

**CHARTER TOWNSHIP OF LYON  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
May 19, 2003**

Approved as submitted June 16, 2003.

DATE: May 19, 2003  
TIME: 7:30 PM  
PLACE: 58000 Grand River

Call to Order: William Erwin called the meeting to order at 7:35 PM.

Roll Call: Present: William Erwin, Chairman  
Michael Barber  
Michael Hawkins  
Pamela Johnson, Clerk  
Tony Raney (arrived @ 7:46 PM)

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

Guests: 14

**1. APPROVAL OF MINUTES FOR: February 18, 2003**

Ms. Johnson made a motion to approve the April 21, 2003 minutes as written. Mr. Barber supported the motion.

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

Motion approved.

**2. PUBLIC HEARINGS:**

**Steven R. Wilkes, 54824 Rico Court, Wixom, MI 48393**

Sidwell Number 21-01-300-023. Applicant requests a variance from Section 18.03, side yard setbacks from a minimum of 30 feet to 10 feet due to the property line angles.

Mr. Erwin stated that this case was tabled at the last meeting. He asked Mr. Wilkes to briefly summarize what he is trying to do.

Mr. Wilkes explained that the last time he was before the Board, the Board looked at some other options than what he was originally proposing. He noted that he is requesting a setback of 10' in lieu of 30' on the side yard. He stated that the Board suggested that the building be turned so that it is east and west. He stated that by doing this it would put the corner of the building too close to the existing well.

Mr. Wilkes explained that by turning the building so that it runs north and south and moving it to the east, he would probably only need a 15' variance. He noted that when Mr. Phillips came out to the property, they determined that they could get away with a 15' variance. In allowing the 15' variance with the building running north and south, the corner of the building would be approximately 19' to the existing well.

Mr. Wilkes noted that the property line goes on a severe angle, this is why he has requested the variance. He stated that he does have a written letter from his neighbor, who indicates that he has no problem with the structure being built.

Mr. Erwin noted that a memo dated May 19, 2003 from Mr. Phillips indicates that 17' will accommodate the location of the structure. Mr. Phillips noted that Mr. Wilkes originally asked for a 20' variance.

Mr. Barber questioned if the structure has to be 30' x 40'. Mr. Wilkes responded that this is the size he wants to construct. Mr. Erwin stated that Mr. Barber brings up a very good point, does this have to be 30' x 40'. Mr. Wilkes responded that it does not. He noted that he has a too many toys, a boat and wave runners, that will be stored in this pole barn.

Mr. Erwin questioned if a smaller pole barn would work, possibly a 30' x 30'. Mr. Phillips responded that he did not look at this option. He noted that the applicant is allowed to have 900 square feet per acre and that the proposed pole barn square footage is under what is allowed. He noted that the applicant would be allowed close to 2,000 square feet.

Mr. Erwin asked if there were any public comments regarding this issue. There were none.

Mr. Barber questioned where the doors will be located, on the long or short side. Mr. Wilkes responded that they will be on the short side.

Mr. Barber made a motion with regard to Steven R. Wilkes, 52824 Rico Court, Wixom, MI, that a variance be granted for the construction of a pole barn per the comments indicated in the May 19, 2003 memo from Larry Phillips, Building Official. The approval is for a 17' variance from the west property line. This variance is being granted because of the location of the geo-thermal drain field, the septic field and the well. Mr. Hawkins supported the motion.

Voice Vote:                      Ayes:                      All

Nays: None

Motion approved.

**Dave Byrum of Slopeside Investments (Rainbow Recreation)**

Sidwell 21-11-251-028. Applicant request a variance from Section 12.16 to place a fence within the front yard setback for non-residential use.

Dave Byrum explained that he is the owner of Rainbow Recreation Systems, which is the largest distributor of premium wooden play stations. He stated that they have been located in Northville for approximately eight years and acquired the property on Grand River about a year ago. He stated that they are seeking a variance in order to construct a fenced in area for the display of several of their play structures. He noted that it is really more for a safety issue for the children who come and test out the systems. He stated that they have a store in downtown Utica on M-59 and the City required them to construct a fenced in area.

John Sarkesian, Architect, explained that the design they have selected for the fence would be a black iron fence with three horizontal bars. He passed around a brochure showing the type of fence that they would like to install.

Mr. Gillam stated that if the ZBA grants a variance, then they should attach a couple conditions to the variance. He stated that the conditions would be that site plan approval be obtained from the Planning Commission and that the special land use be approved by the Township Board.

Mr. Sarkesian explained that the fence will do two things. One is to keep the children safe when they are testing out the play structures and the other is to control the usage of the structures when the business is not open. He displayed the color rendering of the building and the fence. The fence will be a curved fence. He stated that in accordance with the landscaping requirements, there were be a low hedge row along the bottom of the fence line.

Mr. Hawkins questioned if the fence would require any setback variances from the roadway. Mr. Sarkesian responded that they are more than 40' from the road right-of-way, therefore, they do not. He noted that they actually pushed the building back further in order to keep the fenced area back from the roadway.

Mr. Hawkins questioned the square footage of the building. Mr. Sarkesian responded that it is approximately 12,000 square feet with office space in front.

Dallas Fletcher, 28870 Fletcher Lane, questioned the exact location of this property. Mr. Erwin explained where this property is located.

Mr. Erwin asked if there were any public comments. There were none.

Mr. Barber questioned if this would be considered front signage. It was noted that there is no sign. Mr. Byrum stated that the displays are not permanent. After they are up for a season they are sold as demos and new ones are put up in their place.

Mr. Hawkins questioned if there is any way that a 4' fence could be used instead of a 6' fence. Mr. Byrum responded that he would prefer to have a 6' fence because of the safety issue. He stated that if they were considered safe enough, a 4' fence would work. Mr. Sarkesian stated that a 4' fence would work for kids who are in the area testing out the structures, but would not work well to keep out teenagers after hours.

Mr. Byrum stated that they will only have three or four units in the enclosed area. He noted that once the units are in there, the fence becomes pretty transparent. There was further discussion with regard to the height of the fence.

Mr. Phillips asked Mr. Barber if there were any comments at the Planning Commission meeting. Mr. Barber stated that they really didn't discuss this, they looked at the color rendering and were introduced to the parties, and then they tabled it so that it could come to the ZBA. Mr. Phillips asked Mr. Barber if the Planning Commission made any comments regarding the building. He responded that they did not. The Recording Secretary noted that a couple of Commissioners did comment that they liked the building.

Mr. Hawkins made a motion in regard to Dave Byrum of Slopeside Investments (Rainbow Recreation), Sidwell #21-11-251-028, that they grant a variance from the Ordinance, Section 12.16,C,1, allowing a fence to be located in the front yard of the property. This variance is contingent upon site plan approval being granted from the Planning Commission and the approval of the special land use being granted from the Township Board. Mr. Raney supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved.

**Hines Park Ford, 56558 Pontiac Trail, New Hudson**

Sidwell 21-03-126-020. (1) Seeking a variance from Section 16.08, Sub-section C to be allowed to construct an additional wall sign. (2) Seeking a variance to construct an off premise sign. Variance from Section 16.04 D.

Carl McKee, 29971 Homedale, New Hudson, explained that the dealership has been receiving complaints from customers that they are hard to find. When people exit off the expressway, the building is not readily seen because McNabb Carpet blocks it. He stated that when Hines Park Ford advertises they state right in their ad that they are behind McNabb's.

Mr. McKee stated that they would like to request that they be allowed to install an oval Ford sign on the Milford Road side of the building. They would also like to install a sign on McNabb's property indicating that the dealership is around the corner. He noted that they have already received permission from McNabb's to place the sign on their property.

Mr. Erwin discussed the signage. Mr. Hawkins stated that the ZBA allowed additional signage for this dealership when it was constructed. He questioned if it is the intention of Hines Park Ford to retain all the signs that they currently have. He questioned if the existing Ford sign would be moved to the new location. Mr. McKee responded that they intend on keeping all the signs in tact, it would be an new oval Ford sign that they would install on the Milford Road side of the building.

Mr. Barber stated that with all the pole lights and cars people should be able to see the dealership.

Mr. McKee noted that the lights are not on during the day, only when they are closed.

Mr. Erwin stated that, in his mind, the applicant is going to have to come up with a better reason for having the oval on the building beside people driving by the business. He noted that this is for monetary reasons, which they cannot consider. He stated that the applicant needs to come up with a better idea in order for the ZBA to consider it a hardship.

Mr. Hawkins asked Mr. Phillips how many billboard signs they have in the Township right now. Mr. Phillips responded that there are twelve. Mr. Hawkins stated that with regard to the off premise advertising sign, the Ordinance indicates that no additional advertising signs shall be permitted when there are ten or more billboard faces in the Township.

Mr. Gillam stated that the sign does not necessarily have to be on the highway, it just has to be on someone else's property to be considered an off premise sign.

Mr. Barber stated that he would be against installing an off premise sign. He noted that if they approve this, then everybody else will want the same thing and then the corner will be cluttered with signs. He stated that he felt that the dealership is big enough to be seen with al the pole lights and cars. He did not believe that that the dealership will be blocked even after there is something built on the corner.

Mr. Erwin stated that they gave Hines Park additional signage already. Mr. Hawkins stated that he would like Mr. McKee to go back to the dealership to see if they can compromise. He suggested that they maybe remove a sign along Pontiac Trail in order to get a sign along Milford Road.

After further discussion, it was determined that the issue for another wall sign would be tabled so that Mr. McKee could discuss some alternatives with the owners of Hines Park.

Mr. Hawkins made a motion in regard to Hines Park Ford, 56558 Pontiac Trail, Sidwell #21-03-126-020

that the applicant's request for a variance from Section 16.08 subsection C to allow an additional wall sign, this is to be tabled until the next meeting to allow further review. Mr. Raney supported the motion.

Mr. Erwin asked if there were any public comments regarding this issue. There were none.

Mr. Gillam noted that the variance for the off premise sign should refer to Section 16.05 D in lieu of 16.04 D. He also noted that the off premise sign would require two variances, one would be for the number of signs at this location. Technically, Mr. McKee is asking for three variances.

Voice Vote:           Ayes:           All  
                              Nays:           None

Motion approved.

Mr. Hawkins made a motion in regard to Hines Park Ford, 56558 Pontiac Trail, New Hudson, Sidwell #21-03-126-020, that the applicant's request to construct an off premise sign per Section 16.05 D, be denied at this time. There is no justification to support this variance. Ms. Johnson supported the motion.

Voice Vote:           Ayes:           All  
                              Nays:           None

Motion approved.

**Ed McKinley, 25650 Belledonna, South Lyon**

Sidwell #21-21-100-029. Applicant requests an interpretation of Article 18 of the Zoning Ordinance to allow him to build an detached accessory building for the breeding and housing of show rabbits.

Mr. McKinley, 4211 Hackett Road, Saginaw, explained that they are looking to move to this location to be closer to family. He stated that he has had a hobby for more than 50 years of raising rabbits. He stated that he takes them around the Country to various shows.

Mr. McKinley stated that they would like to erect a 24' x 64' pole building on this property to house his rabbits. He stated that the building would meet all the Ordinance requirements with regard to size and setbacks. He noted they would either tear down the smaller pole barn at the back of the property or if, it could be moved they would move it forward and then put an

addition on it. They would have a net square footage of 1,524' in the building.

Mr. McKinley stated that the reason they are before the ZBA is that there are regulations with regard to the number of horses that are allowed on a property, but there is nothing written in the Ordinances that indicates the number of rabbits that are allowed. He stated that he would like to have a maximum of 100 cages, which would house the rabbits, in the building. The rabbits will never be outside the building. There will be an automatic water system to provide water to the each cage. The feeder will be located on the outside of each cage.

Mr. McKinley passed around a booklet which shows the current barn they have in Saginaw and the rabbits. There were also ribbons that Mr. McKinley won. Mr. Phillips noted that Mr. McKinley was recently inducted into the Show Rabbits Hall of Fame.

Mr. Barber questioned what is done with the waste from the rabbits. Mr. McKinley responded that they put it in the garden area and rototill it into the soil. He noted that the floor of the barn would be a sand floor and the waste is raked up and disposed of.

Mr. McKinley stated that in order to compete on a national basis it is necessary to raise quite a few rabbits. He noted that he does not have 100 rabbits now, but does not feel that he is limited. He stated that nobody will know that the rabbits are there, they will not be seen from the outside.

Mr. Gillam asked Mr. McKinley if he has a signed purchase agreement for this property. Mr. McKinley responded that he does and that it is subject to the outcome of this meeting tonight.

Mr. Erwin asked if there are any public comments regarding this issue. There were none.

Mr. Gillam stated that the question would be whether or not the ZBA feels that there is any part of the Zoning Ordinance that deals with this kind of situation. He stated that the Zoning Ordinance does not place any kind of restrictions on what Mr. McKinley proposes to do then there is really no need for him to actually obtain a variance. He stated that there is no formal action required along the lines of a variance.



There was brief discussion with regard to the double frontage and the easement. It was determined that this would not encroach on the easement or the right-of-way. The requirement is that any structure be 40' from the right-of-way and the applicant is requesting that he be allowed to place the structure 20' in lieu of 40'.

Mr. Hawkins made a motion in regard to Vincent Adragna, 58565 Travis Road, New Hudson, Sidwell #21-09-351-029, the applicant has requested that he be allowed to construct a pole barn within the front yard setback of his property. The unique circumstance here is that the applicant has two front yards due to two road frontages. The location of pole barn optimizes the use of the property at this time. This motion is to approve the installation of a pole barn in the front yard along the private roadway maintaining at least a 20' setback from the existing right-of-way on the east side of this property. Mr. Raney supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved.

**Lynn Rhodes, 28910 Fletecher Lane, New Hudson**

Sidwell #21-09-100-065. Applicant requests a variance from the rear yard setback minimum of 50 feet. Requesting a variance of 13.4 feet to allow for construction of an attached garage. Section 36.00 Schedule of Regulations.

Ms. Rhodes explained that she would like to construct an attached garage. She stated that the reason she selected this location for the garage is that there are two windows on the south side of the house that she does not want to cover up.

Ms. Johnson questioned if the house is at the exact setback from the roadway. Ms. Rhodes stated that she is requesting the setback from the back property line. Ms. Johnson questioned if it would be possible to move the garage forward. Ms. Rhodes responded that she could not do this structurally. The doorway that the garage would attach to is at the back of the house and the

windows are more toward the front of the house.

Mr. Erwin stated that at this point the existing Ordinance is not impeding the applicant in what she wants to do with her property. The only problem is that the applicant doesn't want to cover the windows.

Mr. Erwin asked if there were any public comments. Dallas Fletcher, 28870 Fletcher Lane, questioned if this would be creating a hazard or hardship on any of the neighbors. Mr. Erwin responded that he did not know. He stated that the Ordinance states that unless there is a hardship by the Township or Zoning Regulations, it is not permissible.

Mr. Fletcher noted that the garage is not going to be as close as the house is to the street.

Mr. Erwin stated that if there is a hardship, it has to be demonstrated. He stated that as far as the Ordinance impeding the applicant from using their property, it does not. He stated that they cannot consider monetary as a hardship.

Mr. Hawkins stated that one of the specific issues that they have look at for granting variances is whether or not this is self-created. He stated that in this situation, it is self-created. Mr. Fletcher stated that his granddaughter built the house and did not have enough money to build the garage at that time.

Mr. Hawkins stated that there are ways to move the windows. Mr. Phillips noted that the windows are egress windows.

Ms. Rhodes questioned how far does a structure have to be from a drain field. Ms. Johnson responded that it should be 10'. Mr. Phillips noted that this is not a requirement from the Township, it is from the Health Department.

Mr. Hawkins asked for clarification of the egress windows. Mr. Phillips responded that there is a bedroom there and there would not be any other egress if this window would be covered up.

After further discussion, it was determined that this issue would be tabled until the next meeting to allow Mr. Phillips to go out to the site to see what options there are with respect to a detached garage.

Mr. Hawkins made a motion in regard to Lynn Rhodes, 28910 Fletcher Lane, New Hudson, Sidwell #21-09-100-065, that this issue be tabled until the next meeting to allow for further investigation with regard to potentially making a detached accessory building and examining the existing site conditions relative to the potential location of the attached garage. Mr. Barber supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved.

**Gary Wolak, 54830 Grenelefe, South Lyon**

Sidwell #21-26-103-019. Applicant request a variance of 5.1 feet due to the home being built too close to maintain minimum footage of 30' between homes. Variance request is from the P.D. Agreement.

Mr. Phillips stated that Mr. Wolak had a prior meeting that he had to attend. He stated that there is a history here, which he explained. He stated that Mr. Wolak is one of the last lots to be built on Lot 34. Lot 35, next door, was built by Selective Homes and is too close to the property line, therefore Mr. Wolak needs to have a variance in order to have 30' between the homes. He noted that there would be 24.9' between the homes as opposed to 30'.

Mr. Phillips stated that per the PD Agreement, he cannot issue permits for anything less than 30' between homes.

Mr. Erwin questioned if the setbacks on this lot are correct. Mr. Phillips responded "yes".

Mr. Gillam stated that the applicant meets the setbacks relative to his own property, but does not meet the setbacks from the house on the property adjacent to him. Mr. Hawkins noted that the applicant would be in violation of the PD Agreement if he were to build his home.

Mr. Hawkins stated that the applicant was un-necessarily burdened by someone else building a home too close on Lot 35. Mr. Erwin stated that this would be a hardship.

Mr. Erwin asked if there were any public comments regarding this issue. There were none.

Mr. Raney made a motion with regard to Gary Wolak, 54830 Greenlefe, Lot 34, that a 5.1' variance be granted from the PD regulations of 30' between houses due to the fact that the house on Lot 35 was built improperly and is creating a hardship on Mr. Wolak, who complies with all his setbacks on his property. Mr. Hawkins supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved.

**John A. Berling, 29920 Old Plank Road, Wixom**

Sidwell #21-01-300-015. Applicant requests a variance of 20 feet from the minimum 30' required side yard setback for a detached accessory building. Section 18.03, subsection A(2).

Mr. Berling explained that he let Edison cross his property with power lines for Lyon Oaks Park. He stated that when he went to build his pole barn he was told he couldn't. He noted that he is land locked on two sides of his property by the park. They would like to construct the pole barn in this location so that it will block the view of the outhouse at the golf course and the service drive that was constructed. He noted that most of his lot is filled with hardwoods, which he would like to save.

There was discussion with regard to the two service poles on this property. Mr. Berling stated that one pole provides service to his property. He stated that he just allowed Edison to pull lines across his property.

Mr. Erwin discussed the hardwoods. Mr. Berling stated that they are located behind the house and would prefer not to place the pole barn behind the home.

Mr. Phillips noted that in the past the ZBA has granted variances for certain things to block points of view, i.e., industrial parks. He noted that this building would be blocking the view of an outhouse from their home. Mr. Erwin noted that they could always screen the area.

Mr. Berling noted that they recently had a fire which started in the garage, which was attached to their home. He stated that they lost everything. He stated that he would like to construct a pole barn to keep vehicles and flammables away from the home.

Mr. Hawkins questioned what Mr. Berling meant by flammables. Mr. Berling responded that it would be gas in cans for lawn equipment.

Mr. Erwin asked if there were any public comments regarding this issue. There were none.

Mr. Erwin stated that he needs to be convinced as to what the hardship is. He noted that there is room on this lot for the pole barn to be located in a different location.

Mr. Phillips questioned the size of the parcel. Mr. Berling responded that it is 2.5 acres, it is 200' wide by 440' deep. Mr. Phillips questioned where the septic field is located. Mr. Berling responded that it is located on the north side of the house.

Ms. Berling stated that she believed that they would still need a variance, if they placed it in another location because of the placement of the house.

There was discussion as to what would provide the least amount of variance. It was noted that with the Edison line going directly up the middle of the property, a variance would be necessary no matter where the pole barn was placed. Mr. Raney noted that by placing the pole barn as proposed, it will be further away from the neighbors.

Mr. Hawkins made a motion with regard to John A. Berling, 29920 Old Plank Road, Wixom, Sidwell #21-01-300-015, with regard to the request for a variance from the side yard setback for the construction of a pole barn, that a 20' variance from the side yard setback be granted for the installation of a pole barn as noted on the drawing due to several circumstances:

- Initially the applicant has been subject to adjacent property owners development of property that is not necessarily appropriate for site of the residents.
- The applicant has a utility line running directly down the middle of his property, which would require easement and clearance on either side.
- The pole barn could be located north of the utility line, however, unique circumstances of the property relative to the existing woodlands and would do substantial justice to the neighbors to the south.

The pole barn would be built to the north side of the property and will be no closer than 10' to the property line adjacent to Lyon Oaks Park. 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 9:45 PM.

Respectfully Submitted,

# Deby Cothery

Deby Cothery  
Recording Secretary