

**CITY OF SOUTH LYON
ZONING BOARD OF APPEALS
September 15, 2016**

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

ROLL CALL:

PRESENT: Chairman Phil Weipert and Commissioners Brian Dunn, Michael Joseph, Ron Morelli, Frank Fogarty, Joe Rzyzi and Steve Mosier. Also present Kelly McIntyre (Planning Commission) and Tim Wilhelm (City Attorney).

ALL PRESENT

Chairman Weipert led the committee into the Pledge of Allegiance.

APPROVAL OF AGENDA

ZBA 09-15-16 APPROVAL OF AGENDA

Motion by Morelli, supported by Fogarty

To approve the agenda.

VOTE:

MOTION CARRIED UNANIMOUSLY

APPROVAL OF MINUTES:

ZBA 09-15-16 APPROVAL OF MINUTES

Motion by Morelli, supported by Dunn

To approve the minutes of the August 18, 2016 meeting.

VOTE:

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

ZBA Case 2016:007 – Antonio Franchi – 439 Amelia Circle

Request: The applicant is requesting a variance from the City of South Lyon Code of Ordinances,

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Section 102-456, to allow construction of a deck with a resulting lot coverage of 27%. The Ordinance allows a maximum lot coverage of 25%, so a variance of 2% is requested.

Chairman Weipert called the applicant to come up and to state his name and address for the record and to tell the board members what his request and practical difficulty is.

Mr. Antonio Franchi introduced himself and stated his address as 439 Amelia Circle in the Charleston Park subdivision. We are trying to build a deck and our property has a steep grade on it and a walk-out basement so our kitchen is on the second level of the house with a walk-out door wall, so we are trying to build a deck like the rest of our neighbors did. Ours will be 12 x 15 sq. ft.

Chairman Weipert noted that the variance request is for 2%.

Commissioner Morelli wanted to inform any members who do not know, the history of that subdivision. When that development came to the Planning Commission, Singh sued the City and received a judgment to get more density there and they had actually shrunken the set-backs all the way around and they did that so about 80% of those homes fall into that problem of falling over lot percentage. They did not take into consideration when they did the consent judgment to change that percentage, they left it the same but because they made the set-back smaller there is less property per lot for the same zoning compared to the rest of the zoning in the rest of the City.

Mr. Franchi responded that they were not informed of all of that when they purchased the property. The deck is 12' deep and 15' wide and it will look like this (shows drawing to board members) but no stairs. It is a walk-out basement.

Commissioner Morelli questioned if it was going to be dirt underneath it.

Mr. Franchi replied yes. We are going to put down some gravel or maybe wood chips.

Commissioner Morelli noted that the reason for that ordinance was so water would be able to seep into the ground and that, in my opinion are just like pavers because the water does go through the deck and it is usually gravel or dirt underneath it.

Commissioner Rzyzi thanked the applicant for coming in tonight and stated he wanted to apologize since when I see a 2% variance, my first thought was frankly, this is a joke. I am amazed that you had to come here formally for 2% variance. I do appreciate you coming here

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and I obviously have no issues and like Ron said we have had decks similar to yours come before us with the same thing and most of the time they are asking for more percentage. I think it is great and good luck with that.

Chairman Weipert stated that your neighbor came before us previously and they have property about the same size as you do. It is the same kind of set up and you can't really use the back yard without a deck.

Commissioner Fogarty questioned how close the preserve (wetlands) was to the applicant.

Mr. Franchi replied about 12'. There is an easement in the preserve as well and it is about 14' total.

Chairman Weipert noted that is a unique circumstance and it will not be detrimental to the neighborhood. That is another factor for you that you do have property behind you that will never be built. If there was a house right behind and you and they each had a deck that was 3' from the property line, that could cause a problem to grant a variance. In your circumstance you have a walk-out basement and you have a preserve or wetland behind you and it will never be built.

ZBA CASE 2016:007 – ANTONIO FRANCHI – 439 AMELIA CIRCLE

Motion by Fogarty, supported by Morelli

To approve the variance for the following reasons; that the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as shallowness, specifically the preserve 14' from the back of the house, shape, water or topography. The deck size is not excessive and the proposed deck will not cause any adverse impact on surrounding properties and property values, or the use and enjoyment of property in the neighborhood or zoning district.

VOTE:

MOTION CARRIED UNANIMOUSLY

Mr. Franchi questioned what his next step should be.

Chairman Weipert informed him to get his building permit.

Planner McIntyre informed him to contact the Building Department in the morning.

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Mr. Franchi thanked the members.

OLD BUSINESS

ZBA Case 2016:004 – Chuck Moore’s Commercial Sign Service – 600 N. Lafayette

Request: Chapter 70 “Signs” Section 70-6(c)(1) “All temporary signs must comply with the sign and height standards as specified in the Sign Dimensional Standards and Regulations Table.” A Sign Variance from Section 70-6(c)(1) Sign Dimensional Standards and Regulation Table requiring that the maximum size per sign not exceed: 24 square feet face area.

The applicant is proposing 48 square feet of sign face area.

A Sign variance from Section 70-5(f)2 General Standards for Permitted Signs: Sign Area Requiring when a sign has two (2) or more faces, the area of all faces shall be included in calculating the area of the sign except where two (2) such faces are placed back to back, only larger face shall be considered, provided that both faces are part of the same structure, contain the same message and are separated by no more than two (2) feet.

The applicant is proposing a sign with two (2) faces that are separated by five (5) feet 10 Inches, measured from each sign’s back outermost edge.

Attorney Wilhelm noted he volunteered to inform the applicant of this case and of the next scheduled meeting but he had some indication that they were coming back and that is why it was on the agenda. We did not table it to a specific meeting.

Commissioner Morelli noted it was tabled until this meeting so the applicant could be notified.

Planner McIntyre added that there is another sign up there now that is conforming.

Attorney Wilhelm noted that they did not need the variance anymore.

Chairman Weipert questioned if we just let the request die.

Attorney Wilhelm stated that would be his suggestion at this point. They have another sign that does conform and it appears they no longer need the variance that they were originally seeking.

STAFF REPORTS

Commissioner Rzyzi stated that Council voted to raise the building application fee from \$200 to \$400. I guess it has not been updated in years. I don't know when it is to take effect.

Attorney Wilhelm added he thought there were some things that had to be pinned down. I don't know the answer. I can raise this with Lynne.

Commissioner Rzyzi said he was approached by a boy scout who would like to do a project in Volunteer Park so he should contact the Building Department, correct?

Recorder Jamison stated that Bob Martin has worked with the scouts in the past on projects done in our parks and on the bike trails.

Chairman Weipert added that building anything in the park would be at the discretion of the City.

ZBA 09/15/16 – ADJOURNMENT

Motion by Morelli, supported by Dunn

Motion to adjourn the meeting at 7:13 p.m.


VOTE

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,



Phil Weipert, Chairman



Marianne Jamison, Recording Secretary