

**CITY OF SOUTH LYON  
ZONING BOARD OF APPEALS  
October 21, 2010**

Chairman Weipert called the meeting to order at 7:07 p.m.

**PRESENT:** Chairman Weipert and Commissioners Ron Morelli, Keith Bradley, Bill Rodman, T.J. Connolly and Joe Rzyzi. Also present, City Manager David Murphy, City Attorney Jennifer Hill and Building Official Andy Gerecke.

**ZBA 10-21-10 TO EXCUSE ABSENCE**

Motion by Morelli, supported by Bradley

To excuse James Herman's absence from the meeting. City Manager Murphy noted he is out of town.

**VOTE:** **MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF MINUTES:**

**ZBA 10-21-10 APPROVAL OF MINUTES – January 21, 2010**

Motion by Rodman, supported by Rzyzi

To approve the minutes with no corrections of January 21, 2010.

**VOTE:** **MOTION CARRIED UNANIMOUSLY**

Chairman Weipert – Noted that Joe Veltri retired June 30, 2010. The City of South Lyon is contracting with the City of Novi for building inspectors.

Chairman Weipert – Andy, come up and introduce yourself to the board members.

Mr. Gerecke – I am Andy Gerecke and am a building official for Novi and also South Lyon for the time being.

Chairman Weipert inquired as to how the application process works.

City Manager Murphy – We receive them in our offices and then Andy or one of the Inspectors will come by to pick them up, take them if they need to or do them here. It is working out very well. We haven't had a lot of requests for variances for the ZBA.

**OLD BUSINESS**

None

**NEW BUSINESS**

**Mitch & Karrie Maier – 435 Amelia Circle**

Chairman Weipert – Please come up and state your name and address for the record. Tell us what your application and hardship is about.

Mr. Maier – My name is Mitch Maier from 435 Amelia Circle in Charleston Park Subdivision. This is my wife Karrie. Basically we have nothing behind our home and it backs up to a wet-land. We would like to put on a deck with a screened in porch. We want it due to the mosquitoes and we want to be able to enjoy our backyard as much as possible.

Chairman Weipert – We need more than about just the bugs. What is something different from your lot that is different than your neighbors.

Commissioner Morelli – When Singh bought the property, they did not get what they wanted through the Planning Commission and took the City to court and ended up with a judgment so they were able to shrink the set-back so on that lot size they could build as big a house as they could get. The problem was after they did that there was not a lot of building envelope left to put anything else in there. That is why most of that subdivision comes before us for decks. You can go 25% into your rear yard set-back. If you have a lot where there is 100' of empty or wet-land behind the house you get an extra 10'. You only need a 30' rear yard set-back. You have 41.2' and you can go 25% into that 30'. For your deck it is not a problem. The problem is if it is bigger it won't fit into your building envelope. Once you put a roof over the porch, that 25% goes away. All you have left is your building envelope which is 11.2'. That is why the house next door to you has the 12' sun room on the back. They have 12' in their building envelope. On your particular lot, you can build an 11.2' screened in porch with no variance at all. You can go past that if you wanted your deck to go farther than that behind your porch. You can only go 11.2'. You are asking for is a 4.8' variance for the porch not the deck. You have to prove hardship or practical difficulty for that 4.8'. You can build the 11.2' porch. The reality is a 12' deck is a good size and it works. You have to prove that difficulty. I don't see any practical difficulty. You have to tell us why you need the extra 4'.

The building official agreed that Commissioner Morelli's information is correct.

Ms. Maier – I do agree with what you are saying. We have huge families and the bugs

are bad back there and the space is limited on the deck. A 12' deck is do-able but it is difficult to fit that many people in that small of an area. We BBQ on our front porch.

Commissioner Morelli – Unfortunately, that is southeastern Michigan. We all have that (bugs). That is not a hardship.

Chairman Weipert – What make your lot different than those around you.

Mr. Maier – We want to be able to enjoy the lake out there.

Mrs. Maier – We can't use the grass below us. Our grade is very steep. I cannot walk my daughter down the sides. We need livable space in the sky since we can't utilize our backyard because of how our grade is. It is a way for us to enjoy the outside and our backyard in a safe environment for our family and kids.

Commissioner Rodman –What puts your rear lot in a position to be unique from your neighbors?

Mr. Maier – We are pushed back further than them.

Mrs. Maier – We are limited on our rear space because of how far back our house was put on the lot. Our lot goes into the wet-land and we cannot remove or add to it.

Chairman Weipert – So you have a pushed back house, sides that are steep, you cannot walk down the sides and your neighbor already has a screened in porch.

Commissioner Morelli – Your deck can go out 18.7' without needing a variance. You could make your screened in porch wider. We need a practical difficulty or a hardship on why you need that extra 4'.

Commissioner Rodman – If you make the whole deck 12' out from your house and as wide as your house, you could cover the whole back of your house with a screened in porch.

Mr. Maier – We wanted the deck to have character and to come out rather than a square room off the back of our house. There is no hardships, we just want to enjoy our backyard.

Chairman Weipert – You are trying to stay with the character of the neighborhood.

Mr. Maier – We wanted the roof line to be unique and to have 9' ceilings.

City Manager Murphy – Isn't the grade of the property a hardship?

Commissioner Morelli – If he was putting a deck in. They can't use the backyard for the kids to play in but again we are not talking about a deck, he can build a deck behind the screened in porch another 7'-8'.

Mrs. Maier – When you say hardship, if you can't use the backyard due to the grade in How is it not a hardship? We don't have a finished off basement. We only go out in front yard. We don't feel we can use our backyard because of mosquitoes. There is other issues such as West Niles.

Commissioner Morelli – If you are worried about West Niles, mosquito's or bees, it would not matter if your backyard was flat. You still would not be sending your kids out there.

Mr. Maier – The wetland area makes it worst. I use to live in Novi and there is a big difference between there and here.

Commissioner Morelli – We are not telling you can't build this. You just can't go past the 12'. You need to tell us why you need the extra 4'.

Mr. Maier – Do you guys know the answer?

Commissioner Morelli – In my mind there isn't one. I have a 17' 3-season room on the back of my house, but it fit into my building envelope. I understand why you want it. We can't just say we will give it to you. That is why you are here, you are trying to appeal the decision of the building inspector. That is where we are at.

Commissioner Rodman – We are giving you the opportunity to discuss it and show an appropriate practical difficulty or hardship for the extra 4.8'.

Commissioner Morelli – You could add that extra square feet to the side with no problems. I don't see it.

**ZBA 10-21-10 – MITCH & KARRIE MAIER – 435 AMELIA CIRCLE**

Motion to deny the request for the 4.8' variance for the screened in porch. The deck is fine and they can build the screened in porch 12' out from the house. The deck can go 18.7' off the back of the house. You can build the screened in porch along the back of your home, you just can't go outside the building envelope.

Motion by Morelli, supported by Rodman

**VOTE:** **MOTION CARRIED UNANIMOUSLY**

Commissioner Morelli – When you add a roof, the rules change. There are pitch issues.

Chairman Weipert – It sounds like you did not know you could come out 18.7' for your deck.

Mr. Maier – We didn't. Thank you.

**Steven & Kathryn Rundell – 217 Cuyahoga Ct.**

Mrs. Rundell – Introduced self – Kathryn Rundell of 217 Cuyahoga Ct. My husband is out of town and could not make it. I think our request is different than then the Maier's. It sounds like we are allowed to extend out 25% into our lot. I think what we have is 8.75' which is not useful for a deck. We are proposing that we build a deck which would extend 14', an extra 5.25'.

Commissioner Morelli – Is the deck coming off the door wall?

Mrs. Rundell – We have a full walkout. The door wall from our kitchen area is a 9'-10' drop. It is a second story.

Commissioner Morelli – It is just a deck, not covered.

Mrs. Rundell- Exactly, it is 308 sq. ft. with a stair case off the side.

Chairman Weipert – Other people in your neighborhood have a deck and you only have 8.75' for a deck and that is not a reasonable size.

Mrs. Rundell – The deck will be 14' out and 22' deep.

Commissioner Morelli – I have no problem with it.

Commissioner Connolly – Mr. Chairman I would like to abstain from the vote seeing that my wife has done business with Mrs. Rundell. Also, are there any ethical questions with you being nominated for county commission?

Commissioner Connolly – I just wanted to bring this to the board’s attention.

**ZBA 10-21-10 – TO BE ALLOWED TO VOTE ON THIS AGENDA ITEM**

Motion to allow Commissioner T.J. Connolly to vote on this agenda item without a conflict.

Motion by Morelli, supported by Rzyzi

**VOTE:**

**MOTION CARRIED UNANIMOUSLY**

Attorney Hill – My initial reaction to whether or not there is a conflict; I don’t think that there is. Anyone who is running for an election in South Lyon is a general citizen. I don’t see any conflict.

**ZBA 10-21-10 – STEVEN & KATHRYN RUNDELL – 217 CUYAHOGA CT.**

Motion to approve the request to build a deck with a variance of 5.25’. The practical difficulty would be a raised elevation and the limited area to build a deck limited to that size. Section 102-85 (a),(b),(c)

Motion by Rodman, supported by Weipert

**VOTE:**

**MOTION CARRIED UNANIMOUSLY**

**STAFF REPORTS:**

City Manager Murphy – In the Carriage Trace subdivision a resident bought the lot next door to him and has cleared it to put in a hockey rink. Attorney Lee sent a letter to him that it cannot happen unless the lots are combined. He submitted a plan to the association that he wants to put in a gazebo and tennis courts. I believe you must build a home on those lots within a year of purchase. It may come before us sometime in the future.

**ZBA 10-21-10 – ADJOURNMENT**

Motion by Morelli, supported Weipert

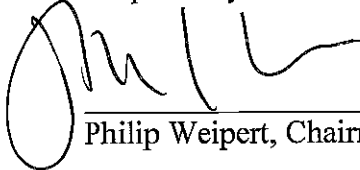
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To adjourn the meeting at 7:40 p.m.

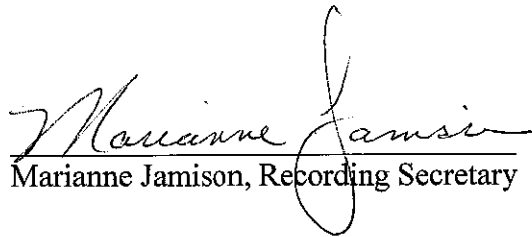
**VOTE:**

**MOTION CARRIED UNANIMOUSLY**

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'P. Weipert', written over a horizontal line.

Philip Weipert, Chairman

A handwritten signature in black ink, appearing to be 'Marianne Jamison', written over a horizontal line.

Marianne Jamison, Recording Secretary