

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

Approved as written May 19, 2003.

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

Call to Order: William Erwin called the meeting to order at 7:32 PM.

Roll Call: Present: William Erwin, Chairman
Michael Barber
Michael Hawkins
Pamela Johnson, Clerk
Tony Raney (arrived @ 7:48 PM)

Also Present: Matthew Quinn, Township Attorney
Larry Phillips, Building Official
Chris Olson, Township Superintendent

Guests: 4

1. APPROVAL OF MINUTES FOR: February 18, 2003

Mr. Barber made a motion to approve the March 17, 2003 minutes as submitted. Ms. Johnson supported the motion.

Voice Vote: Ayes: All
Nays: None
Absent: Raney

Motion approved.

2. PUBLIC HEARINGS:

Alfred Bobosky, 24593 Fairview Drive, South Lyon

Sidwell Number 21-21-400-052. This case was tabled at the applicant's request to April, 2003. Section 18.03 Applicant seeks a variance of 15' from side yard setbacks to construct a pole barn.

Mr. Bobosky explained that he needs a variance in order to construct a pole barn. He stated that his septic field is to the left and this is the only place on the site that the pole barn could be

placed.

Mr. Barber questioned how the pole barn would be accessed. Mr. Bobosky responded that he will extend the existing driveway.

Mr. Barber questioned how long this property is. Mr. Bobosky responded that it is 1.1 acres.

Mr. Barber stated that he read the letter that Mr. Bobosky wrote. He questioned if 24600 Fairview is across the street from this property. He questioned if this resident is in support of the plan. Mr. Bobosky stated that all the people behind him signed a letter. He stated that he only went to the two homes directly behind his property.

Mr. Barber questioned if Mr. Bobosky will be running a business out of this pole barn because he noticed a work van in the driveway. Mr. Bobosky responded that he will not. He stated that he owns a business in downtown Plymouth and occasionally brings his van home.

Mr. Barber asked Mr. Bobosky if he has a three car garage. Mr. Bobosky responded that he does not, it is a two car garage.

Mr. Erwin questioned the distance from the well to the septic tank. Mr. Bobosky responded that it is 50' from the well to the septic tank. It is approximately 20' to 25' from the well to the house.

Mr. Phillips noted that when the home was constructed there was drainage problems on the south side of this property.

Mr. Hawkins stated that the original request of requiring an additional 600 square feet of building has basically gone away. Mr. Bobosky stated that this is correct. He withdrew his request for the additional footage.

Mr. Erwin asked if there were any public comments.

Dan Hagedon, 24600 Fairview, stated that his is a neighbor and supports this project.

Mr. Hawkins made a motion with regard to Alfred Bobosky, 24593 Fairview Drive, that the applicant be granted a 15' variance from the 30' required side yard setback for the construction of a pole barn due to the existing topography, location of the septic field tank and well, the appropriate location for this barn is noted on the supplied drawing and requires a 15' side yard variance.

There was brief discussion with regard to the size of the pole barn. After discussion, Mr. Barber supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None
	Absent:	Raney

Motion approved.

Mr. Quinn stated that no decision of the Zoning Board of Appeals could ever be used as setting a precedent. He noted that no two cases are alike.

Steven Wilkes, 52824 Rico Court, Wixom

Sidwell 21-01-300-023. Applicant request a variance from Section 18.03 for a side yard setback from 30' to 10'.

Mr. Wilkes explained that he would like to construct a pole barn. He noted that because of the property line only a portion of the pole barn would meet the required 30' setback. The front side of the pole barn would be closer to the property line, 10'. He noted that he does have a letter from the neighbor who the pole barn would be next to that indicates that he does not have a problem with the 10' setback. He stated that he did speak to the other neighbors also who indicated that they don't have a problem with this.

Mr. Hawkins questioned the size of this property. Mr. Wilkes responded that it is just under three acres, 2.8 acres.

Mr. Hawkins questioned if there is any particular reason that the pole barn could not be shifted toward the interior of the property to increase it to 30'. Mr. Wilkes responded if he brought it further to the east, the well is there. There is also a geothermal unit, drainage ditch, there. He stated that for appearance wise and value to the home, that logistics wise, this would be the best location for the pole barn.

Mr. Barber questioned where the edge of the geothermal unit is and how close to the pole barn would it be. Mr. Wilkes responded that the far east corner of the house the drainage area is about 10' and straight back. It is approximately 60' from the back corner of the house.

Mr. Erwin stated that there is lots of room for this pole barn. He noted that with this amount of property he does not like to give variances unless absolutely necessary.

Mr. Wilkes noted that there is a large area of hardwoods. He stated that he would rather not cut any of the trees down because they are not dead and are good trees.

Mr. Erwin stated that the reason to come before the ZBA is if there is a hardship. A hardship would be that the pole barn could not be put anywhere else.

Mr. Wilkes stated that the part of his property that abuts Lyon Oaks is low and would have to be raised up considerably so that there would not be any problems with water.

Mr. Phillips stated that he is not sure if the Township's new Wetland Ordinance would have an effect on the hardwoods area.

Mr. Hawkins stated that he is having a hard time understanding why this pole barn could not be shifted even if the well is sitting there. He stated that he does not know of any reason why the pole barn could not be moved to within a couple feet of the well. Mr. Phillips stated that Oakland County Health Department requires that any structures be 10' from the well.

Mr. Barber stated that if they had more detail and measurements, it would help them out.

Mr. Erwin stated that at this point, he does not see a hardship that would warrant a variance.

After further discussion it was determined that the ZBA would table this issue for further information with regard to exact measurements and the exact location of the well. Mr. Phillips stated that he would look into the wetland issue.

Mr. Barber made a motion in regard to Steven Wilkes, 52824 Rico Court, that this be tabled until the next meeting to allow for further information to be submitted. Mr. Raney supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved.

Tom Flack, 21708 Lyon Trail North, South Lyon

Sidwell 21-32-102-003. (1) Applicant is requesting an interpretation of a rear yard. (2)

Applicant

also requests a variance of side yard setback of eight feet (if needed) for existing deck.

Mr. Flack explained that he would like to get an interpretation of a rear yard.

Mr. Phillips stated that this is approximately 3 to 4 years old. He noted that there was an error on

the part of the Building Department. He noted that Mr. Flack is on a corner lot and not allowed

to protrude into the side yard. He stated that typically what they do is allow the applicant to

choose which is going to be their rear yard. When Mr. Flack applied for the permit, the

Building

Department allows for the post holes to be dug and inspected. He stated that the post hole inspection was applied for and when the inspector went out he did not pick up the encroachment into the side yard setback.

Ms. Johnson stated that the address is on Lyon Trail North. She questioned where the garage and driveway is located. It was indicated that the garage and driveway are on Lyon Trail South.

Mr. Quinn stated that he would believe that the front yard would be where the address of the house and the front door is. He stated that they should probably look into amending the Ordinance to make sure that this is specific so that they don't run into this problem again.

There was discussion with regard to the variable side yard setbacks to accommodate side entry garages. These were part of the planned development.

Rod Heide, 21716 Lyon Trail North, stated that he feels the deck is too close to his house and that it could affect the value of his home. He stated that it takes away some of his privacy.

Mr. Hawkins stated that according to Article 7.03E, it states that there should be 30' from any other detached single family structure. A minimum side yard setback should be 15' on both sides. Ms. Johnson stated that a planned development could vary this in order to accommodate side entry garages. She noted that they did this in Tanglewood and would assume that they did the same here.

Ms. Johnson noted that what the applicant needs is 20'.

Mr. Erwin questioned if it would be a problem to dismantle part of the deck to bring into compliance. Mr. Phillips stated that he is sure that it could be done.

Mr. Barber asked Mr. Heide if he would feel better if this was enclosed with a screen or a fence. Mr. Heide responded that he would not.

Mr. Hawkins stated that he does not believe that both parties will be happy. He noted that the applicant has a legitimate request and that the neighbor does have justification. He stated that they could request that the deck be modified to fit the Ordinance requirements.

There was discussion with regard to the distance between the homes. Mr. Hawkins stated that he believes that they need to find out exactly what the planned development documents indicate for this lot.

Mr. Quinn questioned if there is any landscaping along the side of the deck. It was indicated that there is no landscaping along that side.

Mr. Flack noted that a single piece tear out would be costly, it is a three level tiered deck. Mr. Barber would like the applicant to remove a section of the deck or move the whole deck. It

