

**CITY OF SOUTH LYON
ZONING BOARD OF APPEALS
July 15, 2013**

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

PRESENT: Chairman Phil Weipert and Commissioners Bill Rodman, Frank Fogarty, Joe Rzyzi, and Steve Mosier. Also present David Murphy, City Manager; Timothy Wilhelm, City Attorney and Andy Gerecke, Building Inspector.

Chairman Weipert – Roll call shows James Herman and T.J. Connolly absent – excused.

APPROVAL OF MINUTES:

ZBA 07-15-13 APPROVAL OF MINUTES – June 20, 2013

Motion by Rzyzi, supported by Mosier

To approve the minutes of June 20, 2013.

VOTE:

MOTION CARRIED UNANIMOUSLY

OLD BUSINESS

None

NEW BUSINESS

ZBA Case # 2013-004 – 1132 Polo Drive

Commissioner Rodman stated that prior to hearing this request he wanted the parties to know that he is on the architectural committee at Trotter's Pointe. You can ask me to be excused from this meeting and I will not participate and we will still have a quorum. The subdivision did approve the plans for this project.

Chairman Weipert noted that the board usually has 7 members and that you can wait for a full board (we have 5 here tonight). You would need a majority for the vote.

Mr. Dudek – We would like to proceed.

Chairman Weipert asked the applicants to state their name and address for the record and to state their hardship. Also noted was the public would be able to make statements after

hearing from the applicants during the Public Comments of the meeting.

Mr. Dudek introduced his wife (Megan) and himself (Darin) and we reside at 1132 Polo Drive. He also introduced his contractor (Dave Sementilli) of 3240 Owen Rd, Fenton, MI.

Mr. Sementilli –We submitted a plot plan showing the location where the pool is going to be. We received an approved permit. We started the project and then a stop work order was issued by the building inspector (Andy Gerecke). We needed to have a 35' set-back from the neighboring properties from the home to the pool edges. We have some rare circumstances with this project. The Dudek's home was built 10'-15' behind all the other homes in the subdivision which is our main issue. There is no other place on the property where we could put this in.

Commissioner Rodman inquired about the lot lines and the pool placement. Is it a standard rectangular pool?

Mr. Sementilli – Yes. We are maintaining our 10' minimum from the property lines. I also have an approval letter from the association. We also have the neighbor here where the main issue is and he has also provided a letter of support.

Chairman Weipert replied that yes we do have that letter and it will be made part of the record. What we need to know is what is unique about that property that it cannot be used in the same manner that your neighbors can use their property.

Mr. Sementilli noted because of this they were limited as to where they could install the pool. Without the 10' further back issue of the house sitting so far back, we would not even need a variance.

Chairman Weipert clarified that is not the overall size of the lot that causes the problem it is the location of the home on the lot. Is there any more questions?

Commissioner Rodman questioned what make this property unique. Explain why it is unique to surrounding other properties and why it would deter you from getting full use of your property.

Mr. Dudek – The uniqueness of the lot is the location of the house. It is set back further and I submitted a letter that shows on an average of 14 houses that I measured up and down Shetland and Polo Streets, that our house is set back 10' further than all the others.

Chairman Weipert questioned if the home was originally meant to be on Shetland vs. Polo?

Ms. Dudek – I can tell you. Our address for our gas and electric always showed Shetland since the day we closed on the home. The home to the right did not exist at that time.

Chairman Weipert noted that they have a unique lot due to the position of the home when it was built.

Commissioner Rodman asked if the homeowner's had any input on where the house was going to go?

Ms. Dudek stated that no, the basement walls were already poured for the home.

Mr. Sementelli noted that they were not asking to make the pool any bigger we are just asking for the permit to be approved. If this permit was approved, we would have done this process months ago, not starting in August.

Andy Gerecke – With the 10' area you still have 15' back to the house so an 8' variance from the 35' requirement.

Chairman Weipert asked for any public comments at this time.

John Chapuseaux of 1126 Polo Dr. we are right next door and have the exact same model of home as they do and we are set forward. There is no logical reason why it was built set back so far. I have no objections and also submitted a letter to the board (letter made part of the record).

Reno Mistud I live across from the Dudeks on Shetland Dr. and I have no problem with that pool being in there.

George and Sharon Szocs we live directly across and 1 house down from the property in question and the project. We are in a direct line of sight (due west). We absolutely have no problem with that. No one within the line of sight has a problem with this project.

Joseph Cavichillo – My wife and I also submitted a letter. I am at 1150 Shetland Dr. I am directly north of the property and I would be the person most affected from the stand point position of my property and I have no issue with the pool going in.

Chairman Weipert noted that there were not many windows on that side of Mr. Cavichillo's home. Mr. Cavichillo agreed. Also noted was the letter as part of the record.

Eric Bardoni – I am the house directly to the south of them and I have no problem with this pool going in,

Public comments closed.

Chairman Weipert summed up the criteria. There were no objections from any of the neighbors who are in the same vicinity as this project. It seems to be a unique lot as the house sits 10' behind all the other homes. The house was built to face Shetland originally but it faces Polo and it is a corner lot.

Commissioner Mosier inquired if there had been any issues of other pools?

Inspector Gerecke replied none that he was aware of.

Ms. Dudek added we asked Anne of the Building Department to go back and look at appeals and she went back to 2003 and found nothing in our sub.

Chairman Weipert asked about the fencing.

Mr. Sementelli stated that the fence will still be on his property line and it will be a 48" aluminum fence (you can see it in the photo) and it will encase the pool right to the house. We are not fencing in the entire property.

ZBA 07-15-13 – CASE # 2013-004 – 1132 POLO DRIVE

Motion by Mosier, supported by Rodman

Motion to approve the variance for the pool at 1132 Polo Dr. from Zoning Ordinance Section 102-85(2) (a), (b). Due to the unusual location of the house causing difficulties with the back yard.

VOTE:

MOTION CARRIED UNANIMOUSLY

STAFF REPORTS:

Chairman Weipert – Anything coming up?

Mr. Murphy inquired whether or not the committee members would like Tim (city attorney) to come to the next meeting and talk about the approval process?

Discussion continued with Tim on how best to write up motions for the ZBA and he had examples where the board could actually write in the motion as it was stated and the form would cover all the 4 practical difficulty factors that the motion is based on.

ZBA 07-15-13 – ADJOURNMENT

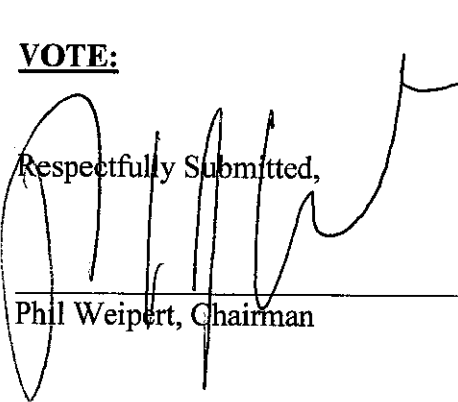
Motion by Rodman, supported by Rzyzi

To adjourn the meeting at 7:30 pm

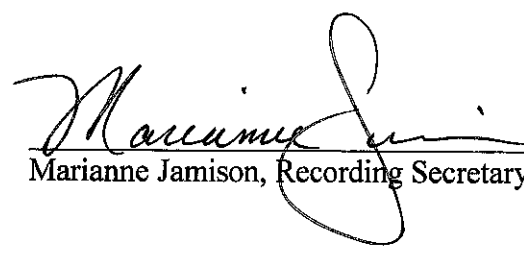
VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,



Phil Weipert, Chairman



Marianne Jamison, Recording Secretary