

CITY OF SOUTH LYON
ZONING BOARD OF APPEALS
August 20, 2015

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Chairman Weipert called the meeting to order at 7:02 p.m.

ROLL CALL:

PRESENT: Chairman Phil Weipert and Commissioners Frank Fogarty, Steve Mosier, Ron Morelli, Brian Dunn and Carmine Avanti (Planning Commission). Also present Tim Wilhelm (City Attorney).

ABSENT: Joe Rzyzi and Michael Joseph (Commissioners) and Dennis Smith (Building Department).

ZBA 8-20-15 MEMBER ABSENCE

Motion by Fogarty, supported by Morelli

To excuse (with notice) Commissioners Rzyzi and Joseph along with the Building Inspector Smith from the meeting.

VOTE:

MOTION CARRIED UNANIMOUSLY

Chairman Weipert led the committee into the Pledge of Allegiance.

APPROVAL OF MINUTES:

ZBA 8-20-15 APPROVAL OF MINUTES

Motion by Fogarty, supported by Morelli

To approve the minutes of July 16, 2015 as presented.

VOTE:

MOTION CARRIED UNANIMOUSLY

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NEW BUSINESS

ZBA Case #2015-005 – McCarter Construction – 475 Washington

The applicant is requesting a ZBA Use Approval for a 2,400 square foot accessory building to be located to the rear of the existing building.

Chairman Weipert called the applicant and asked he state his name and address and tell us why he is in front of the board.

I am John McCarter – 475 Washington of McCarter Construction and am here looking for approval for a new building on my site.

Mr. Avanti explained that as he prepared the review, he had to be sure he met all the requirements of the ordinance. While going through the criteria, it requires the Use be reviewed by the Zoning Board. I had never seen that one before. In accordance with that, he is before you on the Use of an accessory structure. It is required when you have a commercial business. If it is a residential use, you do not have to have approval. It is odd.

Chairman Weipert questioned if it were a different standard?

Attorney Wilhelm noted that yes, you will not be applying variance standards or practical difficulty. You are looking at whatever the ordinance factors are.

Chairman Weipert replied, which Avanti already went through. Thank you for the background.

Mr. McCarter offered that it is basically is a storage structure and it is a non-heated building. We are in the exterior modeling business going on ten years. We want it to look top shelf. Our goal is to clean-up our site and keep everything inside. Keep everything cleaner.

Chairman Weipert added some information on the history of the property. When I first moved to town it was Suburban Rental and next to that was Culligen Water and there were people living in the house between Active Faith and where you are now. You have a big piece of property and behind you is Wendy's and to the south of you is the City park bike path and across from you is the City house. That is a real mix usage there. Current zoning is B-3. It is an interesting piece of property.

Mr. McCarter noted that the building will be the same size and will follow the same lines and

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the set-backs will be the same on the north side, so they mirrored the existing building. The exterior will be fairly fancy. It will have hardy siding and stonework. It is there to look top shelf. It will not be a steel structure or anything like that. All the siding will be the hardy siding and stone.

Chairman Weipert questioned if the trucks would then be gone.

Mr. McCarter replied that the trucks are currently my storage and we are trying to move them out of there. We are fortunate that business is good but with that comes more traffic and it is time to contain it more. I need it looking good. We have clients come in there. The property is perfect for us. Clients come to us, we bring people into town. People don't drive by into McCarter Construction and we need to impress them when they show up. Otherwise I would have them come to my house.

Commissioner Mosier asked if he was to have a concrete floor in the pole barn.

Mr. McCarter replied it would be a concrete floor and it is an engineered pole barn with 12' walls with special trusses.

Chairman Weipert inquired about keeping the grass.

Mr. McCarter noted yes, except the footprint on that building. I want to straighten out the driveway.

Mr. Avanti questioned if it would be lower than the current building.

Mr. McCarter responded that it will be very close to the same height. The existing building is about 4' higher than the cement will be of the new building. Site line wise I do not think anyone will see more than they do now.

Commissioner Dunn added that he will meet the side set-backs.

Mr. McCarter acknowledged that they built the building to meet the set-backs requirements. There is no variance needed.

Chairman Weipert added that we will take into consideration all of Avanti's findings.

Mr. Avanti noted that the motion should approve Use of accessory structure. Site the letter of August 14, 2015 of the findings.

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Chairman Weipert asked if there were any additional questions.

ZBA 08-20-15 - CASE #2015-005- MCCARTER CONSTRUCTION - 475 WASHINGTON

Motion by Morelli, supported by Fogarty

Move to approve the Use Variance per the letter of August 14, 2015 siting all of the findings of the letter.

Attorney Wilhelm offered that the board should strike the reference to "Variance" in the motion. Under the zoning you are looking at Section 102-431 (7) that requires the Zoning Board of Appeals approval of a Use for an accessory structure on this parcel.

ZBA 08-20-15 - CASE #2015-005- MCCARTER CONSTRUCTION - 475 WASHINGTON

Motion by Morelli, supported by Fogarty

Move to approve the Use for an accessory structure per the letter of August 14, 2015 siting all of the findings of the letter.

Chairman Weipert inquired if there were any more questions.

VOTE:

MOTION CARRIED UNANIMOUSLY

STAFF REPORTS

Chairman Weipert questioned if there was any new business coming up?

Mr. Avanti noted the Kristen Delany was no longer with the City, she took another position. In the meantime I am overseeing all the planning and zoning. This is a transition period and we are working on a few items. Making sure the agenda matches the by-laws and things like that. There is some cleaning up we need to do. I am working on that so things should continue to get smoother. Tim and I are in the review process of the zoning ordinance. We will let you know when that draft is put together.

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PUBLIC COMMENT

Carl Richards of 390 Lenox St. stated that with the Chairman's permission the board can ask me questions.

Chairman Weipert responded that we will do Public Comment but we will not debate in public the Public Comments.

Mr. Richards noted that if the Chairman made the exception, the board members could ask him questions.

As a member of the Cable Commission I feel it is my obligation to let you know that the purpose of the Cable Commission is to assist and promote participation and notification that will go on the cable station whenever they get it running. What we want from you is a short paragraph on a page saying we wish to accept the cable commission and participate as best as we can and a short 30 second video stating something simple like, "Hi, we the Zoning Board of Appeals and we keep the City running smoothly". However you choose to word it.

At the last cable meeting I informed them I was resigning and not for political reasons of any sort. It was not completely accepted. With a quorum of three I don't think we are legal. We did keep real minutes. I resigned for health reasons officially. At this time, no money has been spent on the equipment to run this station which has been authorized by City Council. In the future, it will be supposedly. Maybe I will be more valuable as a volunteer with the Cable Commission. We would like to hear from this board once the Cable Commission gets it formulated and a short video and paragraph stating everything this board is doing. Thank you very much.

ZBA 08/20/15 – ADJOURNMENT

Motion by Morelli, supported by Dunn

Motion to adjourn the meeting at 7:21 pm.

VOTE

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

Phil Weipert, Chairman

Marianne Jamison, Recording Secretary