

**CITY OF SOUTH LYON  
ZONING BOARD OF APPEALS  
June 16, 2011**

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

PRESENT: Chairman Weipert and Commissioners Ron Morelli, Joe Rzyzi, Bill Rodman, T.J. Connolly and James Herman. Also present, City Manager David Murphy and Building Official Charles Boulard.

Keith Bradley was absent from the meeting.

**APPROVAL OF MINUTES:**

**ZBA 06-16-11 APPROVAL OF MINUTES – April 21, 2011**

Motion by Rodman, supported by Morelli

To approve the minutes as presented for April 21, 2011.

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

**OLD BUSINESS**

None

**ZBA 06-16-11 APPROVAL OF AGENDA – April 21, 2011**

Motion by Morelli, supported by Rodman

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

**NEW BUSINESS**

**Christopher Curry - 472 Princeton**

Chairman Weipert – Please come up and state your name and address for the record. Tell us what your application and hardship is about and what is unique about your lot and why you have a practical difficulty to need the variance. Also, you can wait for a full board to hear your case if you choose.

Mr. Curry – I will proceed.

Chairman Weipert – Congratulations on the new baby.

Mr. Curry- Thank you very much, he is 8 weeks today. My wife apologizes for not being able to be here. Our 2-1/2 year old has the flu. The reason I am here is to ask for a variance for our deck plans we submitted to the City for approval. I did bring some pictures and also letters from our homeowner's association and neighbors showing support for our deck plan submitted. The reason for the variance is that the allowance is not deep enough for the deck. Our lot is on a cul-de-sac and is an unusual shaped lot that backs to a wooded area and at the current time we have no neighbors on either side of us. It is similar to many other lots that are within our subdivision. They are seeing the same scenario as we are with regards to putting decks in the back. The decks will protrude into the back encroachment. We are asking for a variance to allow for the deck to come out. It comes out to roughly 14' from where the deck would be on the upper level which I am hoping is not too far from the encroachment.

Chairman Weipert – We have the homeowner's approval in our packet.

Mr. Curry – Has photos (shows photos to board members). I roped off where the deck would be to give you an idea. The house is right behind that then the orange line would be where the deck would be and a small table and chairs that go around it.

Chairman Weipert – It is an elevated deck right?

Mr. Curry – That is correct.

Chairman Weipert – The lot is unique since you are on a cul-de-sac and you have an elevation issue since it is a walk out basement. There has to be an upper deck.

Mr. Curry – Correct.

Commissioner Rodman – So basically you are stating that your practical difficulty is the odd shape of your lot and placement of your house on that lot which prohibits you from utilizing that particular area.

Mr. Curry – Correct. For it to be feasible for us to use it and to have the same ability that the neighbors do to put a deck on the house that we can enjoy and for the safety of our small children. We really need to have that variance to be able to do that.

Chairman Weipert – I noticed that since it is on a cul-de-sac, it is not like they (neighbors) will be standing on the back of the deck and looking at you. You don't have two neighbors right next to you. The fact that it is pie shaped and on a cul-de-sac will definitely be an issue.

Commissioner Rodman – I don't see any problems with it either. Especially with the severe slope to your yard, the shape of the lot and placement of the house.

Commissioner Morelli – I don't see any issues with this. I would like to thank you for being realistic and objective. You are only out 2' over what you can have. The steps are 7' out but I never take steps into consideration. You have to get down from the deck somehow and the steps are really not a part of that. I would like to congratulate for being reasonable and not coming in here and wanting the whole yard to be a deck.

Mr. Curry – That was our goal to stay within reason.

Commissioner Morelli – Your neighbor is not going to have this issue since his house will be on an angle. Your lot is the only one that is "outside the box". I have no problem with it.

Chairman Weipert – Any more questions?

**ZBA 06-16-11 – CHRISTOPHER CURRY – 472 PRINCETON**

Motion by Morelli, supported by Herman

Motion to approve the variance as the plan shows per Section 102-85 (2 b) for the reasons on the record.

**VOTE:**

**MOTION CARRIED UNANIMOUSLY**

Chairman Weipert – Get a building permit.

Mr. Curry – Thank you very much.

**STAFF REPORTS:**

Commissioner Morelli – Question directed to Charles Boulard – Inspector: The applicant that was here last month with the air conditioner that we denied, now I noticed that instead of moving the air conditioner from the side of his house, he is building onto the outside of his house so the air conditioner will end up behind the house. I was wondering if he pulled a permit for that?

City Manager Murphy – I believe he has. Andy has been out there.

The yellow house on Lake Street, the garage was falling in and we have been after them to tear it down. The house sold and they will be coming in asking for a variance to build another garage that is the same size.

**ZBA 06-16-11 – ADJOURNMENT**

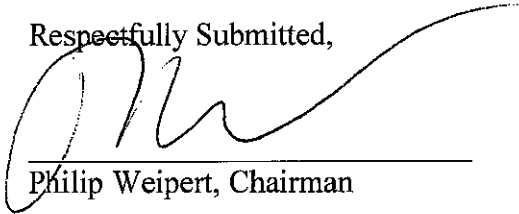
Motion by Rodman, supported by Connolly

To adjourn the meeting at 7:10 p.m.

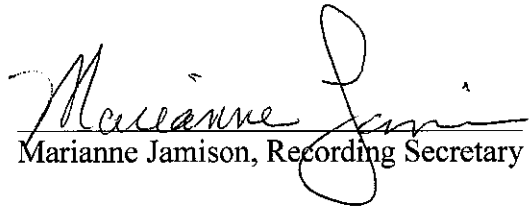
**VOTE:**

**MOTION CARRIED UNANIMOUSLY**

Respectfully Submitted,



Philip Weipert, Chairman



Marianne Jamison, Recording Secretary