

**City of South Lyon
Zoning Board of Appeals
July 19, 2018**

Chairman Weipert called the meeting to order at 7:04 p.m.

Chairman Weipert led the committee in the Pledge of Allegiance

ROLL CALL:

**Present: Chairman Phil Weipert, Commissioner: Steve Mosier, Ron Morelli,
Brian Dunn and John Ward**

**Also in Attendance: Patrick Brzozowski , Zoning Administrator
Kelly McIntyre, CIB Planning Consultant
Tim Wilhelm, City Attorney
Judy Pieper, Deputy Clerk**

ZBA – 7-19-2018 MOTION TO APPROVE AGENDA

Motion by Ward, supported by Morelli

VOTE: MOTION CARRIED UNANIMOUSLY

**ZBA – 7-19-2018 MOTION TO APPROVE MINUTES FROM JUNE 21,
2018**

Motion by Morelli, supported by Mosier

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC HEARINGS:

1. ZBA Case #: 18-004

Applicant: Gerald Kowalewski

Variance Request Address: 146 Singh Blvd, South Lyon, Michigan

Parcel ID #21-19-377-010

Request: The applicant is requesting a variance from the City of South Lyon Code of Ordinances, Article VLL "Supplementary District Regulations", Division 2 "height, bulk, density and area limitation", Sec 102-456 "schedule limiting height, bulk, density and area by zoning district". In Zoning District R1, Maximum percent of lot area covered by all buildings is 25%. The applicant is requesting a 3.5% lot coverage variance to construct a new deck for their backyard.

Kowalewski states that he submitted to Patrick a list of hardships, along with a list of all his neighbors with approval and addresses. He goes on to explain that last October he wanted to build a deck. He went ahead and contacted a contractor. He got his approval from Charleston Park and Singh Homes. The contractor then submitted an application to the city for a permit. But because he acceded the 25% (he was at 28%) his request was denied. Megan (Zoning Administrator at the time) advised him of having 3 options. They were reduce the size of the deck or wait until April 1st when the City was going to change the Zoning orders from 25% to possibly 35%, or apply for a variance. At that time it was November, so Kowalewski decided to wait until April 1st. When Kowalewski came in to the city, he was advised by Brzozowski that nothing had been done. So he has now decided to apply for a variance. This brings him to today.

Kowalewski was told by Scott Lanam from the Planning Commission that Singh won a consent judgement allowing them to over build on the property in Charleston Park.

Commissioner Morelli asked Commissioner Mosier to further explain. Mosier states that the Planning Commission is working on all the Ordinances, but they have pulled that particular ordinance out and moving it forward because of all the issues.

McIntyre adds that at the last Planning Commission meeting, we made a motion to set a Public Hearing on August 9, 2018. We will be discussing the change from 25% to 35%. Again, doing this portion ahead of time because of all the requests.

Chairman Weipert goes on to explain that Commissioner Mosier sits on both the Planning Commission and the Zoning Commission.

Weipert reviews that Kowalewski's property is subject to the Consent Judgement, which makes that whole subdivision unique. The conversation continues regarding lot sizes though out the Charleston Park sub-division.

Kowalewski states that he did reduce the deck size from 420 square feet to 350.

Weipert adds for our record, neighbors at: 142, 126, 114, 123, 127, 135, 131, 139, 103, 170, 166, 162, 158 and 150 Singh Blvd, all signed approval.

ZBA – 7-19-2018 Motion to approve ZBA Case #: 18-004 to grant the variance beyond 25%, which is in Sec 102-108, based upon the variance and not a substantial detriment to the public and that the uniqueness of the property as defined by Chair Weipert moments ago will allow this to the property.

Motion by Dunn, supported by Mosier

VOTE: MOTION CARRIED UNANIMOUSLY

ZBA Case #: 18-005

Applicant: Scott & Stephane Anderson

Variance Request Address: 1168 Horseshoe Dr.

Parcel #: 21-18-402-004

Request: The applicant is requesting a variance from the City of South Lyon Code of Ordinances, Article VII “Supplementary District Regulations”, Division 2 “Height, Bulk, Density and Area Limitation”, Sec 102-456 “Schedule Limiting height, bulk, density and area by zoning district”. In Zoning District R1, Maximum percent of lot area covered by all buildings is 25%. The applicant is requesting a 6 % lot coverage variance to permit the construction of a pool and surrounding patio.

Scott Anderson states that they are requesting a 6% variance to get a pool with surrounding decking. The total square footage takes them to 31% so they are requesting the additional 6%. Anderson states that they have gone on to do their homework. The way the lots are built in Trotter’s Point leaves them no other alternative but to request a variance.

Anderson states that at least 3 other neighbors in his area have requested and been granted the same variance. He goes on to reference the letters given to the Board from his surrounding neighbors in support of the variance.

Commissioner Dunn, also on the Trotter’s Pointe HOA, states that he abstained from voting at the HOA to prevent any conflict. He state that he did not vote there, so that he can vote here. Also, it was approved by the HOA.

Commissioner Morelli, states that the resident is correct regarding lot size and the way the houses were built. He questions why a variance was not done for the back fence. Brzozowski states that as far as he knows fences as long as they meet a height requirement vs placement. McIntyre agrees and states that this does meet the setback requirement. The conversation continues between Morelli, McIntyre and Brzozowski regarding the fence placement on the Anderson’s property.

Chair Weipert questions McIntyre regarding the 30% (up to 35% for impervious surfaces)

Commissioner Ward questions the distance to the house behind the Anderson’s, to which Anderson replies from the edge of the water to the house is 26 feet. The conversation continues regarding pool placement. The approval letters that were presented to the Board are from 1162, 1174 and 1213 Horseshoe.

The conversation returns to the matter of the fence that the Anderson’s have on their property along with the size, shape and placement of the pool.

Jim Hamade, 1189 Horseshoe Drive, South Lyon (neighbor)
Hamade states that they fully support the pool and they have talked with neighbors directly behind them and they are fully in favor as well.

ZBA – 7-19-2018 Motion to approve ZBA Case #: 18-005 to grant the lot coverage from 25% to 31% due to the of the usage of the lot . One request is that the fence line meets the 30 foot minimum requirement.

Motion by Dunn, supported by Morelli

VOTE: MOTION CARRIED UNANIMOUSLY

Tabled Business: None

New Business: None

Old Business:

Dunn asks if there is an update on the Alexander's situation. Brzozowski states that the owners of Alexanders had a meeting with Carmine (CIB Planning), Chief Collins (interim City Manager) they are still in discussion and talked about tabling this for a future date.

Adjournment

ZBA – 7-19-2018 Motion to Adjourn – 8:16 p.m.

Motion by Mosier, supported by Dunn

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

Phil Weipert, Chairman

Judy Pieper, Deputy Clerk

DRAFT