

**CITY OF SOUTH LYON  
ZONING BOARD OF APPEALS  
February 25, 2016**

Chairman Weipert called the meeting to order at 7:06 p.m.

**ROLL CALL:**

**PRESENT:** Chairman Phil Weipert and Commissioners Michael Joseph, Brian Dunn, Ron Morelli, Joe Rzyzi, Frank Fogarty and Steve Mosier. Also present Kelly McIntyre (Director of Community Development) and Tim Wilhelm (City Attorney).

**ABSENT:** Carmine Avanti (Planning Commission) Excused.

**ZBA 02-25-16 MEMBER ABSENCE**

Motion by Morelli, supported by Dunn

To excuse Carmine Avanti's absence from the meeting.

**VOTE:**

**MOTION CARRIED UNANIMOUSLY**

Chairman Weipert led the committee into the Pledge of Allegiance.

**APPROVAL OF AGENDA**

**ZBA 02-25-16 APPROVAL OF AGENDA**

Motion by Morelli, supported by Fogarty

To approve the agenda for tonight.

**APPROVAL OF MINUTES:**

**ZBA 02-25-16 APPROVAL OF MINUTES**

Motion by Morelli, supported by Dunn

**VOTE:**

**MOTION CARRIED UNANIMOUSLY**

**OLD BUSINESS**

**ZBA Case 2015:006 – 600 N. Lafayette St.**

*Request: Chapter 70 "Signs" Sec. 70-6 (C) (1) "All temporary signs must comply with the sign and height standards as specified in the Sign Dimensional Standards and Regulations Table." A Sign Variance from Sec. 70-6 (C) (1) Sign Dimensional Standards and Regulation Table requiring that the maximum size per sign not exceed: 24 square feet face area, with a height of six (6) feet.*

*The applicant is proposing 64 square feet of sign face area, with a height of (8) feet.*

*Request: A sign variance from Sec. 70-5 (f) 2 General Standards for Permitted Signs: Sign Area requiring when a sign has two (2) or more faces, the area of all faces shall be included in calculating the area of the sign except where two (2) such faces are placed back to back, only larger face shall be considered, provided that both faces are part of the same structure, contain the same message and are separated by no more than two (2) feet.*

*The applicant is proposing a sign with two faces that are separated by five (5) feet 10 inches, measured from each sign's back outermost edge.*

Chairman Welper noted that the first applicant would not be present tonight.

McIntyre explained she received a call from the applicant mid-morning that he was on the other side of the state and was involved in an auto accident (weather related) and was trying to obtain another vehicle to make it to the meeting but notified me this afternoon that he was not able to do so. He respectfully asked that the item be tabled. He was in attendance at the last meeting we held.

**ZBA CASE 2015:006 – 600 N. LAFAYETTE ST.**

Motion by Morelli, supported by Fogarty

Case tabled until the next meeting.

**VOTE:**

**MOTION CARRIED UNANIMOUSLY**

McIntyre noted that we do not have anything else scheduled on that day.

Chairman Weipert called the next case:

Chairman Mosier noted that he does not have any relationship with the applicant but does live in the neighborhood where this variance has been requested and I would like to make the board to aware of that.

Chairman Weipert inquired about any relationship between the two and that they were not next door neighbors and Mosier responded no.

**ZBA Case 2015:007 – 203 University**

*Request: **Section 102-155. Non-conforming Lots.** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though lot fails to meet the requirements for the area, width, or both, that are generally applicable in the district, provided the yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through the approval of the board of appeals. Section 102-456 Schedule limiting height, bulk, density, and area by zoning districts. R3 District requires a minimum side yard set-back of at least six (6) feet on one side and a minimum of 16 feet total for two sides.*

*The applicant is proposing to re-build a single family home on an existing non-conforming lot of record. The applicant is proposing a 5.9 side yard set-back.*

Chairman Weipert asked the applicant to state his name and address for the record and you need to tell us what your practical difficulty is and why you need a variance.

Joe Van Oyen and I am representing Tony Van Oyen Builder and my address is 939 Riedell,

Dexter, MI. We plan to slide the porch 13' from the existing location. It is a non-conforming lot and I believe it is 5'9" on the east side set-back and I need 13'1". The variance required is 6' side set-back and I am at 5'1".

Chairman Weipert asked the applicant what the practical difficulty was.

Mr. Van Oyen replied it is going to be a colonial instead of a ranch and the front door will be in a different location than it was.

McIntyre added that this is a reconstruction of a house that burned down in December 2014. It is an existing non-conforming lot of record. The homes in this neighborhood were developed before our current R-3 zoning ordinances that is why those lots are smaller than what we require now. It is automatically non-conforming because of the lot size. Our ordinance says you need to have permission in order to rebuild. Additionally, if there are any set-back issues you would need to get a variance for that. They were able to use the existing foundation and it will be kept in its entirety. Just moving the front porch (not increasing the size) down to the left for better circulation.

Chairman Morelli responded that he is using the same foundation and the practical difficulty is from using the existing foundation and it leaves you with a need for a 6' side set-back variance. The porch is just being moved down and will not be sticking out.

Mr. Van Oyen replied that McIntyre stated some of his practical difficulties.

Commissioner Morelli questioned if the variance for the entire building and the porch really has nothing to do with it.

McIntyre responded that with non-conforming structures it very specifically says that you may not change, alter or increase in size. If we are being very literal, moving the porch is changing it. The porch is being moved 6'.

Chairman Weipert noted that we are actually at a different part of the ordinance where you were saying they can rebuild on a non-conforming. Personally I would never deny it.

Mr. Van Oyen added that the house would be a bit larger at 2,200 sq. ft. and the average house in there is about 1,500. It is the same footprint as the old house.

Chairman Weipert noted a person in the audience and asked if they would like to speak?

(The resident was there for first case which was tabled to the next meeting).

Commissioner Fogarty confirmed they were rebuilding a colonial and inquired how many colonials were in the subdivision.

Commissioner Mosier replied that in the whole neighborhood there are probably a dozen of them.

Commissioner Fogarty added that some people get the "big mac attack" in the future. People in other cities kept the same foundation and their house is now four stories high.

Mr. Van Oyen responded that he has the plan if the committee wants to view it. Building permit is ready to be picked up after this is resolved.

(Committee reviewed the plans).

Chairman Weipert noted that proportion wise it fits and will be within the character of the neighborhood.

Mr. Van Oyen replied it will be brick on vinyl and it will be maintenance free.

Commissioner Joseph commented that he reviewed the floor and porch and think they look fine. It is within the character of the neighborhood.

Mr. Van Oyen noted it is an average, run of the mill home. We are selling it for \$279,000 if anyone is interested. I would not be able to sell a \$500,000 home in that subdivision.

Chairman Weipert summed up here is a non-conforming lot with an existing foundation, the house was burned down and he wants to rebuild on the same existing foundation.

Motion by Fogarty, supported by Dunn

To grant the variance 2015-007 for the following reasons; the need for the request of the variance is due to the unique circumstances from the fire, that the need for the requested variance is not the result of the actions of the property owner or other property owners. The variance is necessary because of the existing foundation and subsequent fire that destroyed the structure. That the requested variance is the minimum variance necessary to do substantial justice for the applicant as well as the other property owners in the district. The house is being

built on the existing foundation and set-backs that once met ordinance requirements and the variance is necessary. The requested variance will not cause an adverse impact on surrounding property values or the use and enjoyment of the property in the neighborhood or zoning district.

**VOTE:**

**MOTION CARRIED UNANIMOUSLY**

Chairman Weipert added that the applicant cannot start until he gets the building permit.

**STAFF REPORTS**

Chairman Weipert explained to Tim (City Attorney) that the committee took it upon themselves to put the by-laws into place and approved the draft by-laws previously submitted. We should have a by-law committee review them.

Tim replied he thought we had already reviewed them at a previous meeting.

McIntyre added we could check the minutes from the previous meetings to verify.

Chairman Weipert inquired if anything else was coming up for the next meeting.

McIntyre responded that we had no new requests for variances.

**ZBA 02/25/16 – ADJOURNMENT**

Motion by Morelli, supported by Rzyzi

Motion to adjourn the meeting at 7:20 p.m.

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

Respectfully Submitted,

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Phil Weipert, Chairman

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Marianne Jamison, Recording Secretary