

**CHARTER TOWNSHIP OF LYON
ZONING BOARD OF APPEALS
MEETING MINUTES
January 21, 2003**

Approved as corrected February 18, 2003.

DATE: January 21, 2003
TIME: 7:30 PM
PLACE: 58000 Grand River

Call to Order: William Erwin called the meeting to order at 7:30 PM.

Roll Call: Present: William Erwin, Chairman
Michael Barber
Michael Hawkins
Pamela Johnson, Clerk
Tony Raney

Also Present: Dave Gillam, Township Attorney
Chris Olson, Township Superintendent
Larry Phillips, Building Official

Guests: 0

1. APPROVAL OF MINUTES FOR: December 16, 2002

Ms. Johnson made a motion to approve the December 16, 2002 minutes as written. Mr. Barber supported the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved.

2. PUBLIC HEARINGS:

John Killian, property located on Lee Road known as Lot 11B.

Sidwell Number 21-10-400-020. Applicant is requesting a variance of five feet from the minimum 75 foot front yard setback requirement for R-1.0 Zoning to allow for construction of a new home. Pursuant to Section 36.00 Schedule of Regulations.

Mr. Killian explained that there is a 30' setback plus a 75' setback on one side of his property. He indicated on a copy of a plan where these setbacks are on his property.

Mr. Erwin questioned if there is a right-of-way there now for a road. Mr. Killian responded that there is nothing there right now. Mr. Erwin questioned if there is an easement there. Mr. Killian responded that there is not.

Ms. Johnson stated that there is probably a parallel easement there per the Planning Commission.

Mr. Raney stated that the easement is there but the road is not physically there. It was determined that there is actually an easement there.

Mr. Erwin questioned if Mr. Killian is the corner lot. Mr. Killian responded that this is correct. He stated that the people who he bought the lot from approached the neighbor next door with regard to putting a road in there. The neighbor did not want to do this.

Mr. Erwin questioned the acreage of this lot. Mr. Killian responded that his lot is two acres. Mr. Erwin questioned the size of the lot next to this. Mr. Phillips responded that it is a bigger lot that wraps around the back of Lee Drive.

Ms. Johnson stated that the Private Road Ordinance specifies that if there is a private road longer than 600' a lateral easement must be provided. She stated that this is what this is.

Mr. Erwin questioned if it is possible to move the road over 5' since it is just a paper road now. Mr. Hawkins stated that the way it is set up now is so that there is 30' from the center on each landowners property so that it would not be so cumbersome on just one landowner. Mr. Phillips stated that the Ordinance required it to be there when it was developed. Mr. Gillam stated that they would have to look at the Private Road Agreement to see what it states.

Ms. Johnson questioned if there is any possibility of purchasing more property from the neighbor. Mr. Killian responded that he did not believe so.

Mr. Killian questioned if the neighbor wanted to develop his property, would he be responsible for paying for part of the road. Ms. Johnson responded that everybody that buys on that road is responsible for the improvement of that easement.

Mr. Olson discussed the possibility of reconfiguring the house on the lot. Mr. Killian stated that they did look into this.

Ms. Johnson questioned if Mr. Killian has approached his neighbor for the possibility of purchasing five more feet. Mr. Killian responded that he has not.

Mr. Erwin stated that the thing that bothers him is that they are considering a variance on something that doesn't exist. Mr. Raney stated that technically, it does exist because it is on the paper, therefore, it is there. He stated that it is there, it just isn't done yet.

Mr. Erwin stated that there is nothing written in stone that this easement has to stay where it is. It can be abandoned and moved further to the west. Mr. Phillips stated that to abandon the easement, everybody who has property abutting the stub road would have to agree.

Ms. Johnson stated that the easement cannot be abandoned because they need road frontage.

Mr. Erwin asked if there is anymore discussion. Mr. Hawkins stated that in unusual conditions, such as these, they have granted variances in the past. Mr. Raney noted that there would be additional problems with this if they were to move the building envelope up. He stated that he doesn't have a problem with the request for a 5' variance.

Mr. Hawkins made a motion with regard to the applicant, John Killian, for property noted as Lot 11B on Lee Road, Sidwell Number 21-10-400-020, that the applicant be granted a 5' variance from the front yard setback requirement on the west side of the property, known as Lot 11B. The unique circumstance is that this property has two front yard setbacks due to road frontages. Mr. Raney supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved.

3. GENERAL BOARD DISCUSSION NONE

4. ADJOURNMENT

Mr. Erwin adjourned the meeting at 7:55 PM.

Respectfully Submitted,

Deby Cothery

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Recording Secretary