
PITTSFIELD TOWNSHIP ZONING BOARD OF APPEALS MINUTES

Members Present Scott Fisher, Ann Harris, George Cook, Gerald Krone

Members Absent: Tanya Padgett

Others Present: Steve Berg, Belinda Kingsley, Zoning & Code Enforcement Administrator, and Lisa Smerek, Recording Clerk

1.0 Call Meeting to Order/Determination of a Quorum

Chairperson Fisher called the meeting to order at 6:35 p.m. A quorum was present.

2.0 Approval of Agenda

Motion by Member Harris, supported by Member Krone, to remove Item 5.2 ZBA 17-09 4888 Cole Blvd. from the agenda and approve the agenda as recommended.

MOTION CARRIED

3.0 Communications and Announcements

None

4.0 Items from the Floor

None

5.0 Public Hearings

5.1 ZBA 17-06 4523 Conner Drive
[Submitted for a variance]
(4523 Connor Drive, Section 13)

Belinda Kingsley, Zoning & Code Enforcement Administrator, presented the ZBA 17-06 4523 Conner Drive Review (Attachment #1).

Mr. Berg, 4523 Conner Drive, stated he spoke to the Zoning Board of Appeals about this petition a couple months ago. He stated he wants to construct a safe, fun, dynamic area for his three children to play basketball. Also, he explained the Versa Court design and materials. He has offered to reduce the size of the court to 32' x 26'. Mr. Berg indicated he spoke with neighbors regarding the project and is confident he has their support.

Motion by Member Harris, supported by Cook, to close the public hearing.

MOTION CARRIED

6.0 Old Business

6.1 ZBA 17-06 4523 Conner Drive

**[Submitted for a variance]
(4523 Connor Drive, Section 13)**

There was discussion on:

- Materials used to construct the basketball court
- Permeability of those materials
- Lot coverage
- Concern with setting a precedent
- Ease of removal in the event of selling the property
- Additional landscaping

Member Harris is comfortable with the petition.

Member Krone is comfortable with the project and feels this is a reasonable solution.

Member Cook is concerned with lot coverage.

Member Fisher read the findings for ZBA 17-06 4523 Conner Drive in the Staff Report:

1. That strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such regulations unnecessarily burdensome.

Member Cook disagreed with the finding.

Member Harris disagreed with the finding.

Member Krone disagreed with the finding.

Member Fisher disagreed with the finding.

2. That the granting of a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.

Member Krone agreed with the finding.

Member Fisher agreed with the finding.

Member Cook agreed with the finding.

Member Harris agreed with the finding.

3. That the plight of the applicant is due to unique circumstances of the property and not to general conditions in the area.

Member Harris disagreed with the finding.

Member Krone disagreed with the finding.

Member Cook disagreed with the finding.

Member Fisher disagreed with the finding.

4. That the plight or problem is not self-created.

Member Fisher agreed with the finding.

Member Harris agreed with the finding.

Member Krone agreed with the finding.

Member Cook agreed with the finding.

5. That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts, shall be considered grounds for the issuance of a variance.

Member Harris agreed with the finding.

Member Krone agreed with the finding.

Member Cook agreed with the finding.

Member Fisher agreed with the finding.

6. That the variance observes the spirit of the Ordinance, secures public safety, and does substantial justice.

Member Cook agreed with the finding.

Member Krone agreed with the finding.

Member Harris agreed with the finding.

Member Fisher agreed with the finding.

Discussion ensued between the Members regarding using nontraditional materials for the project and the common area boundary discussed in regards to the basketball court placement on Mr. Berg's lot.

Motion by Member Harris, supported by Member Krone, to approve petition ZBA 17-06 4523 Conner Drive to allow a variance to exceed the permitted lot coverage in the PUD Agreement.

The approval is subject to the following conditions:

- 1. The size of the basketball court is limited to 32' x 26'**
- 2. The fire pit on the submitted plan has been eliminated**

ROLL CALL

YES: HARRIS, COOK, KRONE, FISHER

NO: None

ABSENT: PADGETT

ABSTAIN: None

MOTION CARRIED

7.0 New Business

None

8.0 Zoning Administrator's Report

Ms. Kingsley indicated the possibility of a September meeting.

9.0 Member's Report

None

10.0 Secretary's Report

None

11.0 Chairperson's Report

None

12.0 Approval of Prior Minutes

12.1 Minutes of June 26, 2017

Motion by Member Harris, supported by Member Krone, to approve the June 26, 2017 minutes.

MOTION CARRIED

12.2 Minutes of July 24, 2017

Motion by Member Harris, supported by Member Cook, to approve the July 24, 2017 minutes.

MOTION CARRIED

13.0 Adjournment

Chairperson Fisher adjourned the meeting at 7:18 p.m.

s/Tanya Padgett, Secretary

November 27, 2017



Pittsfield Charter Township
Department of Utilities & Municipal Services

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Mandy Grewal, Supervisor

ZONING BOARD OF APPEALS REVIEW

TO: ZONING BOARD OF APPEALS
 FROM: BELINDA KINGSLEY, ZONING & CODE ENFORCEMENT ADMINISTRATOR
 SUBJECT: ZBA 17-06 – 4523 CONNOR COURT – LOT COVERAGE
 DATE: AUGUST 22, 2017

APPLICANT INFORMATION

Owner:	Amy and Steve Berg	Zoning:	PUD
Property Address:	4523 Connor Ct.	Parcel I.D. #:	12-13-310-019
Zoning Section:	Article 4, Section 4.19		

LOCATION

The site is a PUD: Planned Unit Development, located in the Arbor Ridge development off Carpenter Road and Michigan Ave.

Surrounding land uses include:

North: Residential/Highway (PUD Zoning)
 West: Residential (R-1B and R-2 Zoning)
 East: Moderate Density Residential (R-3 Zoning)
 South: Industrial/Residential (R-1A and I Zoning)

VARIANCE REQUESTED

The applicant is requesting a variance to exceed the permitted lot coverage in the PUD Agreement. The maximum net lot coverage for Arbor Ridge is 40%. Lot coverage is defined as "The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures," and a Structure is defined as "Anything constructed, erected, or placed with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground." The proposed concrete patio, basketball court and fire pit would be considered structures.

SUMMARY

Applicant would like to install a raised, stamped concrete patio, leading down to a ground level Versa Court basketball half-court and a fire pit in their backyard. The combined lot coverage for the proposed concrete, the house and driveway is 3403 s.f. Based on the lot size, the permitted 40% coverage equals 2576 s.f. The request for a variance is for an additional 827 s.f. of coverage.

The additional lot coverage could possibly effect the drainage for the lot, causing additional runoff onto neighboring properties and into the drainage swale that borders the property. At the time that the drainage runoff was calculated it was based on 40% coverage, and applicant is proposing 53% coverage. Adding 1388 s.f. of coverage to a lot that is 57x113 is significant.

Applicant has stated that the Versa Court system is permeable. However, the specs for constructing the court require a rubber matting and a layer of compacted soil, which are both potentially impermeable and may retain water. We are unsure of the type of stone that would be used, and whether or not it would assist with drainage, or hamper it.

Three neighbors and the HOA Management Group have provided applicant with signed agreements to this project.

VARIANCE

In accordance with Section 17.04.C, prior to granting a variance the Zoning Board of Appeals shall make findings that the following requirements have been met by the applicant for the variance:

- 1. That strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity with such regulations unnecessarily burdensome.**

The property would continue to be used for the intended purpose of a residential dwelling.

- 2. That the granting of a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.**

A lesser relaxation, allowing the lot coverage in a reduced size, is an option.

- 3. That the plight of the applicant is due to unique circumstances of the property and not to general conditions in the area.**

We find nothing unique to this property or the general conditions in the area.

- 4. That the plight or problem is not self-created.**

We find nothing unique to this property or the general conditions in the area.

- 5. That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.**

- 6. That the variance observes the spirit of the Ordinance, secures public safety, and does substantial justice.**

A variance granted would not observe the spirit of the Ordinance, but would not impact public safety, and would provide applicant with the additional lot coverage to use their yard in the manner that they prefer.