

**CITY OF SOUTH LYON
ZONING BOARD OF APPEALS
June 20, 2013**

Chairman Weipert called the meeting to order at 7:01 p.m.

PRESENT: Chairman Phil Weipert and Commissioners T.J. Connolly, Frank Fogarty, Joe Rzyzi, and Steve Mosier. Also present Timothy Wilhelm, City Attorney and Charles Boulard, Building Inspector.

Chairman Weipert – Roll call shows James Herman and Bill Rodman absent – excused.

APPROVAL OF MINUTES:

ZBA 06-20-13 APPROVAL OF MINUTES – March 21, 2013

Motion by Rzyzi, supported by Fogarty

To approve the minutes of March 21, 2013.

VOTE: **MOTION CARRIED UNANIMOUSLY**

OLD BUSINESS

None

NEW BUSINESS

ZBA Case # 2013-002 – 783 Westbrooke Drive

Chairman Weipert – We have 2 cases today. The first is Trevor Peterson of 783 Westbrooke Dr. Come up and tell us about your case and what your practical difficulty is.

Mr. Peterson – We are trying to build a deck which extends 16' in the rear of our yard. The limitations of the ordinance are 25% of the yard. The announcement that was sent out indicated 55% into the back of the yard. It is actually about 40%. We have 2 neighbors with a view of the back of the yard. We back up to a wooded area (shows members photos of the area). There are no obstructions as far as the additional 6' we are seeking. I have letters from the two neighbors that have the view of the rear of the yard.

Chairman Weipert noted to the applicant that you are suppose to demonstrate what is unique about your property or makes it difficult to use your property similar to how other people use their property.

Mr. Peterson – We back up to a wooded lot area as far as the use of it we are looking to cover an inclined area (slope) the additional 6' would cover that area and make the yard more usable.

Commissioner Fogarty questioned what was right next to the applicant on the right side of the driveway since there is Andover Park there and he wondered if there was an ingress/egress for future park development.

Mr. Peterson – That is Doug's property.

Commissioner Fogarty – Did you design the deck before you found out what could be built?

Mr. Peterson – Yes, the design came first.

Chairman Weipert – I looked at it and noticed you have a sliding glass door wall and there was going to be a deck there at some point. Also noted is that you are on a cul-de-sac and only 2 neighbors can see back there. Letter from Douglas Smith stated he has no problem with the deck and was submitted as part of the record. Another letter from Andrea McGrath stated she has no problem with the deck and was also submitted as part of the record. These are the 2 neighbors with a view of the backyard/deck.

Commissioner Rzyzi – I don't think this is an unreasonable request based on where his lot sits and it does back up to the woods. It was approved by the homeowner's association. The issue is the practical difficulty by the rules of law here. The practical difficulty is with the slope of his yard.

Commissioner Fogarty – Would that be considered ground floor level?

Inspector Boulard – Generally, I would consider the ground floor to be from the grade at the front of the house. A walk-out basement would not be your ground floor.

Commissioner Fogarty noted that in the ordinance sited that a deck at or below the ground floor level may be projected into the required rear yard not to exceed a depth of 25%.

Inspector Boulard noted that in that context the ground floor reverts to the entry level not the walkout.

Commissioner Connolly stated he is in agreement with Joe Rzyzi

Chairman Weipert sums up that the applicant is looking for a variance to Section 102-56 and we need to make a motion to grant it and to record why. The topography, the cul-de-sac and the comment of the 55%.

Inspector Boulard confirmed it is 40% he is requesting not the 55%.

ZBA 06-20-13 – CASE # 2013-002 – 783 WESTBROOKE DRIVE

Motion by Rzyzi, supported by Connolly

Motion to approve the variance from Section 102-456 of the City of South Lyon Zoning Ordinance which states a deck may project into the required rear yard to a depth of 25% in an R-2 zoning district and grant a 6' variance to allow the proposed deck to project 6' into the rear yard setback pursuant to Section 102-85(2) (a), (b) and (c) due to the topography and slope of the rear yard and parcel's location on a cul-de-sac.

Chairman Weipert – Any more discussion? See the Building Department.

VOTE:

MOTION CARRIED UNANIMOUSLY

ZBA Case # 2013-003 – 1011 Oxford

Chairman Weipert – State your name and address for the record please.

Mr. Kasa – I am here tonight to request a variance to Section 102-431 which states maximum square footage for an accessory building where 576 square feet is allowed.

Chairman Weipert – Tim (city attorney), in the past we have told applicant's that they can come back for a full board if they want.

City Attorney Wilhelm stated that if the applicant wants to adjourn and wait for a full board or try for a different board as far as the attendance you do need a majority of the full board so out of 5 members you would need 4 votes to obtain an approval.

Mr. Kasa – I would like to proceed tonight. The current garage there is too close to the house and there is a shed on the property on the easement and has been since we moved in there. We do not have adequate storage.

June 20, 2013

Chairman Weipert – You need a hardship or practical difficulty. Storage issues are neither a hardship nor practical difficulty. You need to tell us about your neighborhood, structures or what characteristics of your property that is different than your neighbors.

Mr. Kasa – Continues explaining amount of vehicles they have and the storage issue. We want to build a new garage for 2 cars plus storage and it would clean up the lot by getting rid of the out building on the easement. Proposing a 24' x 28' garage. By seeking to build this garage we wanted to fix a few things that were odd about our property like how close our current garage is to our deck which is roughly 2.5'. There is a large tree and it is landlocked and no equipment can get back there with the tree there. We are asking for a 96 sq. ft. and that will help us keep vehicles out of the front yard and it will clean-up the property and the garage will be further from the deck more like 10'-15'.

Commissioner Fogarty questions that amount of buildings that will be left on the property if the new garage is built. He also notes that the new garage would be shorter than the current building there.

Mr. Kasa responded just one approximately building that is 24' x 28'. The current garage is taller than our house by a couple of feet. The new garage will be shorter. It will have a standard truss along the top and two doors with a service door. It will be less unsightly than what we currently have. We are planning on lining our garage up with theirs.

Commissioner Connolly sums up information given by the applicant. You have 3 different height buildings in the back of your house, a large tree between the fence and garage. Currently you have 3 separate buildings on the property and you are seeking 96 sq. ft.

Chairman Weipert agrees that it is a hodge podge of buildings there.

Mr. Kasa was in agreement and stated that the house was built in 1973.

Chairman Weipert – The old garage is taller than his house with a barn shape and on the back it has an add on almost like a shed on the back with doors.

Mr. Kasa stated that the shed, not the garage, is on the easement.

Chairman Weipert noted that the resident would keep the height of the new garage lower than the current garage.

Commissioner Fogarty inquired if that subdivision has a homeowner's association and was told by Mr. Kasa it does not. The commissioner also questioned if the applicant had been in touch with his neighbors regarding the garage and yes in fact Mr. Kasa had and the neighbors are on board with the plans.

June 20, 2013

Chairman Weipert asked for any more discussion.

ZBA 06-20-13 – CASE # 2013-003 – 1011 OXFORD

Motion by Fogarty, supported by Connolly

Motion to approve the variance from Section 102-431 of the City of South Lyon Zoning Ordinance which states the maximum square footage for an accessory building in an R-3 zoning district is 576 sq. ft. and grant a variance of 96 sq. ft. for ZBA Case 2013-003 for the following reasons cited in Section 102-83(e) that the requested variance will not cause an adverse impact on the surrounding properties or the use and enjoyment of said properties, and on the condition that the shed is removed from the property.

Chairman Weipert informed the applicant to see the inspector and noted that the garage will be an improvement. – Any more discussion? See the Building Department.

VOTE:

MOTION CARRIED UNANIMOUSLY

STAFF REPORTS:

Chairman Weipert – Anything coming up?

Recorder Jamison responded that the next meeting will be held on Monday, July 15, 2013 instead of the usual third Tuesday of the month (July 18, 2013).

ZBA 06-20-13 – ADJOURNMENT

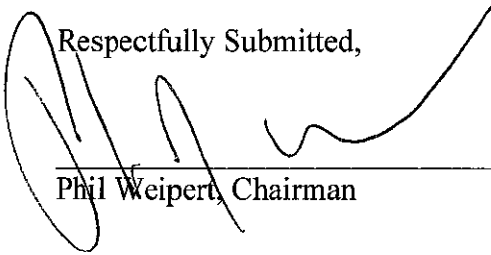
Motion by Fogarty, supported by Mosier

To adjourn the meeting at 7:35 pm

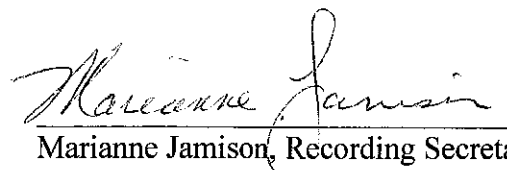
VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,



Phil Weipert, Chairman



Marianne Jamison, Recording Secretary