public hearing sent to the applicant, December 30, 2015

Report Prepared By: Debra McKenzie

Description of Property: This parcel is in section 14, the subject site is approximately 5.03 acres in size, and is zoned RF, Residential Farming.

Request a variance from Section 38-171 (2) to allow a 30 x 64 detached accessory building within the front yard setback.

Ordinance Number: 38-171 Accessory Building, Structure and Uses
<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setbacks - Waterfront</strong></td>
<td></td>
</tr>
<tr>
<td>Shall not encroach upon waterfront yard setback</td>
<td>Not applicable</td>
</tr>
<tr>
<td><strong>Front</strong></td>
<td></td>
</tr>
<tr>
<td>Detached accessory buildings shall not be allowed in the front yard</td>
<td>Not applicable</td>
</tr>
<tr>
<td>except for lots bordering on water.</td>
<td></td>
</tr>
<tr>
<td><strong>Rear</strong></td>
<td></td>
</tr>
<tr>
<td>5 feet</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Sides</strong></td>
<td></td>
</tr>
<tr>
<td>5 feet</td>
<td>132 ft. North side</td>
</tr>
<tr>
<td></td>
<td>122 ft. Southside</td>
</tr>
<tr>
<td><strong>Number of buildings</strong></td>
<td></td>
</tr>
<tr>
<td>For less than 10 acres 1 accessory building allowed</td>
<td>1 Accessory Building</td>
</tr>
<tr>
<td></td>
<td>The applicant would be submitting building plans for a new single family</td>
</tr>
<tr>
<td></td>
<td>at the same time</td>
</tr>
<tr>
<td><strong>Building Height</strong></td>
<td></td>
</tr>
<tr>
<td>On lots or parcels with a net lot area of one (1) acre or greater no</td>
<td>Average of 10 feet in height</td>
</tr>
<tr>
<td>detached accessory building in an R-1, R-2, R-2A, R-3, RE, NR, or RM</td>
<td></td>
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<tr>
<td>district shall exceed one and a half (1 1/2) stories or twenty-two</td>
<td></td>
</tr>
<tr>
<td>(22) feet in height. For lots or parcels with a net lot area less than</td>
<td></td>
</tr>
<tr>
<td>one (1) acre, accessory buildings shall not exceed fourteen (14) feet</td>
<td></td>
</tr>
<tr>
<td>in height. Accessory buildings in all other districts may be constructed</td>
<td></td>
</tr>
<tr>
<td>to equal the permitted maximum height of structures in said districts.</td>
<td></td>
</tr>
<tr>
<td><strong>Easements</strong></td>
<td></td>
</tr>
<tr>
<td>Shall not be located in or on any utility or private road easement.</td>
<td>Not located in easement</td>
</tr>
<tr>
<td><strong>Building size</strong></td>
<td></td>
</tr>
<tr>
<td>(3) A detached accessory building to a residential building may occupy</td>
<td>Building does not occupy more than the percentage of required or non-</td>
</tr>
<tr>
<td>not more than 25 percent of a required rear yard and/or 20 percent of</td>
<td>required yards.</td>
</tr>
<tr>
<td>any non-required rear yard. On parcels up to and including two (2)</td>
<td></td>
</tr>
<tr>
<td>acres the accessory building shall not exceed fifty (50%) percent of</td>
<td>The new single family home must be larger than accessory building</td>
</tr>
<tr>
<td>the gross floor area of the principal building. On parcels between two</td>
<td>1920 sq ft.</td>
</tr>
<tr>
<td>(2) and five (5) acres the accessory building floor area shall not</td>
<td></td>
</tr>
<tr>
<td>exceed one hundred (100%) percent of the living area of the principal</td>
<td></td>
</tr>
<tr>
<td>building.</td>
<td></td>
</tr>
</tbody>
</table>
CASE FILE DOCUMENTS:

1.1 Site Plan
1.2 Aerial

Written Correspondence and Documentation
2.0 Completed application form
2.1 Letter of application with attachments
2.2 Proof of ownership
2.3 Notice of Public Hearing
2.4 Certificate of publication
INSTRUCTIONS:

Prior to any appeal being filed with the Green Oak Charter Township Zoning Board of Appeals (ZBA), an applicant must have first applied for a building permit from the Green Oak Charter Township Building Department. The building permit must have had an administrative review conducted by a designated Building and Zoning Official and subsequently be denied if it is to be later considered by the Zoning Board of Appeals. This denial must be obtained in writing and copies submitted with the appeal application form, in no event should the denial letter be older than 30 days after the date of the decision from which the appeal is taken. The ZBA appeal application costs are not refundable.

If an appeal is filed with the ZBA, the following application form and a site layout must be completed. ELEVEN COPIES of the application, site layout and any additional pages or documents that the applicant desires the ZBA to consider must be provided prior to the application form being accepted by the Zoning Administrator. All appeals must be filed by noon the third Wednesday (one month prior) to the scheduled meeting date, in order to be considered for that month’s meeting. There is a limit of five cases per monthly agenda, and applications are taken in order of submission. If more than five applications are received, the additional applications will be scheduled for the following meeting. The applicant or authorized representative must appear in person on their scheduled date. If an authorized representative is designated, the applicant must designate their authority in writing prior to the ZBA hearing being conducted. All costs exceeding the application fee are the responsibility of the applicant and must be paid in full prior to any building permits being issued.

All property owners and occupants within 300 feet of the petitioner’s property will be notified by first class mail not less than 15 days prior to the public hearing.

While there is not a prescribed method to a presentation to the ZBA, the applicant should be prepared to provide all available proofs, documents, evidence, etcetera to support their request for a variance at the time of the

Zoning Board of Appeals
Application

revised 01-19-2011
hearing. Witnesses and/or any other tangible evidence to support the validity of the request for variance will be accepted and considered by the ZBA.

Applicant Information
Name: Todd J & Susan Underhill
Address: 10435 N. Territorial Road
City/State/Zip: Plymouth, MI 48170
Phone: 586-405-7829 Fax: 586-232-2452
E-Mail: underhill.family@wowway.com

Property Owner Information
Name: Todd J & Susan Underhill
Address: 10435 N. Territorial Road
City/State/Zip: Plymouth, MI 48170
Phone: 586-405-7829 Fax: 586-232-2452
E-Mail: underhill.family@wowway.com

Location of Property for which the variance requested
Address 12051 Andresen Drive, S. Lyon, MI 48178
Cross Streets Rushton Road & Doane Road
Tax Identification #: 16-14-300-020
Information available from the Green Oak Charter Township Assessing Dept.
Zoning District Zone 14 - HF
Lot Size/Acreage 5.03 acres
Current Use Undeveloped

Variance Request: To place a single detached accessory building in the front yard.

Total Number of Variances Requested 1

List the applicable Code Section Name, Section Number, and Subsection to be considered by the ZBA. Article IV: Supplentary Regulations; Section #38-171:
This information is contained in the Green Oak Charter Township Zoning Code Book.
Accessory Buildings, Structures, and Uses, Paragraph (2).

Describe Request: To locate accessory building on the east side of the property, between the proposed house and the existing private road.
Criteria for a Dimensional Variance

Please respond to the following statements. The application must meet all criteria in order to obtain a variance. 38-95 (8)

What are the exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone?

Proposed site of accessory building is necessary to allow for appropriate placement of house, well, utilities, drive and septic field to maintain the integrity and natural drainage of the property with regard to existing topography, and to allow for maximum retention of existing trees, including 5 landmark trees.

Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

The existing zoning requires that the accessory building be placed in the rear yard. The only open area where a minimal amount of tree removal is necessary, including the preservation of landmark trees, is the area designated for the septic field. This creates a hardship situation due to the fact that there is no other appropriate place for the septic field based on the sloping elevation and unique characteristics of the property. This allows for an appropriate separation in both distance and elevation between the proposed domestic water well site and the designated septic field.

The granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.

Granting the variance would be in keeping with the characteristics of many of the existing neighborhood parcels. This is the last parcel to be developed of the 24 parcels in the Pinebrook Estates. Therefore, this variance request will not impact future new development. The proposed request poses no material injury to the property or surrounding properties in that we are striving to make a minimal environmental impact to the property.

The granting of such variance will not adversely affect the purpose or objectives of the master plan of the township.

This variance request is compliant with all of the conditions of RF zoning.

The condition or situation of the specific piece of property, or the intended use of such property, for which the variance is sought is not of so general or recurrent a nature.

The existing placement of the current private road through one of the flattest natural parts of the property necessitates that the most efficient locations for the proposed accessory building relative to the proposed well, utility access, house, driveway, and septic field sites be oriented towards the natural downhill grade of the property. The accessory building, along with the proposed utility access and well site relative to the private road will minimize the amount of potential intrusion onto the natural setting of the property by utility and well drilling equipment.
You must provide the following information as part of your application:

1) Site Plan layout drawn to scale, which details the following:
   - Show all adjoining property setbacks and structures
   - Show existing and proposed setbacks from road right-of-ways
   - Show existing and proposed structures
   - Show required and existing setbacks by noting it on the site plan
   - Show NORTH arrow

2) Photographs of property in relation to roads and existing structures, when appropriate, to properly depict the reason for the appeal.

3) Written denial from the Planning and Zoning Administrator denying a building permit for this original request. **38-94 Appeal shall be taken within such time as prescribed by the ZBA by general rule, but in no event later than 30 days after the date of the decision from which the appeal is taken.**

4) Eleven copies of the application, site layout and any additional pages or documents.

5) A completed application. Incomplete applications with missing information will be returned and not placed on the ZBA agenda until complete.

I hereby affirm that the above information is correct to the best of my knowledge and grant permission for Township officials, employees, consultants and members of the Zoning Board of Appeals to conduct an on-site inspection.

Signature of Applicant          Signature of Owner, if different

Date: 15 DEC 15                Date:

[Signature]

[Name]

Zoning Board of Appeals Application
### Parcel Information

- **Parcel Number:** 4716-14-300-020  
- **Jurisdiction:** GREEN OAK TOWNSHIP  
- **County:** LIVINGSTON  
- **Printed on:** 01/12/2016

### Grantor and Grantee
- **Grantor:** COUTURE REV TRUST, FRANK  
- **Grantee:** UNDERHILL, TODD & SUSAN  
- **Sale Price:** $110,000  
- **Sale Date:** 12/31/2015  
- **Inst. Type:** PTA  
- **Terms of Sale:** 03-VACANT LAND SALE  
- **Liber & Page:** BUYER/SELLER  
- **Verified By:** 100.0  
- **Front. Trans:** NOT VERIFIED 0.0

### Property Address
- **Address:** ANDRESEN DR  
- **Owner's Name/Address:** UNDERHILL, TODD & SUSAN  
  - 635 KELLOGG ST  
  - PLYMOUTH MI 48170  
- **Class:** RESIDENTIAL-VACAN  
- **Zoning:** RF  
- **Building Permit(s):** Date, Number, Status

### Tax Description
- **Description:** SEC 14 TIN R6E COM SW COR, TH N 665.26 FT  
  TH S89°E 101.42 FT, TH S 415.77 FT, TH  
  N85°E 560.94 FT, TH S3°W 303.21 FT, TH  
  N89°W 643.18 FT TO POB. 5.03016 AC SPLIT  
  1-90 FROM 012

### Comments/Influences
- **Public Improvements:**  
  - Dirt Road  
  - Gravel Road  
  - Paved Road  
  - Storm Sewer  
  - Sidewalk  
  - Water  
  - Sewer  
  - Electric  
  - Gas  
  - Curb  
  - Street Lights  
  - Standard Utilities  
  - Underground Util."  
- **Topography of Site:**  
  - Level  
  - Rolling  
  - Low  
  - High  
  - Landscaped  
  - Swamp  
  - Wooded  
  - Pond  
  - Waterfront  
  - Ravine  
  - Wetland  
  - Flood Plain

### Land Value Estimates

<table>
<thead>
<tr>
<th>Year</th>
<th>Land Value</th>
<th>Building Value</th>
<th>Assessed Value</th>
<th>Board of Review</th>
<th>Tribunal/Other</th>
<th>Taxable Value</th>
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</thead>
<tbody>
<tr>
<td>2016</td>
<td>Tentative</td>
<td>Tentative</td>
<td>Tentative</td>
<td></td>
<td></td>
<td>Tentative</td>
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<tr>
<td>2015</td>
<td>45,400</td>
<td>0</td>
<td>45,400</td>
<td></td>
<td></td>
<td>36,495C</td>
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<td>2014</td>
<td>45,400</td>
<td>0</td>
<td>45,400</td>
<td></td>
<td></td>
<td>35,921C</td>
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<tr>
<td>2013</td>
<td>45,400</td>
<td>0</td>
<td>45,400</td>
<td></td>
<td></td>
<td>35,356C</td>
</tr>
</tbody>
</table>

*** Information herein deemed reliable but not guaranteed***
**ZONING COMPLIANCE**

**Review Date:** 12/16/2015  
**Applicant:** Todd & Susan Underhill  
**Permit Request:** Detached Accessory Building  
**Address:** Vacant land, 4716-14-300-020, South Lyon, MI 48116

**PROJECT DESCRIPTION:**  
The applicant requests a building permit to construct a 30 x 64 (H 10 ft) pole barn. The subject site is 5.03 acres in size, zoned RF, Residential Farming.

**Ordinance Number: 38-171 Accessory Building, Structure and Uses**

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<td>Not applicable</td>
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<td><strong>Front</strong>&lt;br&gt;Detached accessory buildings shall not be allowed in the front yard except for lots bordering on water.</td>
<td>Not applicable</td>
</tr>
<tr>
<td><strong>Rear</strong>&lt;br&gt;5 feet</td>
<td>N/A</td>
</tr>
</tbody>
</table>
| **Sides**<br>5 feet | 132 ft north side  
122 ft southside |
| **Number of buildings**<br>For less than 10 acres 1 accessory building allowed | 1 out building The applicant would be submitting building plans for a new single family at the same time |
| **Building Height**<br>On lots or parcels with a net lot area of one (1) acre or greater no detached accessory building in an R-1, R-2, R-2A, R-3, RE, NR, or RM district shall exceed one and a half (1 1/2) stories or twenty-two (22) feet in height. For lots or parcels with a net lot area less than one (1) acre, accessory buildings shall not exceed fourteen (14) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts. | Average of 10 feet in height |
| **Easements**<br>Shall not be located in or on any utility or private road easement. | Not located in easement |
| **Building size**<br>(3) A detached accessory building to a residential building may occupy not more than 25 percent of a required rear yard and/or 20 percent of any non-required rear yard. On parcels up to and including two (2) acres the accessory building shall not exceed fifty (50%) percent of the gross floor area of the principal building. On parcels between two (2) and five (5) acres the accessory building floor area shall not exceed one hundred (100%) percent of the living area of the principal building. | Building does not occupy more than the percentage of required or non-required yards.  
The new single family home must be larger than accessory building 1920 sq ft. |

*Note: 38-171 (8) Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes.*
38-171 (2)
(2) Detached accessory buildings shall not be allowed in the front yard except for lots bordering on water, pursuant to subsection (4), below. No accessory building shall be located in or on any utility or private road easement.

Your application does not meet zoning compliance

Do not hesitate to call if you have any questions.

Debra McKenzie,
Zoning Administrator,
810 231-1333 ext. 104
NOTICE OF PUBLIC HEARING

PLEASE BE NOTIFIED THAT THE GREEN OAK CHARTER TOWNSHIP ZONING BOARD OF APPEALS WILL HOLD A PUBLIC HEARING ON JANUARY 19, 2016 AT 7:00 P.M. AT THE GREEN OAK CHARTER TOWNSHIP HALL, 10001 SILVER LAKE ROAD, BRIGHTON, MI for the purpose of hearing the following variance request.

ZBA Case 01-2016, Parcel # 4716-30-300-019 & 4716-30-300-043 address 8480 E M-36, Whitmore Lake, 48189. West of Lemen Road, south of Spicer Road. Zoned GB, General Business District (Conditional). Request variance from Section 38-311 (f), Parking Regulations to allow ADA parking spaces within the front yard setback.

ZBA Case 02-2016, Parcel # 4716-14-300-020, 12051 Andresen Drive, South Lyon, MI 48176. North of Twelve Mile and South of Doane. Zoned Residential Farming, 5.03 acres. Request a variance from Section 38-171 (2) to allow a detached accessory building within the front yard setback.

ZBA Case 03-2016, Parcel # 4716-14-200-009, 12789 Twelve Mile Road, South Lyon, MI 48178. East of Dixboro and West of Rushton. Zoned Residential Farming, 5.48 acres. Request a variance from Section 38-171 (5) to allow a second detached accessory structure on the property.

Public comments and participation are both encouraged and welcome, either in person at the Public Hearing or in writing to Debra McKenzie, Zoning Administrator, 10001 Silver Lake Road, Brighton, MI 48116 by FAX at 810. 231-5080 or E-Mailed to Planning-Zoning@twp.green-oak.mi.us prior to noon, January 19, 2016.

Persons with disabilities needing accommodations for effective participation in this meeting should contact the Green Oak Charter Township Clerk’s Office at least 5 business days prior to the meeting to request mobility, visual, hearing or other assistance.

Green Oak Charter Township Zoning Board of Appeals

Notice of Posting according to Act 359 of 1947;
Posted:
December 30, 2015 & Published December 30, 2015
Land in the Township of Green Oak, Livingston County, Michigan, described as follows:

Parcel 1: Land in the Southwest 1/4 of Section 14, Town 1 North, Range 6 East, Green Oak Township, Livingston County, Michigan, being described as: Beginning at the Southwest corner of said Section 14; thence North 06 degrees 48 minutes 33 seconds East 665.26 feet along the West line of said Section 14; thence South 89 degrees 20 minutes 59 seconds East 101.42 feet; thence South 00 degrees 45 minutes 31 seconds West 415.77 feet; thence North 85 degrees 13 minutes 16 seconds West 560.94 feet; thence South 03 degrees 55 minutes 54 seconds West 303.21 feet, thence North 89 degrees 20 minutes 59 seconds West 543.18 feet along the South line of said Section 14, to the point of beginning.

Easement Parcel: A non-exclusive private road easement for ingress and egress and public utilities described as follows: Beginning at a point on the centerline of Ruston Road distant South 05 degrees 31 minutes 08 seconds West 1916.69 feet along the North-South 1/4 line of said Section 14 and South 16 degrees 02 minutes 33 seconds East 565.92 feet from the center point of said Section 14. Thence North 64 degrees 30 minutes 15 seconds West 400.46 feet, thence North 85 degrees 36 minutes 44 seconds West, 300.80 feet; thence North 85 degrees 18 minutes 22 seconds West 36.60 feet to a point of curvature of a curve concave having a radius of 75.06 feet, and a central angle of 64 degrees 10 minutes 57 seconds; thence along said curve to the left an arc distance of 84.51 feet, whose long chord bears South 62 degrees 38 minutes 15 seconds West a distance of 79.69 feet to a point of tangent; thence South 30 degrees 30 minutes 41 seconds West 63.07 feet to a point of curvature of a curve concave to the right said curve having a radius of 75.06 feet, and a central angle of 76 degrees 33 minutes 00 seconds; thence along said curve to the right an arc distance of 100.26 feet, whose long chord bears South 68 degrees 47 minutes 11 seconds West 92.92 feet to a point of tangent; thence North 72 degrees 56 minutes 19 seconds West 83.58 feet to a Point "A"; thence continuing North 72 degrees 56 minutes 19 seconds West 535.36 feet to the point of curvature of a curve concave to the right said curve having a radius of 75.06 feet, and a central angle of 73 degrees 28 minutes 48 seconds; thence along said curve to the right an arc distance of 96.18 feet, whose long chord bears North 36 degrees 11 minutes 55 seconds West 89.73 feet to a point of tangent; thence North 05 degrees 32 minutes 30 seconds East 231.13 feet to a point of exiting. Also from said "Point A", being a point of curvature of a curve to the left said curve having a radius of 230.50 feet, and a central angle of 49 degrees 11 minutes 30 seconds; thence along said curve to the left an arc distance of 191.46 feet to a point of tangent; thence South 57 degrees 52 minutes 11 seconds West 251.54 feet to a point of curvature of a curve concave to the right said curve having a radius of 230.50 feet and a central angle of 32 degrees 47 minutes 40 seconds; thence along said curve to the right an arc distance of 131.65 feet, whose long chord bears South 74 degrees 16 minutes 01 seconds West a distance of 179.86 feet to a point of tangent; thence North 89 degrees 20 minutes 59 seconds West 671.20 feet; thence South 03 degrees 55 minutes 54 seconds West 666.34 feet to the point of ending of this description.
Zoning Board of Appeals Report

Case Number: ZBA-03-2016
Date of Application: 12-16-2015
Hearing Date: January 19, 2016
Applicant: David Pence
Property ID: 4716-14-200-009
Property Address: 12789 Twelve Mile Road, South Lyon, MI 48178
East of Dixboro and West of Rushton

Applicable Provisions of the Zoning Ordinance:

38-171 (5)
(5) On lots or parcels with a net lot area of one (1) acre or greater no detached accessory building in an LA, R-1, R-2, R-2A, R-3, RE, NR, or RM district shall exceed one and a half (1 ½) stories or twenty-two (22) feet in height. For lots or parcels with a net lot area less than one (1) acre, accessory buildings shall not exceed fourteen (14) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts. No more than one (1) detached accessory building shall be permitted on residential lots of less than five (5) acres. For residential lots greater than five (5) acres, one (1) accessory building shall be permitted, plus one (1) for each whole five (5) acres of lot area (see Table 171-1 below).

<table>
<thead>
<tr>
<th>Acreage</th>
<th>Number of Accessory Buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 10 acres</td>
<td>One (1) accessory building</td>
</tr>
<tr>
<td>10 to 14.9 acres</td>
<td>Two (2) accessory buildings</td>
</tr>
<tr>
<td>15 to 19.9 acres</td>
<td>Three (3) accessory buildings</td>
</tr>
<tr>
<td>20 to 24.9 acres</td>
<td>Four (4) accessory buildings</td>
</tr>
<tr>
<td>25 to 29.9 acres</td>
<td>Five (5) accessory buildings</td>
</tr>
</tbody>
</table>
Request a variance from Section 38-171

Request a variance from Section 38-171 (5) to allow a second 30 x 36 detached accessory structure on the property.

Notices: Notice of public hearing sent to the applicant, December 30, 2015

Report Prepared By: Debra McKenzie

Description of Property: This parcel is in section 14, the subject site is approximately 5.048 acres in size, and is zoned RF, Residential Farming.

### Ordinance Number: 38-171 Accessory Building, Structure and Uses

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setbacks - Waterfront</strong></td>
<td>Shall not encroach upon waterfront yard setback</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Front</td>
<td>Detached accessory buildings shall not be allowed in the front yard except for lots bordering on water.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Rear</td>
<td>5 feet</td>
<td>Plan states 25 feet to wetland area. The property is also in the Natural River District and is 352 to Riparian Buffer.</td>
</tr>
<tr>
<td>Sides</td>
<td>5 feet</td>
<td>Plan states 5 feet.</td>
</tr>
<tr>
<td><strong>Number of buildings</strong></td>
<td>For less than 10 acres 1 accessory building allowed</td>
<td>1 out building is existing per plan. 30 x 36 would be the second accessory structure. GIS shows a building in the location.</td>
</tr>
<tr>
<td>Building Height</td>
<td>On lots or parcels with a net lot area of one (1) acre or greater no detached accessory building in an R-1, R-2, R-2A, R-3, RE, NR, or RM district shall exceed one and a half (1½) stories or twenty-two (22) feet in height. For lots or parcels with a net lot area less than one (1) acre, accessory buildings shall not exceed fourteen (14) feet in height. Accessory building height.</td>
<td>Average of 12 feet in height.</td>
</tr>
<tr>
<td><strong>Easements</strong></td>
<td><strong>Building size</strong></td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>------------------</td>
<td></td>
</tr>
<tr>
<td>Shall not be located in or on any utility or private road easement.</td>
<td>(3) A detached accessory building to a residential building may occupy not more than 25 percent of a required rear yard and/or 20 percent of any non-required rear yard. On parcels up to and including two (2) acres the accessory building shall not exceed fifty (50%) percent of the gross floor area of the principal building. On parcels between two (2) and five (5) acres the accessory building floor area shall not exceed one hundred (100%) percent of the living area of the principal building.</td>
<td>Not located in easement</td>
</tr>
</tbody>
</table>

**CASE FILE DOCUMENTS:**

1.1 Site Plan  
1.2 Aerial  

**Written Correspondence and Documentation**  
2.0 Completed application form  
2.1 Letter of application with attachments  
2.2 Proof of ownership  
2.3 Notice of Public Hearing  
2.4 Certificate of publication
DATE: December 16, 2015  CASE NUMBER: 03-2015

INSTRUCTIONS:

Prior to any appeal being filed with the Green Oak Charter Township Zoning Board of Appeals (ZBA), an applicant must have first applied for a building permit from the Green Oak Charter Township Building Department. The building permit must have had an administrative review conducted by a designated Building and Zoning Official and subsequently be denied if it is to be later considered by the Zoning Board of Appeals. This denial must be obtained in writing and copies submitted with the appeal application form, in no event should the denial letter be older than 30 days after the date of the decision from which the appeal is taken. The ZBA appeal application costs are not refundable.

If an appeal is filed with the ZBA, the following application form and a site layout must be completed. ELEVEN COPIES of the application, site layout and any additional pages or documents that the applicant desires the ZBA to consider must be provided prior to the application form being accepted by the Zoning Administrator. All appeals must be filed by noon the third Wednesday (one month prior) to the scheduled meeting date, in order to be considered for that month’s meeting. There is a limit of five cases per monthly agenda, and applications are taken in order of submission. If more than five applications are received, the additional applications will be scheduled for the following meeting. The applicant or authorized representative must appear in person on their scheduled date. If an authorized representative is designated, the applicant must designate their authority in writing prior to the ZBA hearing being conducted. All costs exceeding the application fee are the responsibility of the applicant and must be paid in full prior to any building permits being issued.

All property owners and occupants within 300 feet of the petitioner’s property will be notified by first class mail not less than 15 days prior to the public hearing.

While there is not a prescribed method to a presentation to the ZBA, the applicant should be prepared to provide all available proofs, documents, evidence, etcetera to support their request for a variance at the time of the
hearing. Witnesses and/or any other tangible evidence to support the validity of
the request for variance will be accepted and considered by the ZBA.

Applicant Information
Name: David L Pence
Address: 12789 Twelve Mile Road
City/State/Zip: South Lyon, MI 48178
Phone: 248-444-0731 Fax: N/A
E-Mail: dpence@chartermi.net

Property Owner Information
Name: David L Pence
Address: 12789 Twelve Mile Road
City/State/Zip: South Lyon, MI 48178
Phone: 248-444-0731 Fax: N/A
E-Mail: dpence@chartermi.net

Location of Property for which the variance requested
Address: 12789 Twelve Mile Road
Cross Streets: Rushton and Peer
Tax Identification #: 4716-14-200-009
Zoning District: Residential Farming
Lot Size/Acreage: 5.048 acres
Current Use: Residential Farming

Variance Request: Second Accessory Building

Total Number of Variances Requested: One

List the applicable Code Section Name, Section Number, and Subsection to be
considered by the ZBA. Section 38-171, Accessory buildings, structures and uses. Subsection #5
This information is contained in the Green Oak Charter Township Zoning Code Book

Describe Request: Add a 30X36 pole barn for dry storage.
Criteria for a Dimensional Variance

Please respond to the following statements. The application must meet all criteria in order to obtain a variance. 38-95 (8)

What are the exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone

Adding this area to the existing accessory building is not feasible due to elevation

Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

Dry storage without clutter for classic cars and tractor accessories

The granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.

The variance requested adheres to the statement above

The granting of such variance will not adversely affect the purpose or objectives of the master plan of the township.

The variance requested adheres to the statement above

The condition or situation of the specific piece of property, or the intended use of such property, for which the variance is sought is not of so general or recurrent a nature

The variance requested adheres to the statement above
You must provide the following information as part of your application:

1) Site Plan layout drawn to scale, which details the following:
   - Show all adjoining property setbacks and structures
   - Show existing and proposed setbacks from road right-of-ways
   - Show existing and proposed structures
   - Show required and existing setbacks by noting it on the site plan
   - Show NORTH arrow

2) Photographs of property in relation to roads and existing structures, when appropriate, to properly depict the reason for the appeal.

3) Written denial from the Planning and Zoning Administrator denying a building permit for this original request. **Appeal shall be taken within such time as prescribed by the ZBA by general rule, but in no event later than 30 days after the date of the decision from which the appeal is taken.**

4) Eleven copies of the application, site layout and any additional pages or documents.

5) A completed application. Incomplete applications with missing information will be returned and not placed on the ZBA agenda until complete.

I hereby affirm that the above information is correct to the best of my knowledge and grant permission for Township officials, employees, consultants and members of the Zoning Board of Appeals to conduct an on-site inspection.

[Signature]

Signature of Applicant

Signature of Owner, if different

Date: December 16, 2015

Date:
**PROJECT DESCRIPTION:**
The applicant requests a building permit to construct a 30'x 36'x12' pole barn. The subject site is 5.048 acres in size, zoned RF, Residential Farming.

<table>
<thead>
<tr>
<th>Ordinance Number: 38-171 Accessory Building, Structure and Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setbacks - Waterfront</strong></td>
</tr>
<tr>
<td>Front</td>
</tr>
<tr>
<td>Rear</td>
</tr>
<tr>
<td>Sides</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Number of buildings</td>
</tr>
<tr>
<td>Building Height</td>
</tr>
<tr>
<td>Easements</td>
</tr>
<tr>
<td>Building size</td>
</tr>
</tbody>
</table>

Note: 38-171 (8) Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes.

*******(5)* No more than one (1) detached accessory building shall be permitted on residential lots of less than five (5) acres. For residential lots greater than five (5) acres, one (1) accessory building shall be permitted, plus one (1) for each whole five (5) acres of lot area (see Table 171-1 below).
Table 171-1

Acreage
Less than 10 acres
10 to 14.9 acres
15 to 19.9 acres
20 to 24.9 acres
25 to 29.9 acres

Number of Accessory Buildings
One (1) accessory building
Two (2) accessory buildings allowed per zoning
Three (3) accessory buildings
Four (4) accessory buildings
Five (5) accessory buildings

Your application does not meet zoning compliance

Do not hesitate to call if you have any questions.

Debra McKenzie,
Zoning Administrator,
810 231-1333 ext. 104
Parcel Number: 4716-14-200-009
Jurisdiction: GREEN OAK TOWNSHIP
County: LIVINGSTON
Printed on 01/12/2016

Grantor
Grantee
Sale Price
Sale Date
Inst. Type
Terms of Sale
Liber & Page
Verified By
Pctn. Trans.

Property Address
12789 TWELVE MILE RD

Class: RESIDENTIAL-IMPRO
Zoning: RF
Building Permit(s)
Date
Number
Status

School: SOUTH LYON
F.R.B. 100% / /
OTHER
ADDITION
09/17/1996
96-0434
ISSUED

Owner's Name/Address
PENCE, DAVID L & KATHY L
12789 TWELVE MILE RD
SOUTH LYON MI 48178

DBA:
ADDITION
10/21/1994
94518
ISSUED

2016 Est TCV Tentative

X Improved
Vacant

Land Value Estimates for Land Table 6399.6399 SL METES & BOUNDS

* Factors *

<table>
<thead>
<tr>
<th>Description</th>
<th>Frontage</th>
<th>Depth</th>
<th>Rate</th>
<th>%Adj. Reason</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>35.00</td>
<td>60.00</td>
<td>1.0000</td>
<td>1.000</td>
<td>0</td>
<td>100</td>
</tr>
<tr>
<td>SOUTH LYON ACREAGE</td>
<td>5.000 Acres</td>
<td>18200</td>
<td>100.000</td>
<td>91,000</td>
<td></td>
</tr>
<tr>
<td>35 Actual Front Feet, 5.05 Total Acres</td>
<td>Total Est. Land Value = 91,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Public Improvements

X

Vacant

Dirt Road
Gravel Road
Paved Road
Storm Sewer
Sidewalk
Water
Sewer
Electric
Gas
Curb
Street Lights
Standard Utilities
Underground Uts.

Topography of Site

X

Level
Rolling
Low
High
Landscaped
Swamp
Wooded
Pond
Waterfront
Ravine
Wetland
Flood Plain

Comments/Influences

The Equalizer. Copyright (c) 1999 - 2009. Licensed To: Township of Green Oak, County of Livingston, Michigan

Year | Land Value | Building Value | Assessed Value | Board of Review | Tribunal/ Other | Taxable Value |
--- | --- | --- | --- | --- | --- | --- |
2016 | Tentative | Tentative | Tentative | Tentative | Tentative |
2015 | 41,300 | 81,800 | 123,100 | 114,604C |
2014 | 41,300 | 71,500 | 112,800 | 112,800S |
2013 | 41,300 | 70,900 | 112,200 | 112,200S |

*** Information herein deemed reliable but not guaranteed***
## Residential Building 1 of 1

**Parcel Number:** 4716-14-200-009  
**Printed on:** 01/12/2016

### Building Type
- Single Family 
- Mobile Home 
- Town House 
- Duplex 
- A-Frame

### Roof (cont.)
- X Eave/Strough 
- X Insulation
  - 0 Front Overhang 
  - 0 Other Overhang

### Heating/Cooling
- X Gas 
- Oil 
- Wood 
- Coal 
- Steam 
- Forced Air w/ Ducts 
- Forced Air w/ Ducts 
- Forced Hot Water 
- Electric Baseboard 
- Elec. Heat Radiant 
- Radiant (in-floor)

### Built-ins
- X Intercom 
- Jacuzzi Tub 
- Jacuzzi repl. Tub 
- Oven 
- Microwave 
- Self Clean Range
- Range 
- Electric 
- Central Air
- Wood Furnace
- 100 Amps Service

### Interior 1 Story
- Cook Top 
- Dishwasher 
- Garbage Disposal 
- Bath Heater 
- Vent Fan 
- Hot Tub 
- Unvented Hood 
- Vented Hood 
- Intercom 
- Jacuzzi Tub 
- Jacuzzi repl.Tub 
- Oven 
- Microwave 
- Sauna 
- Trash Compactor 
- Central Vacuum 
- Security System

### Area Type
- 102 CCP (1 Story) 
- 70 Treated Wood

### Porches/Decks
- 1 Exterior 1 Story 
- 1 Exterior 2 Story 
- 2nd/Same Stack 
- 2 Exterior 2 Story 
- Prefab 1 Story 
- Prefab 2 Story 
- Heat Circulator 
- Raised Hearth 
- Wood Stove

### Garages
- Class: C 
- Effc. Age: 22 
- Auto. Doors: 0 
- Mech. Doors: 0
- Cnty/Mult: X 1.490 
- E.C.F.: X 0.970
- Bsmt Adj: 0 
- Bsmt Size: 0 
- Other Adj: 0 
- Size: 0

### Foundation
- Exterior Story Siding: 61.88 
- Basement Story Siding: 61.88
- 1 Story Siding: 0.00 
- Basement Siding: 0.00
- 1 Story: 4.71 
- Basement: 4.71

### Estimated T.C.V.
- 157,809

### Other Adjustments
- Basement:
- Window:
- Door:
- Wall:
- Fireplace:
- Garage:
- Bath:
- Deck:
- Other:

### Plumbing
- Average Fixtures:
- 1 3 Fixture Bath
- 1 2 Fixture Bath
- Softener, Auto
- Softener, Manual
- Solar Water Heat
- No Plumbing
- Extra Toilet
- Extra Sink
- Separate Shower
- Ceramic Tile Floor
- Ceramic Tile Wains
- Ceramic Tub Alcove
- Vent Fan

### Water/Sewer
- Public Water
- Public Sewer
- 1 Water Well
- 1 1000 Gal Septic
- 2000 Gal Septic

### Roof
- Gambrel
- Mansard
- Hip
- Flat
- Shed
- Chimney: Brick

### Condition for Age: Average
- 1979
- 1970
- 1950

### Year Built
- Remodeled
- 1979
- 1960
- 1950

### Roof
- X Gable 
- X Hip 
- X Mansard 
- X Flat 
- X Shed

### Roof Support
- Joists: 1
- Unsupported Len:
- Cntr.Sup:

### Size
- 528
- 528
- 1056
- 1056
- 1056
- 1056
- 1056
- 1056
- 1056

### Class:
- Exterior: Siding
- Foundation: 42 Inch
- Unfinished

### Phy/Ab
- Phy/Func/Econ/Comb:%
- 78/100/100/100/78.0
- Depr. Cost:
- ECF (6398 SL METES & BOUNDS - 1970-1989) 0.970 => TCV of Bldg: 1 = 157,809

---

**Information herein deemed reliable but not guaranteed**
<table>
<thead>
<tr>
<th><strong>Building Type</strong></th>
<th>Utility Building</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Year Built</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Class/Construction</strong></td>
<td>D. Pole</td>
</tr>
<tr>
<td><strong>Quality/Exterior</strong></td>
<td>Average</td>
</tr>
<tr>
<td><strong>Base Rate/SF</strong></td>
<td>7.60</td>
</tr>
<tr>
<td><strong># of Walls, Perimeter</strong></td>
<td>4 Wall, 128</td>
</tr>
<tr>
<td><strong>Perimeter Mult.</strong></td>
<td>X 1.127 = 8.57</td>
</tr>
<tr>
<td><strong>Height</strong></td>
<td>16</td>
</tr>
<tr>
<td><strong>Story Height Mult.</strong></td>
<td>X 1.115 = 9.55</td>
</tr>
<tr>
<td><strong>Heating System</strong></td>
<td>No Heating/Cooling</td>
</tr>
<tr>
<td><strong>Heat Adj./SF</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Misc. Adjustment</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Misc. Adj./SF</strong></td>
<td></td>
</tr>
<tr>
<td><strong>County Multiplier</strong></td>
<td>X 1.50 = 14.33</td>
</tr>
<tr>
<td><strong>Final Rate/SF</strong></td>
<td>$14.33</td>
</tr>
<tr>
<td><strong>Length/Width/Area</strong></td>
<td>40 x 24 = 960</td>
</tr>
<tr>
<td><strong>Cost New</strong></td>
<td>$ 13,752</td>
</tr>
<tr>
<td><strong>Phy./Func./Econ. %Good</strong></td>
<td>70/100/100 70.0</td>
</tr>
<tr>
<td><strong>Depreciated Cost</strong></td>
<td>$ 9,627</td>
</tr>
<tr>
<td><strong>+ Unit-In-Place Items</strong></td>
<td>$ 0</td>
</tr>
</tbody>
</table>

**Description, Size X Rate X %Good - Cost**

<table>
<thead>
<tr>
<th>Itemized</th>
<th>-&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit-In-Place</td>
<td>-&gt;</td>
</tr>
<tr>
<td>Items</td>
<td>-&gt;</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>E.C.F.</strong></th>
<th>X 1.00</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>% Good</strong></td>
<td>70</td>
</tr>
<tr>
<td><strong>Est. True Cash Value</strong></td>
<td>$ 9,627</td>
</tr>
</tbody>
</table>

**Comments:**

- Total Estimated True Cash Value of Agricultural Improvements / This Card: $9,627 / All Cards: $9,627

*** Information herein deemed reliable but not guaranteed***
To: Mark St. Charles, Township Supervisor
CC: Township Board, Planning Commission & Zoning Board of Appeals
From: Debra McKenzie, Zoning Administrator
Date: January 5, 2016
Subject: 2015 Planning and Zoning Annual Report

In accordance with P.A. 33 of 2008, as amended, MCL 125.3801 et seq Michigan Planning Act, please find my annual report with attached sheets showing the Planning Commission and Zoning Board of Appeal activities for 2015. The report is provided as follows:

Zoning Amendments
The Planning Commission processed a total of 4 zoning amendment applications. This included 2 text amendments, 2 map change requests and 0 master plan amendment.

Special Use Permits
The Planning Commission processed a total of 2 special use permit request. Both applications were withdrawn.

Site Plans
The Planning Commission processed 7 site plans during 2015.

Planned Unit Development
The Planning Commission processed 2 PUD application.

Zoning Board of Appeal Variance Requests
Total applications processed - 12
Total interpretations processed - 0
7 - Approved
4 - Denied
0 - Tabled
1 - Withdraw
0 - Interpretations
To: Brian Bury, Natural River Administrator, Fisheries Division

From: Debra McKenzie, Zoning Administrator

Date: January 5, 2016

Subject: 2015 Natural River Report

The MDNR has implemented new rules for the Natural River Zoning Standards. Under these rules the Township is required to provide a report to the State of Michigan Natural River Zoning Administrator regarding development activity. The report regarding development activity in the Natural River Overlay is summarized as follows:

(i) Total number of Natural River District land use/zoning permit applications submitted to the local unit of government during the calendar year.
   Green Oak Township response: Two land use or zoning permits has been issued in 2015 for the Natural River Overlay District.

(ii) Total number of Natural River District variance application received during the calendar year.
    Green Oak Township response: No variance requests have been received for Zoning Board of Appeal action within the Natural River Overlay for 2015.

(iii) Total number of Natural River District special use application received during the calendar year.
    Green Oak Township response: No special use applications have been received for 2015 within the Natural River Overlay.

(iv) Summary of all decisions made by the Zoning Board of Appeals or Planning Commission on application for projects in the natural river district during the calendar year.
    Green Oak Township response: There were no applications involving the Natural River Overlay for either the Zoning Board of Appeals or Planning Commission.

(v) Summary of all outstanding violations of Natural River’s standards and the actions taken by the local unit of government to gain compliance at the site during the calendar year.
    Green Oak Township response: The Township had no outstanding violations within the Natural River Overlay.
<table>
<thead>
<tr>
<th>Business Item</th>
<th>Number</th>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Select Officers</td>
<td></td>
<td>02/19/15</td>
<td>R. Moran - Chair, Lamberlo Smigliani - Vice Chair, S. Pearsall - Secretary C. Fellows Resigns</td>
</tr>
<tr>
<td>Meeting Dates</td>
<td></td>
<td>12/17/15</td>
<td>First and Third Thursday @ 7</td>
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<tr>
<td>CNC Machine</td>
<td>Site Plan SP13-2014</td>
<td>01/16/15</td>
<td>Recommend Approval needs ZBA Variaence</td>
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<td></td>
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<td>02/20/15</td>
<td>Public Hearing and Recommend Approval</td>
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<tr>
<td>Green Oak Lodging SP-10-2014</td>
<td>Site Plan SP-10-2014</td>
<td>01/15/15</td>
<td>Discussion</td>
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<td>02/19/15</td>
<td>Public Hearing Approval</td>
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<td></td>
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<td>03/05/15</td>
<td>Site Plan Reviewed Recommend approval with conditions</td>
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<tr>
<td>Text Amendment</td>
<td>38-71 (8)</td>
<td>01/15/15</td>
<td>Introduction</td>
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<td>03/05/15</td>
<td>Recommenced Approval to Township Board</td>
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<td>County reviewed new sector: appropriate</td>
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<tr>
<td>Rithie Bros.</td>
<td>SAU 02-2014</td>
<td>01/15/15</td>
<td>Discussion</td>
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<td>01/15/15</td>
<td>To Approve Conditions</td>
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<tr>
<td>Planning Commission Priorities 2015</td>
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<td>02/19/15</td>
<td>Discussion</td>
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<tr>
<td>Non Motorized Pathway Plan</td>
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<td>Discussion</td>
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<td>12/17/15</td>
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<tr>
<td>Text Amendment 38-136 Lot Coverage</td>
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<td>04/02/15</td>
<td>Discussion</td>
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<tr>
<td>Text Amendment 38-133 (2), 38-1</td>
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<td>04/02/15</td>
<td>Discussion</td>
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<td>Business Item</td>
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<td>Medical Marihuana</td>
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<td>05/07/15</td>
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<td>Private Road Ordinance</td>
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<td>Discussion</td>
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<td>Oxford Recovery Center</td>
<td>SP12-2014</td>
<td>04/16/15</td>
<td>Discussion</td>
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<td>Green Oak Associates of Hamburg</td>
<td>SAU-01-2015</td>
<td>04/16/15</td>
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<td>05/07/15</td>
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<td>11/19/15</td>
<td>Site Plan Approval</td>
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<tr>
<td>Dennis Dubuc</td>
<td>SAU-02-2015</td>
<td>05/07/15</td>
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<td>Wyman Gordon Forging</td>
<td>SP02-2015</td>
<td>06/04/15</td>
<td>Introduction</td>
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<td>Tapper Propane</td>
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<td>06/04/15</td>
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<td>Rezoning 4716-08-300-003</td>
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<td>08/20/15</td>
<td>Introduction</td>
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<td>10/01/15</td>
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<td>Rezoning 4716-08-300-002</td>
<td>R02-2015</td>
<td>08/20/15</td>
<td>Introduction</td>
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<td>Pathways &amp; Sidewalks</td>
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<td>08/20/15</td>
<td>Discussion</td>
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<td>H &amp; H Barnum Amendment</td>
<td>PUD01-2015</td>
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<td>Introduction of PUD</td>
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<td>11/05/15</td>
<td>Public Hearing</td>
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<td></td>
<td>conditions</td>
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<td>Green Tree Mini Storage Extension</td>
<td>SP02-2013</td>
<td>10/15/15</td>
<td>Denied</td>
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<td>Aspen Technologies PUD Amendment</td>
<td>PUD02-2015</td>
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<td>Introduction of PUD</td>
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<td>11/05/15</td>
<td>Public Hearing</td>
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<td>ACCOUNT #</td>
<td>NAME</td>
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<td>VARIANCE REQUESTED</td>
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<tr>
<td>ZBA 01-2015</td>
<td>Dennis Hacker</td>
<td>10305 Cedarcrest Road, Whitmore Lake, MI, 48189</td>
<td>Request a variance from Section 38-136, to increase lot coverage to 35 percent. 38-136 Schedule of Regulations states (maximum lot coverage is 30%).</td>
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<tr>
<td>ZBA 02-2015</td>
<td>Moose Ridge</td>
<td>11801 Doane Road, South Lyon, MI, 48178</td>
<td>Request a variance from 38-412 (d) to allow additional signage to the existing 8' x 5' entrance ground sign. The additional signs would be 10 inches in height x 26 inches in length</td>
</tr>
<tr>
<td>ZBA 03-2015</td>
<td>Anthony Lolio</td>
<td>6520 Davis St., Brighton MI 48116</td>
<td>Request a variance from Section 38-136, the ordinance states that the required rear yard setback be 45 feet. The applicant is requesting a variance of 7 feet leaving the rear setback at 38 feet instead of the required 45 feet</td>
</tr>
<tr>
<td>ZBA 04-2015</td>
<td>James M Barnwell Desine Inc</td>
<td>Vacant parcel # 4716-11-201-002</td>
<td>Vacant parcel # 4716-11-201-002, located on the corner of Emerson Dr. &amp; Kensington Rd, Brighton, MI 48116, Request a variance from 38-316 (c). Off-street loading requirements. Backing into a site from a public or private road right-of-way shall be prohibited</td>
</tr>
<tr>
<td>ZBA 05-2015</td>
<td>John Dziuban</td>
<td>Vacant Parcel &quot;G&quot; Green Oak Indust</td>
<td>Request a variance from, Section 38-311 (f), Parking Regulations to allow 10 parking spaces that are within the front yard setback. Vacant Parcel # 4716-31-300-010, Located on Green Oak Industrial Dr. Whitmore Lake, 48189</td>
</tr>
<tr>
<td>ZBA 06-2015</td>
<td>TK Design Todd Hallett</td>
<td>Vacant lot, Unit 8 Hidden Lake Estates #2</td>
<td>Request a variance from Section 38-136, Vacant Parcel # 4716-18-407-008, Hidden Lake Estates 2 Unit 8. Request variance from Section 38-136, Maximum Building Height 28 feet. The applicant is requesting a variance of 3 feet 3 inches totaling 31.3 ft.</td>
</tr>
<tr>
<td>ACCOUNT #</td>
<td>NAME</td>
<td>ADDRESS</td>
<td>VARIANCE REQUESTED</td>
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<tr>
<td>ZBA 07-2015</td>
<td>William Black</td>
<td>Vacant parcel 4716-18-102-029 E.J. Releve's Beachwood Subdivision lot 27</td>
<td>Request a variance from, 38-1 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</td>
</tr>
<tr>
<td>ZBA 08-2015</td>
<td>Dennis Staley</td>
<td>11842 East Shore Dr., Whitmore Lake, MI 48189 4716-33-301-031</td>
<td>Request a variance from, 38-171. The applicant is requesting a 2 foot variance to allow for the construction of a 336 square foot detached accessory building.</td>
</tr>
<tr>
<td>ZBA 09-2015</td>
<td>James &amp; Cynthia Goodwin</td>
<td>4716-06-203-053 6457 Meyer Ave., Brighton, MI 48116</td>
<td>Sec. 38-171 (3) on parcels up to and including two (2) acres the accessory building shall not exceed fifty (50%) percent of the gross floor area of the principal building</td>
</tr>
<tr>
<td>ZBA 10-2015</td>
<td>Evelyn Ernest</td>
<td>8921 Evergreen Road, Brighton, MI 48116</td>
<td>Sec. 38-171 (3) on parcels between two (2) and five (5) acres the accessory building floor area shall not exceed one hundred (100%) percent of the living area of the principal building.</td>
</tr>
<tr>
<td>ZBA 11-2015</td>
<td>Soave Homes Inc</td>
<td>10477 Morning Light Crt., South Lyon, MI 48178</td>
<td>Sec. 38-136., lot coverage. Lot coverage means the part or percent of the lot occupied by the buildings or structures, including accessory buildings.</td>
</tr>
<tr>
<td>ZBA 12-2015</td>
<td>R. Paquette</td>
<td>9422 Peer Road, South Lyon, MI 48178</td>
<td>Request a variance to allow a private road to be located on the north side of the easement (on the existing driveway) in order to preserve trees. The Green Oak Township Private Road Ordinance requires a private road to be located in the center of an easement</td>
</tr>
<tr>
<td>ACCOUNT #</td>
<td>NAME</td>
<td>ADDRESS</td>
<td>VARIANCE REQUESTED</td>
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<tr>
<td>Election of Officers</td>
<td>Joe Weinburger - Chair</td>
<td>Sarah Pearsall - Vice Chairperson</td>
<td>Wendy Hoover, Secretary</td>
</tr>
<tr>
<td>Meeting Dates</td>
<td>3rd Tuesday every other month</td>
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</tbody>
</table>
To: Mark St. Charles, Supervisor
From: Debra McKenzie, Zoning Administrator
Subject: End of year total for Zoning Compliance
Date: January 5, 2016

Below is my report for Zoning Compliance for the year of 2015

<table>
<thead>
<tr>
<th>Type of Compliance Review</th>
<th>Number of Reviews Written</th>
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</thead>
<tbody>
<tr>
<td>Mobile Home deck &amp; set-up</td>
<td>44</td>
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<tr>
<td>New Home</td>
<td>76</td>
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<tr>
<td>Accessory Building</td>
<td>35</td>
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<tr>
<td>Addition</td>
<td>15</td>
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<tr>
<td>Deck</td>
<td>53</td>
</tr>
<tr>
<td>Pool/ Hot Tub</td>
<td>7</td>
</tr>
<tr>
<td>Commercial Building</td>
<td>7</td>
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<tr>
<td>Seasonal Use</td>
<td>4</td>
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<tr>
<td>Signs</td>
<td>22</td>
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<tr>
<td>Auto License</td>
<td>0</td>
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<tr>
<td>Land Use, fence, address, demo</td>
<td>91</td>
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<tr>
<td>Other</td>
<td>8</td>
</tr>
<tr>
<td><strong>Total as of December 31, 2015</strong></td>
<td><strong>362</strong></td>
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</tbody>
</table>
Green Oak Charter Township
Zoning Board of Appeals
Regular Meeting Minutes
November 17, 2015

Roll Call: Wendy Hoover
Deborah Sellis
Deborah Yu, Alternate
Jim Tuthill

Absent: Sarah Pearsall
Joe Weinburger

Guests: 7

Also Present: Debra McKenzie, Zoning Administrator

APPROVAL OF AGENDA

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

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

1. ZBA Case 12-2015, 9422 Peer Road, South Lyon, MI request a variance to
allow a private road to be located on the north side of the easement (on the
existing driveway) in order to preserve trees. The Green Oak Township
Private Road Ordinance requires a private road to be located in the center
of an easement.

Representing ZBA Case 12-2015: Ray Paquette, 28393 Cottage Lane, New Hudson.

Mr. Paquette explained they were already approved for the variance once but they
weren’t aware that the variance would expire. He explained they are trying to preserve
the established trees. The driveway was there when they purchased the land. The
hardship is to remove the trees, they bought the secluded lots and that was the whole
purpose to maintain the environment and the wildlife, he thinks the trees are even more
established and there is established landscaping. They would like to save everything
they could to keep it more natural and a country feel.

Mr. Paquette explained he didn’t know the variance had a time frame. In 2011 they
found out that the variance lapsed. They are going to take extra measures to keep the
trees; the plumbing will be underneath so they don’t have to disrupt the trees that are
there now.
Ms. Sellis asked if there is anything different than what was submitted in 2005. Mr. Paquette stated no, everything is the same.

Ms. Hoover opened the public hearing at 7:10 p.m.

**Steve & Renee Russell, 9414 Peer Road** - Mr. Russell explained they live in the first house on the private road. The front of the yard has over 160+ trees; most are pine trees 45-50 feet high with a lot of wildlife. If the variance is not approved there would be upwards of 60 trees that have to be removed and it would dislocate the wildlife. He also reported that his neighbors The Edwards who live at 9148 couldn’t make the meeting, but their extensive landscaping would have to be removed. It is important that the driveway stays where it is.

**Ryan Price, 9422 Peer Road** - She explained that her house backs up to the property, and if the road is moved, the road will come at the front of her house and the headlights would be going right to the front of her home. She has young kids and then they would have to cross a road to go play with the neighbors. She doesn’t want a road period, but definitely not in the middle of her home.

**Mark Sweet** - He explained that he owns the lot on the corner. As much as he hates to see development everyone has to follow the current ordinances. He questioned the date it was adopted that the road has to be in the center. Ms. McKenzie stated 2003. Mr. Sweet commented it will cost quite a bit of money to remove the trees. He will have a road within 4’ of his property line which will mean all of the snow and salt which will kill his trees. There is an ordinance to keep the road in the middle and he saw no reason to change that. The house is located in the back, it was already planned, and they should have known that. Safety is another concern, he questioned how the water will be handled and he felt a larger green belt area is needed. One of the main things, he purchased this land a year ago and he was not notified of this public meeting, he found out about it this morning. He hasn’t had time to prepare and he felt this variance would devalue his property.

**Julie Paquette** – She explained that they bought property a long time ago, everything has already been engineered and when they bought the house they were aware. They were under the understanding that the road would be pushed to the north. At this point if they didn’t do anything and do the road right now, the way the private road is already there and not encroaching. It wasn’t a surprise to anyone.

**Jeff Douglas, 227 Oak Brooke Drive** – He explained that he is building a house and a pole barn in the back of the property. There is also a telephone pole that will have to be moved. It is a safety issue for his kids when he builds his house. He was already told he was not allowed to use the road when his property backs up to it.

Mr. Russell stated he had asked if he could attach to the road it when he builds his home and Mr. Russell explained that he said no because that is his driveway.

**Joe Morelli, 12910 Walnut Ridge** – Mr. Morelli questioned if there will be any improvement to the way the road is now and if it will be wider. Mr. Paquette stated the
road will be widened 4' to the south. Mr. Paquette explained the road has already
been engineered and a ditch will be on the south side. They are not touching the north
side at all. Mr. Morelli stated he is concerned with his berm and evergreens and his
neighbor that has a privacy fence. Mr. Paquette stated the improvements will not touch
the north side.

Motion by Sellis, second by Tuthill
To approve ZBA Case 12-2015 9422 Peer Road, South Lyon, MI parcel ID
#4716-23-200-077 move to allow the variance to allow a private road to be
located on the north side of the easement on the existing driveway having
found that there are extraordinary circumstances and conditions applicable
to the property that do not generally apply properties in the area
specifically there are a vast amount of mature trees that are peculiar to the
property. The variance will be necessary for the preservation and
enjoyment of a substantial property right and therefore request that the
variance be granted.

Roll Call Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

NEW BUSINESS – Ms. McKenzie reported that the Calendar for 2016 was provided to
the Board members and the next meeting is in January.

OLD BUSINESS - None

APPROVAL OF THE Meeting Minutes

Motion by Tuthill, second by Sellis
To approve the minutes of September 15, 2015 as presented.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

CORRESPONDENCE - None

CALL TO THE PUBLIC - None

ADJOURNMENT

The Zoning Board of Appeals meeting was adjourned at 7:36 p.m. due to no further
business.
Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary