

**CITY OF SOUTH LYON
ZONING BOARD OF APPEALS
September 20, 2012**

Chairman Weipert called the meeting to order at 7:04 p.m.

PRESENT: Chairman Phil Weipert and Commissioners Bill Rodman, T.J. Connolly, James Herman and Joe Rzyzi. Also present Charles Boulard, Building Inspector.

Chairman Weipert – Roll call shows all present except for two.

Recorder Jamison – Keith and Frank called and are unable to attend.

ZBA 09-20-12 APPROVAL OF ABSENCES

Motion by Weipert, supported by Herman

To excuse Keith Bradley and Frank Fogarty's absence.

APPROVAL OF MINUTES:

ZBA 09-20-12 APPROVAL OF MINUTES – August 16, 2012

Motion by Rodman, supported by Rzyzi

To approve the minutes of August 16, 2012.

VOTE: **MOTION CARRIED UNANIMOUSLY**

OLD BUSINESS

None

ZBA 09-20-12 APPROVAL OF AGENDA

Motion by Weipert, supported by Connolly

VOTE: **MOTION CARRIED UNANIMOUSLY**

NEW BUSINESS

Greg Monteith – 1318 Buckboard Circle

Chairman Weipert – The applicant can come up to the microphone. State your name, address, what your application is about and tell us your practical difficulty. This is something that is unique about your property and why you should be treated differently than other people in the same zoning classification or why you should be an exception to the ordinance. You can wait for a full board or proceed with the current board that is here.

Mr. Monteith – I came in for a variance about 10 years ago for the same thing I am here for today. We have been in South Lyon for over 11 years now in the Carriage Trace subdivision. Way back when I came in I was the fourth house built. I believe the rest of the community was still under development at the time. We had looked at putting in a screened in addition. The mosquitoes are terrible and we would like to add on an addition. The board heard our case and looking back on this I would have agreed to vote this down myself. None of the homes were built behind us. If the homes were built at that time and there was a better reason than the mosquitoes and all of your neighbors would have signed off on this it would have been a different discussion most likely is what they said. Eleven years later a few things have changed. The neighbors are all in now and I brought copies (hands information to the board members). All my neighbors who back up to my property signed off on that. I wanted to make sure I had that when coming in tonight. I have had a couple kids since then and we have some medical issues; my wife has allergies, not that it means I should get a screened in porch and it cures everything. The addition would allow us to stay outside a little longer with the allergies and my kids have a disease where they cannot be out in the sun and this would be another way to keep them outside with the longer. They are on antibiotics for this illness which limits their exposure to sun light. As far as things that are unique about my property that would warrant a screened in patio, we have a typical offset in the neighborhood. The only thing I guess that is unique about my property is our backyard is a little more extended than some of the other lots. I guess I was not prepared to know how to answer that question. I don't know if there is anything unique or anything that would say I need to have this put in. This is something we have always wanted to have and we want to do it the right way by coming in here and getting a variance. Our neighbors behind us have a pool that is fenced in. I am not sure what is really unique about my property.

Commissioner Rodman – Inspector, if this porch is put on this house would the neighbor's pool still be within the ordinances based on this?

Inspector Boulard – I don't know the location of the pool. I saw the pool this afternoon. The pool is on the other property I would have to imagine if the pool was legal to be close to the neighbor's house that it would be okay with this as well. You still have 34'.

Commissioner Herman – Is the setback back 50'?

Inspector Boulard – Yes, R1-A.

Commissioner Rodman – This is the largest zoning we have in the City.

Mr. Monteith- There is a condo that back up to our subdivision, the Lexington Condos and they have a 25' setback.

Chairman Weipert – They are different zoning.

Commissioner Rodman – Zoned under condominiums and clusters.

Chairman Weipert – You may not have come back prepared, but in any ordinance you have to convince us that it is not a substantial detriment to the adjacent properties or that there are exceptional extraordinary circumstances about your property that would allow us to grant a variance. Does the building envelope sit funny on your lot? Things like that.

Mr. Monteith – When we first purchased the property we were told the house that was purchased for the lot was not the right size; it was outside the envelope on our property so we had to do some changes at the end. This would be right over the top of our existing patio. I would not lose any lawn space. We are going up, not out towards the neighbors in the backyard or to the sides of the neighbors.

Chairman Weipert – With 50' he can't have anything back there.

Inspector Boulard – He can have the patio. The house is within 2' in the front (you have 35') and in the back it is pretty tight. There is not a lot of room to do a whole lot in order to add an addition onto the house and stay within the ordinance.

Commissioner Rodman – A deck is different rules. This is about it becoming part of the house with the roof.

Chairman Weipert – The deck would be the 25%. We allow 25% in the rear setback.

Inspector Boulard – Not with the roof over it.

Commissioner Rodman – When was it stated that putting a big house on a lot is a practical difficulty? He has not stated a practical difficulty. We all feel for the issue you have with your children and family but we cannot take that into account when we make these decisions.

Mr. Monteith – Fair enough.

Commissioner Herman – There is not much you can do.

Commissioner Rodman – If I could point out a reason here I would but I don't see it. There is not much difference between your lot and your neighbors or other people in the subdivision.

Mr. Monteith – Why is that a bad thing? I am trying to figure this out. I have all the neighbors that surround me that have no issues with this.

Commissioner Rodman – It protects all homeowners present and future. Not just who lives there now. An ordinance is put into place to keep things uniform. All your neighbors agree with you now but a few years from now the neighbors who may move in behind you may not agree.

Chairman Weipert – You are allowed to do pavers off of that. We try and work with people.

Commissioner Rodman – That is considered landscaping. You can do your whole back yard in them.

Commissioner Rzyzi – I really feel bad; we want people to do what they want to do with their houses. Unfortunately, we try to work with people and try to meet them half way but only if the circumstances permit but they don't here.

Mr. Monteith – We struggle to try and do it the right way.

Chairman Weipert – See if there is a common feeling with everyone in the sub and then present it to Council to see if they would make an exception.

Mr. Monteith – That is why I thought getting the neighbors input would be beneficial.

Chairman Weipert – Your neighbors may like the 50' of green space. Proportion wise R1-A is the largest zoning in the City with a 50' setback. Trotter's Pointe has a 40' setback.

Commissioner Rodman – Again, putting a really big house on a lot and filling your building envelope is not a practical difficulty. That was the choice you made by buying the lot and the house. I could not put your addition on the back of my house and I have a lot more space behind my house.

Commissioner Rzyzi – It also sets a precedent. If we allow you to get a screened in porch the neighbors will say you allowed it here so you have to give it to us.

Commissioner Rodman – It is hard to change an ordinance. It is not something you just do by getting a hand full of signatures and presenting it to Council.

Commissioner Herman – Your sub is not alone.

Commissioner Rodman – There are other R1-A subs in this City that are even tighter than yours.

Mr. Monteith – Have there been a lot of people coming in for variances of this type?

Commissioner Rodman – I think we had a couple of decks because they were on pie shaped lots. Other than that, no. That is where you have the practical difficulty. Those are the things we look at.

Mr. Monteith – I have a standard lot.

Commissioner Rodman – We can't consider medical conditions, mosquitoes, wetlands or children.

Chairman Weipert – We are a friendly board.

ZBA 09-20-12– GREG MONTEITH – 1318 BUCKBOARD CIRCLE

Motion by Rodman, supported by Connolly

I make a motion for the denial of the applicant for a variance for the rear yard setback due to a lack of practical difficulty.

Chairman Weipert – Any more discussion?

VOTE:

MOTION CARRIED UNANIMOUSLY

Mr. Monteith – I am done coming in here I have spent enough money trying to get approved.

Commissioner Connolly – Do you want your paperwork back?

Mr. Monteith – Yes.

Jeremy & Tammy Strock – 1132 Cantor

Chairman Weipert – Come on up state your name and address. Tell us about your practical difficulty. Do you want to wait for a full board?

Mr. Strock – I will go ahead. Our house is located in Trotter's Pointe on a corner lot (back northwest corner). We are basically on a dead end street. We are here to apply for a variance to add an addition onto the back of our house.

Jeff Gottchuck – I am going to be the builder if this goes through. Their property is on a corner lot and the field behind them could eventually develop into another subdivision.

Mr. Strock - The subdivision behind us is still in Phase I and they have plans for Phases II, III and IV. Our dead end road is still going to be a dead end. They wanted to connect those roads but it is going to remain a dead end road.

Mr. Gottchuck – The unique situation with this property is that it is a corner and typically on the lot you have two side yards and rear. It has a 40' setback. We could technically get 5' or 6' on the back of that house and still maintain within the ordinance. The swim spa for Mrs. Strock's lupus is of a certain size and if you want to be able to get around the thing we need a little bit more to get that thing on the back of the house. It is an 8' x 12' Sun Spa and with the cover it needs a couple of feet on either side.

Chairman Weipert – You have about 50' and it is 40' in that sub.

Mr. Strock – My wife has been working full-time now for a little over a year and with her lupus the intention of this is for a recovery room since it helps her joints. She got a letter from her doctor (submitted) stating it would help her recover and keep up daily life.

Commissioner Herman – Are you the original owner?

Mr. Strock – Yes. We built in 2002 and all the houses around us were completed about 3 or 4 years ago.

Mr. Gottchuck – We are trying to figure out a way to get this thing put in. We would need 8' and access on both sides potentially for a wheelchair or a lift which is a possibility and that is what we figure we need to get around the tub. So it is a 7' variance we are asking for.

Commissioner Herman - What are you doing outside the door putting steps down?

Mr. Gottchuck – No, originally there was a side door there.

Mr. Strock – I just want the addition right on the back.

Mr. Gottchuck – Does anyone know, after speaking with our architect he was adamant that what is being called their back-yard should technically be a side yard. How does that get determined when you have a corner lot and two front yards?

Commissioner Rodman – The rear yard is determined by the lines that run parallel to the sides of your house that extends all the way back to the property line. That would be considered a rear-yard.

Mr. Strock – There is a house about three doors down that has a sun room about this size already. We want to make it a four season room so my wife can utilize it in the winter time also.

Commissioner Rodman – What is your practical difficulty? What is unique about your lot in Trotter's Pointe that bears us granting you a variance for this?

Mr. Gottchuck – I think it is the extremely small rear yard set-back.

Commissioner Rodman – Everybody has 40' for a rear yard set-back.

Mr. Gottchalk – We do have a couple feet there but it is not enough. That is what I thought the hardship was going to be. In my past experience, in the Brighton area medical issues are considered a practical difficulty. We can make it a pinch smaller.

Chairman Weipert – The sub behind him is in Lyon Township. Even if a sub does come there will still be a lot of space. Even if the road goes through, there will still be a lot of space; it is a big lot.

Commissioner Herman – That street will probably go all the way through and not be a dead end. The fire department will want it to go through.

Mr. Gottchalk – Three feet on either side is for a potential wheel chair or lift since one day there may be something needed to get her into the tub. We have 8' of tub and need 3' of clearance on each side.

Commissioner Herman – Charles, is that 3' around the tub required?

Mr. Strock – If it means the difference between yes and no could we get by with 3' on one side only. Probably. It would not be ideal but no tub means selling or going to physical therapy to a place which costs thousands of dollars so it is a long term solution.

Board discusses options available

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Commissioner Connolly – One neighbor can see it.

Mr. Strock – It was approved by the association.

Commissioner Rodman – I believe this one was not approved by the architectural committee. It would have our signatures on this paper.

ZBA 09-20-12– JEREMY & TAMMY 1132 CANTOR

Motion by Connolly, supported by Rzyzi

Make a motion to grant Jeremy Strock a variance of 7' per Section 102-456 per City Code based on Section 102-85 – paragraph 2 – sub-paragraph C based on the authorization of such a variance cannot be a substantial detriment to the adjacent properties and will not materially impair the intent and purpose of this chapter or the public health, safety or welfare of the community. Sub street backing up to woods and a field that is currently farm land.

Chairman Weipert – Any more discussion?

VOTE: **4 YEAS, 1 NAY**

Chairman Weipert – You may need 2/3 of the vote. The City will let you know.

Inspector Boulard – I will sit down with Chris in the morning and we will let him know. I think you are good. I will double check.

Commissioner Connolly – Sun Steel is coming up in October. The letters were supposed to go out to anyone within 300'. How did that come about?

Inspector Boulard – That I do not know; it had to be re-advertised.

Chairman Weipert – It was not sent to enough people. A homeowner called on it.

STAFF REPORTS:

Chairman Weipert – Anything coming up?

Recorder Jamison – Just Sun Steel for next month.

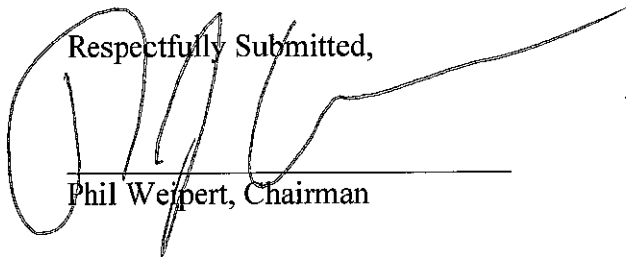
ZBA 09-20-12 – ADJOURNMENT

Motion by Rodman, supported by Herman

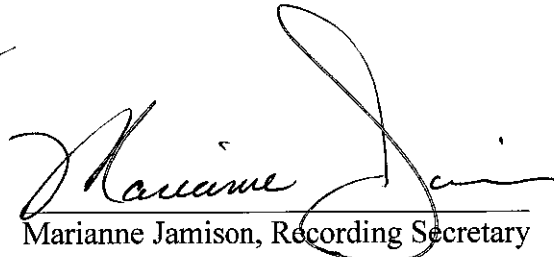
To adjourn the meeting at 7:45 pm

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,


Phil Weipert, Chairman



Marianne Jamison, Recording Secretary