

Green Oak Charter Township
Zoning Board of Appeals
Regular Meeting Minutes
January 19, 2016

Roll Call: Wendy Hoover
Sarah Pearsall
Deborah Sellis
Deborah Yu, Alternate
Joe Weinburger

Absent: Jim Tuthill

Guests: 16

Also Present: Debra McKenzie, Zoning Administrator

APPROVAL OF AGENDZA

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

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

MOTION APPROVED

ELECTION OF OFFICERS

**Motion by Pearsall, second by Sellis
To nominate the current officers as follows:
Joe Weinburger, Chair
Sarah Pearsall, Vice Chair
Wendy Hoover, Secretary**

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

MOTION APPROVED

- 1. ZBA Case 01-2016, Parcel #4716-30-300-019 & 4716-30-300-043 address 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.**

Representing ZBA Case 01-2016: Kurt Anderson, Civil & Environmental Consulting
James Kenney, 7197 Rickett Road

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Mr. Kenney explained that he purchased this property a few years ago and he is planning to reopen it as a landscape business. He understood he has to meet today's standards and he is having difficulty meeting the handicap parking requirements. Mr. Anderson explained that their proposal meets the requirements and the safety of the customers. The back of the building is not ADA accessible but the handicap parking could be accommodated in the front of the building

Mr. Weinburger opened the public hearing at 7:08 p.m. and closed it due to no comments.

Mr. Anderson explained putting the parking spaces in the rear is a struggle for this existing condition. The safest way to get handicap patrons to the store is to put the spaces at the front of the store.

Ms. Pearsall recused herself from voting since she voted on this issue at the Planning Commission level.

Motion by Hoover, second by Sellis

To approve the variance request in ZBA case 01-2016 for 8480 M36, Whitmore Lake, MI 48189 to allow the two handicap parking spaces within the front yard setback as proposed. The practical difficulty is the need to be ADA compliant and this would create a safety hazard if the parking was to be put behind the building. The variance is not detrimental to the Master Plan and will improve public safety.

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

MOTION APPROVED

2. ZBA Case 02-2016, Parcel #4716-14-300-020, 12051 Andresen Drive, South Lyon, MI 48178. North of Twelve Mile and South of Soane, 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.

Representing ZBA Case 02-2016: Todd and Susan Underhill

Mr. Underhill explained that they took possession of the property on December 31, 2015 and they are the owners of the property. The request parallel's the ideas in the mission statement by taking a piece of historic rural land and be respectful of its heritage. This piece of property is the last parcel in this community to be developed. There would be minimal physical changes to the property. There are 5 landmark trees, and many large hardwoods that creates a 60' canopy. They have spent time with a woodlot professional and in order to save as many trees as possible they staked out potential areas to establish a balance where the structures could be accommodated. The logical place for the accessory building is behind the house. Due to the setbacks, the

97 only tree free area with minimal removals and a lower elevation from where the house
98 would actually do for gravity septic field creates a hardship for them.

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100 Ms. Pearsall questioned that the applicant feels their practical difficulty is that they don't
101 want to remove any trees. Mr. Underhill stated they only want to remove minimal trees.

102
103 Ms. Sellis questioned if there are other places to put the building on the property if they
104 were willing to cut down trees. Mr. Underhill stated that they could clear a big hole in
105 the woods and put the structure there. Ms. Hoover commented that they didn't have to
106 have a walk out for their house. Mr. Underhill stated they are offering where they would
107 prefer to have the house. Mr. Weinburger stated that there is a way to put the structure
108 and meet the ordinance. Mr. Underhill stated that they still have to have a space big
109 enough for the septic and he would prefer not to cut any trees down. Ms. Yu stated that
110 they can't have trees over a septic and asked if they could switch the house and septic.
111 Mr. Underhill stated no because the ground is higher, the septic needs to be lower to
112 have a gravity septic. Ms. Hoover stated that they could use a pump.

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114 Mr. Weinburger stated if the house goes on the highest elevation then the septic does
115 not have to be so low and a pump can be used. Mr. Underhill stated he preferred not to
116 use a pump. Ms. Pearsall stated that they are creating their own practical difficulty;
117 variances go with the land forever. Mr. Weinburger stated that the Board understood
118 that the applicant would prefer not to cut down trees or use a pump but the applicant
119 can meet the ordinance without a variance.

120
121 Mr. Weinburger opened the public hearing at 7:21 p.m.

122
123 **Larry Marshall, 12099 Pinewood Lane, South Lyon.** He is a resident of the Pinebrook
124 Community. He is Secretary of the Homeowners Association and he was previously on
125 various boards at the Township. He explained that a variance is creating a change in
126 the law forever with any variance. The applicant mentioned the desire to preserve the
127 trees since the lot is a fully wooded lot, so trees will be removed regardless of where the
128 buildings are placed. The pole barn could be put in the back of the house and he
129 opposes this request.

130
131 **Sarah Stanton, 12043 Andresen Drive** – She is concerned with the variance and they
132 have not seen any plans and it feels a little odd to her that they are asking for a variance
133 prior to any of the neighbors being aware of it.

134
135 Mr. Weinburger closed the public hearing at 7:24 p.m. due to no further comments.

136
137 Mr. Underhill stated that they did not present it to the association because they haven't
138 gotten to that point. He felt that the elevation changes were a hardship.

139
140 **Motion by Pearsall, second by Hoover**
141 **To deny ZBA Case 02-2016, 4716-14-300-020 at 12051 Andresen Drive,**
142 **South Lyon, 48178. This was a variance zoned residential farming request**
143 **a variance from Section 38-171 (2) to allow a detached accessory building**
144 **within the front yard setback. There are not exceptional or extraordinary**

145 circumstances that apply to the property. There are no topographical
146 issues, there are no peculiar things with the property and the property is
147 fine to create a home without the variance. The applicant can enjoy the
148 same substantial property right possessed by other properties in the same
149 district or surrounding area.

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151 **Roll Call Vote: Ayes: Unanimous**
152 **Nays: None**

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154 **MOTION APPROVED**

155
156 **Motion by Pearsall, second by Hoover**
157 **She moved that ZBA Case 02-2016 is denied.**

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159 **Roll Call Vote: Ayes: Unanimous**
160 **Nays: None**

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162 **MOTION APPROVED**

163
164 **3. ZBA Case 03-2016, Parcel #4716-14-200-009, 12789 Twelve Mile Road, South**
165 **Lyon, MI 48178. East of Dixboro and West of Rushton, Zoned Residential**
166 **Farming, 5.48 acres. Request a variance from Section 38-171 (5) to allow a**
167 **second detached accessory structure on the property.**

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169 **Representing ZBA Case 03-2016: David Penz**
170 **Jared Penz**

171
172 Mr. Penz stated that he has had one detached building for 20 years where he does
173 woodworking along with a metal shop for personal use. It is not feasible to add onto the
174 current structure due to elevation changes. Adding onto the east would eliminate
175 natural light and block view from the house. The hardship is that it would be incapable
176 to park vehicles. Practical difficulty is that he would have no access to pull in vehicles
177 due to the swamp.

178
179 He explained that he would have about 80 feet to the other property but the elevation is
180 the issue due to the swamp. He wants to build from the property line, away from the
181 swamp. He would not be interfering with any neighbors. If he attached the building it
182 would block his view and he would have a hard time getting into the building.

183
184 Mr. Weinburger opened the public hearing at 7:36 p.m. and closed it due to no
185 comments.

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187 Mr. Penz stated that he thought the addition would improve his property.

188
189 **Motion by Sellis, second by Hoover**
190 **To approve the variance requested with regard to parcel # 4716-14-2000-009,**
191 **12789 Twelve Mile Road, South Lyon, MI 48178. The request is for a variance**
192 **from Section 38-171 (5) to allow a second detached accessory structure on the**

193 property. She moves that there is a practical difficulty with this property
194 because there is a swamp wetland area that would compromise the building if
195 it should be added to the existing building. That circumstance applicable to
196 this situation does not apply generally to other properties in the area. The
197 variance is necessary for the preservation of the substantial property as well
198 as the safety and integrity of the additional building and is not a condition or
199 situation which would be generally recurring in similarly situated property.
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201 Roll Call Vote: Ayes: Unanimous
202 Nays: None

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204 **MOTION APPROVED**

205
206 **NEW BUSINESS** –None

207
208 **OLD BUSINESS** - None

209
210 **APPROVAL OF THE Meeting Minutes**

211
212 Motion by Pearsall, second by Sellis
213 To approve the minutes of November 19, 2015 as presented.

214
215 Voice Vote: Ayes: Unanimous
216 Nays: None

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218 **MOTION APPROVED**

219
220 **CORRESPONDENCE** – The ZBA and Planning Commission report for 2015 was
221 provided in the packet.

222
223 **CALL TO THE PUBLIC** - None

224
225 **ADJOURNMENT**

226
227 The Zoning Board of Appeals meeting was adjourned at 7:40 p.m. due to no further
228 business.

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231
232 Respectfully Submitted,

233
234 *Kellie Angelosanto*

235
236 Kellie Angelosanto
237 Recording Secretary