

**CHARTER TOWNSHIP OF LYON
ZONING BOARD OF APPEALS
MEETING MINUTES
January 20, 2004**

Approved as submitted February 17, 2004.

DATE: January 20, 2004
TIME: 7:30 PM
PLACE: 58000 Grand River

Call to Order: William Erwin called the meeting to order at 7:33 PM.

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

Absent: Pamela Johnson, Clerk

Also Present: Philip Seymour, Township Attorney
Larry Phillips, Building Official
Chris Olson, Township Superintendent

Guests: 12

1. Approval of the Minutes of November 17, 2003

Mr. Hawkins made a motion to approve the minutes from the November 17, 2003 ZBA meeting as submitted. Mr. Raney supported the motion.

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

Motion approved.

2. PUBLIC HEARINGS:

Robert A. Woodstock, 52828 Nine Mile Road, Northville, MI 48167

Sidwell 21-25-300-010. Applicant requests a variance of the depth to width ratio per Section 6.01.4 to allow a property split.

Mr. Woodstock explained that when he originally purchased the property in 1977 his intention was to someday split the property. He stated that one of the reasons for this was the that the house on the property was built in 1927 and is unmarketable. He stated that the property was splittable until new ordinances went into effect in the 1990's. The new ordinance being referred to is for the lot depth.

Mr. Erwin questioned the number of years this property has been owned by the applicant. Mr. Woodstock responded that he has owned the property for 27 years. He stated that this would be a one time split.

Mr. Woodstock stated that at one time they were thinking about building a home this property but he indicated that he may have to relocated for his job. If he does relocate, then the property would be sold.

Mr. Barber was concerned that this split would expand the existing non-conformity of the lot. There was brief discussion regarding this concern. Mr. Seymour noted that the ordinances do not allow for expanding a non-conformity.

Mr. Erwin asked if there were any public comments regarding this issue.

Margie Stephan, 52560 Nine Mile Road, stated that she has no problem with the split. She stated that she would rather have a couple homes instead of a subdivision.

Carol May, 22850 Chubb Road, questioned what the plan looks like. She stated that if they are talking about building at the rear of the lot there is a watershed there.

Mr. Erwin noted that at this point the ordinance is not prohibiting them from using their property. He stated that the ordinance is pretty specific about increasing a non-conformity. He stated that the property may be unique for this area, but is not unique for the Township.

Mrs. Woodstock questioned if what is being said is that she cannot remodel her home because it is too close to the road. Mr. Erwin responded that they cannot create more of a non-conformity.

Mr. Olson stated that they could not expand closer to the road, because it would be expanding a non-conformity.

Mr. Hawkins stated that by creating two different parcels, the house would be isolated. He briefly discussed the limitations and restrictions of non-conformity.

Mrs. Woodstock was upset that she would not be able to remodel her home because of the ordinances. She stated that they have been here longer than the ordinance.

Ms. Stephan questioned why the lots would be non-conformity. Mr. Erwin responded that the property is already non-conforming because of the width to depth ratio. He noted that the house is not within the required setbacks, therefore, it is non-conforming. There was further discussion/explanation of non-conformities.

Mr. Hawkins made a motion with regard to Robert Woodstock, 52828 Nine Mile Road, that the applicant's request for a lot split variance from the lot width ratio be denied in that by creating the Parcel A/Parcel B lot split they have created an additional non-conformity which is not consistent with the Township Zoning Ordinances. Mr. Barber supported the motion.

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

Motion approved.

Katherine Dyer, 56849 Grand River, New Hudson, MI

Sidwell 21-03-303-018. Applicant is requesting a variance from the Zoning Ordinance Section 19.02

Subsection FF to allow a veterinary clinic on this parcel.

Katherine Dyer, 27000 Childs Lake Road, Milford, MI stated that she is a Veterinarian and would like to open a small Veterinary Clinic. She stated that she is requesting a setback variance for property located at 56849 Grand River, which is the former site of South Lyon Fence Company.

It was noted that the southwest corner of the building is close to Rice Street, which is less than the required 200' setback from residential. The building location is approximately 167' from residential zoning.

Ms. Dyer noted that the owner of the approximately 23,000 square foot building will be

dividing
the building into small shops.

Ms. Dyer stated that a veterinary clinic is an acceptable use for this property under the
existing
zoning.

Mr. Erwin asked if Ms. Dyer is aware of the fact that there is a vacant building a little further
east of this location. Ms. Dyer responded that she was not aware of this. She noted that
there
were several other properties that she has looked at in the general area. She stated that
the
owner of this building has already been to the Township and is willing to do the build-out
for
her. This is what swayed her decision to locate at this particular location.

Mr. Hawkins questioned the rationale behind the 200' setback rule. There was brief
discussion
regarding this. It was noted that there would be noise and odor issues. Ms. Dyer stated
that
they will not have outside kennels and there will be no boarding of animals at this location.
She stated that they will not be doing any emergency work after hours. She stated that
she
did not feel that the clinic they are putting in would cause any of these issues.

Ms. Dyer stated that she has a letter from the owner of the building indicating that he
wishes to
lease this section to her. She stated that she intends to lease the space but it is all based
on
whether or not she can get a variance.

Mr. Hawkins, referring to the ordinance, questioned why the setback is 100' for kennels
and 200'
for veterinary clinics from residential. He felt that they need to get further information from
the
Township Planner

Mr. Seymour questioned if the clinic could be moved to another location in the building so
that
it would meet the 200' setback requirement. Ms. Dyer responded that if she moved to the
front
half it would probably work. She stated that the point of putting her in this location was so
that
people would not have to get out of their cars on Grand River with their animals.

Mr. Olson questioned the status of the planning review. He questioned if dividing this
building up
into 11 separate parcels would be allowable. He stated that they don't even know what

the parking requirements will be for the building.

Several of the Board members felt that this issue should be tabled so that they may request additional information from the Planner.

Mr. Hawkins made a motion with regard to Katherine Dyer, 56849 Grand River, New Hudson, that this issue be tabled until the next meeting in order to get more information from the Township Planner and further review/determination from the Planning Commission regarding the status of the building's planned use for eleven separate retail areas. Mr. Raney supported the motion.

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

Motion approved.

3. GENERAL BOARD DISCUSSION NONE

4. ADJOURNMENT

Mr. Erwin adjourned the meeting at 8:30 PM.

Respectfully Submitted,

Deby Cothery

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Recording Secretary