

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

Chairman Weipert Called the meeting to order at 7:00 p.m.

Chairman Weipert led the committee in the Pledge of Allegiance.

**ROLL CALL:**

**Present:** Chairman Phil Weipert, Commissioners Steve Mosier, Brian Dunn, Ron Morelli

Also present – Kelly McIntyre and Patrick Brozowski (Planning Commission)  
Tim Wilhelm (City Attorney) and Judy Pieper (Deputy Clerk)

**Approval of the Agenda**

Attorney Wilhelm suggests that the following items need to be added to the agenda under New Business:

1. The Election of Officers
2. Set up of meeting dates for 2018
3. Presentation of the proposed by-laws
4. Set Public Hearing case for 2018-001 Alexander Center

**ZBA - 4-19-2018 - MOTION TO APPROVE AGENDA AS AMENDED**

Motion by Mosier, supported by Morelli

**VOTE:                    MOTION CARRIED UNANIMOUSLY**

**ZBA – 4-19-2018 – MOTION TO APPROVE THE MINUTES FROM SEPT 21, 2017**

Motion by Dunn, supported by Morelli

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

**Public Hearings:** ZBA Case #18-002  
Jeff and Shelly Thomas  
1336 Buckboard Circle, South Lyon, Michigan  
Parcel #21-17-305-002

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 R-IA, Maximum percent of lot area covered by all buildings is 25%.* The applicant is requesting a variance of 8% on the lot coverage to permit the construction of a pool, pool deck, and rear patio.

Commissioner Brian Dunn states that he and Jeff Thomas worked together 5 years ago and that he would like to make a clarification that this is not a conflict of interest.

Chairman Weipert states to Thomas, that as a courtesy, the applicant has the option to wait for another hearing date until there are 5 board members present or he can proceed with the 4 that are here tonight. Attorney Wilhelm explains that the Council just approved that we can go from 7 down to 5 on our ZBA board. Today, he will need 3 votes in his favor. Thomas chooses to continue tonight.

Jeff Thomas, 1336 Buckboard Circle, South Lyon, Michigan  
Thomas states that he is seeking a variance on the lot coverage. He is seeking 33% which would be approximately 4,000 square feet. The purpose of this is to build a pool. He states that they have an existing patio, that would be removed, and they would be adding a pool deck around the pool and with the remaining space, they would build a new patio. Thomas goes on to state that his lot is unique. The

zoning RA-1 is for typically 15,000 square foot lots and his is a fairly small lot at 12,200 square foot. He state that he is at a disadvantage and if he sticks to the 25% that will not be enough to do a pool. He states that there are 8 other pools in his neighborhood. They are all very similar in size to what he is asking for. He refers the Commission to the satellite image that is in their packet. He has received approval from his HOA Board. Jeff, his neighbor, and member of the board is present. He has had no negative comments from Jeff or any of his neighbors. The project will be done by a couple of local businesses.

Chairman Weipert questions Thomas about speaking with his HOA and getting approval. Thomas confirms that he has emailed the President of his association and he has corresponded with the head of the Architectural Committee. Thomas then refers to an email that he was given showing approval to move forward. The primary concern was to make sure that whatever is built stay behind the house, not to be seen from the road, and that is how we planned it. Chairman Weipert states that he did have the chance to walk through and take a look at the area.

Chairman Weipert asks if there is anyone from that public that would like to speak regarding this topic.

Jeff Broaddus, 1224 Hackney Court, South Lyon, Michigan  
Broaddus states that he is a member of the Homeowners Association and that they are in agreement for this variance. They are in full support.

**ZBA – 4-19-2018 MOTION TO APPROVE THE VARIANCE SUBJECT TO SEC 102-85 A TO A & B, "A" STATES THEIR CIRCUMSTANCES OR CONDITIONS APPLIED TO THE PROPERTY DO NOT APPLY GENERALLY TO OTHER PROPERTY WITH THE SAME ZONING CLASSIFICATIONS AND "B" THAT SUCH A VARIANCE IS NECESSARY FOR THE PRESERVATION OF ENJOYMENT SUBSTANCIAL PROPERTY LIKE SIMILAR TO THOSE OF OTHER PARTIES IN THE SAME ZONING DESCRIPTION**

**Motion by Morelli**

Roll Call Vote:	Mosier	Yes
	Weipert	Yes
	Morelli	Yes
	Dunn	Yes

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

**Tabled Business: None**

**New Business:**

- 1. Election of Officers**

**ZBA – 4-19-2018 – MOTION TO NOMINATE WEIPERT FOR CHAIRMAN**

Motion by Morelli, Supported by Dunn

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

**ZBA – 4-19-2018 – MOTION TO NOMINATE MORELLI AS VICE-CHAIRMAN**

Motion by Mosier, Supported by Dunn

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

**ZBA – 4-19-2018 – MOTION TO NOMINATE MOSIER AS SECRETARY**

Motion by Morelli, Supported by Dunn

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

## **2. Dates for 2018 ZBA Meetings**

Under the Open Meetings Act, all meetings for the current year must be posted for public knowledge. ZBA Meetings are held the third Thursday of the month. See following dates:

**January 18, February 15, March 15, April 19  
May 17, June 21, July 19, August 16  
September 20, October 18, November 15, December 20**

### **ZBA – 4-19-2018 – MOTION TO APPROVE MEETING DATES FOR 2018**

Motion by Dunn, Supported by Morelli

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

## **3. Proposed by-laws 2018-02 – Case, Council to reduce number of members on ZBA Board**

Attorney Wilhelm explains that Council adopted an ordinance to reduce the number of members to sit on the ZBA Board to address the vacancy issues. He states that they have also reduced the number for the Planning Commission Board.

Wilhelm goes on to state that he has presented the existing by-laws and under these by-laws, Chairman Weipert is correct, when voting on variances and interpretations, roll call votes will be done. He adds that there is an encouragement to do training. He questions the board on if they want to address conflict of interest language to either match up or take out or make reference to the new ethics ordinance adopted by council. Weipert states that they will discuss this at a later date.

Chairman Weipert states that it reads that meetings will conclude no longer than 10:00, unless approved, and no new agenda item will be added after 9:30.

Weipert confirms with Wilhelm that there is no vote on these items, they are presented new today and they can be adopted at the next meeting.

#### **4. Setting a public hearing for Alexander's**

Attorney Wilhelm states that the Alexander Center is filing an appeal of the Planning Commission's decision in early 2018 (or possibly 2017) challenging the Planning Commission's denial of its request to amend the site plan that waives the condition restricting the occupancy of two suites within the Alexander Center building. There's quite a bit of information regarding how and why this condition came about. Wilhelm goes on to advise the Zoning Board that they will be sitting as a review body, reviewing whether the Planning Commission identified the proper ordinance, applied it correctly, if they had sufficient facts to support the denial.

Commissioner Morelli states that this went before him twice back when he chaired the Planning Commission. He goes on to inform that with one of the denials after that, Weipert's wife chaired the Planning Commission, he himself was on Council, and Commissioner Mosier was a member of the Planning Commission. Morelli then asks Wilhelm if this creates a conflict of interest. Wilhelm states that there is, and this issue combined with the vacancies is the primary reason that we have been unable to go on with the appeal as scheduled. Due to familial and variable relationships with Chair Weipert and his wife, who sat on the Planning Commission at the time this other plan was originally approved with the condition. Commissioner Morelli again adds that he chaired it at that time and Mosier also sat on the board.

Weipert questions if they should set it out. Wilhelm adds that they have to proceed and he will be asking the Mayor and Council to help find people to appoint because we have 3 of a 5 member board that has conflict of interest. Weipert questions if May will work or should they push it out to June. To which Wilhelm states that we need to set this for as soon as possible. The conversation continues regarding setting a date for this public hearing.

Morelli confirms that we are not giving a variance on this. Wilhelm states that the ZBA will be sitting like an appeals court. He states that they will be reviewing the records of what happened and is there enough information to support the decision that was made. The conversation continues regarding the facts and the proper ordinances were looked at. Wilhelm states that he believes that this board is in the position or has the potential to remove the underlying condition.

The Commission goes on to pick a date for a Special Meeting –  
Tuesday, June 5<sup>th</sup>, 2018 - ZBA Case #2018 - 001  
Weipert confirms that this will not be in place of the ZBA's June Meeting.

**ZBA – 4-19-2018 - MOTION TO DISCUSS THE ZBA CASE #2018-001 AT THE SET  
SPECIAL MEETING OF TUESDAY, JUNE 5, 2018**

Motion by Morelli, Supported by Dunn

**VOTE:                            MOTION CARRIED UNANIMOUSLY**

**Old Business: None**

**ZBA – 4-19-2018 – ADJOURNMENT**

Motion by Morelli, supported by Mosier

Motion to adjourn the meeting at 8:50 p.m.

**VOTE:                            MOTION CARRIED UNANIMOUSLY**

Respectfully Submitted,

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Phil Weipert, Chairman

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Judy Pieper, Deputy Clerk