

**CHARTER TOWNSHIP OF LYON  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
June 21, 2004**

Approved as corrected July 19, 2004.

DATE: June 21, 2004  
TIME: 7:30 PM  
PLACE: 58000 Grand River

Call to Order: Chairman 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: 17

**1. Approval of the Minutes of May 17, 2004**

Mr. Hawkins made a motion to approve the minutes from the May 17, 2004 ZBA meeting as submitted. Mr. Raney supported the motion.

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

Motion approved.

**2. PUBLIC HEARINGS:**

**Tony Matta, 54830 Grenelefe Circle East, South Lyon, 48178, Sidwell 21-26-103-019.**

Applicant requests a variance from established setbacks per site plan approval.

Mr. Matta explained that the plans have been revised to eliminate the walkway along the garage from the front to the back. He reviewed the changes that have been made to the plans per the recommendation he received from the Township. The plan now is to construct just the deck portion at the rear of the house with step coming down into the yard.

With the elimination of the walkway along the garage area, Mr. Erwin questioned how close to compliance does this make it. Mr. Matta responded that the landing would be approximately 4' into the setback. He noted that the landing will not be seen from the street because of the

down slope of the land. The stairway could not be built on the other side of the deck. The landing will be constructed so that the stairs will not be too steep. The stairs will be used as access to the deck from outside.

There was discussion with regard to relocating the stairs so that a variance would not be necessary. Mr. Matta explained that for accessibility, the location that he has indicated would be the best place for the stairs.

Mr. Erwin asked if there were any public comments with regard to this issue. There were none.

There was discussion with regard to hardship. Mr. Erwin stated that the only detriment that he can see is that there are two front yard setbacks because this is a corner lot.

Mr. Phillips stated that reviewing Zoning Ordinance Section 12.08, Permitted Projections into Required Yards, indicates that steps and stairways are permitted to project into yards. He stated that he does not understand why Mr. Matta is here for a variance, since steps and stairs are permitted to project into the yard.

Mr. Hawkins questioned if the landing would be considered part of the deck. Mr. Phillips responded that he would consider the landing part of the stairway. He noted that any type of stairway will have at least a 3' x 3' landing at the top or bottom.

Mr. Seymour stated that if the Board is looking for a legal opinion on this, he suggested that this issue be tabled until next month to allow him time to research this.

Mr. Hawkins made a motion in regards to Tony Matta, 54830 Grenelefe Circle East, Sidwell 21-26-103-019, the applicant is requesting a variance from the side yard setback due to dual road frontage. The applicant has requested a 4' variance to allow the establishment of a deck landing and stairs for exiting and entering the deck. It is submitted to the Board that the variance be granted in that the applicant has unique circumstances with dual road frontages and if it was a side yard the applicant would have been required to setback 22' maximum and in this case there will be 36'. The applicant has demonstrated the infringements upon usage of his property for this application. Mr. Barber supported the motion.

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

Motion approved.

**Scott Eeley, 58226 Belfore Court, South Lyon, MI 48178, Sidwell 21-20-230-007**

Applicant requests a variance from established setbacks per site plan approval.

Mr. Eeley explained that the idea of the proposed deck is to overcome the grade changes from the front to the back of the house utilizing a walkway along the side of the house. He stated that there will be an extension beyond the side of the house that will allow for a staircase to be constructed on the rear side of the deck.

There was discussion with regard to the distance between the homes. According to the Planned Development Agreement there is 25' on one side and 7' on the other side.

Mr. Eeley stated that the home was a spec home built by the builder. He stated that because of the configuration of the lot, it is a cul-de-sac, the setbacks from the front and side made it

necessary to place the house on an angle. He stated that the house was designed to fit on the lot.

Mr. Erwin questioned if the deck could be slid over to the east a little further. Mr. Eeley responded that the inboard side of the deck is right at the edge of walkout for the basement. He noted that the walkway will allow him to mask or cover the utilities that are located on that side of the house.

Mr. Erwin asked again why the deck could not be shifted to the east. Mr. Eeley responded that the vent for the fireplace is located there and would prefer not to have the deck located there because he has children. He noted that this vent does get hot.

Mr. Barber asked for clarification as to what utilities this walkway will cover. Mr. Eeley responded that it will cover the electric take out for the air conditioning unit. He noted that the meter is located further up and the stairs will end before the meter.

Mr. Hawkins noted that they received a letter from the Homeowner's Association that indicates that they do not have a problem with this. Mr. Eeley noted that several of his neighbors are present in support of this.

After further brief discussion amongst the Board members, it was determined that there are other options available. Mr. Erwin asked if there were any public comments regarding this issue. There were none. He then asked for a motion.

Mr. Hawkins made a motion in regard to Scott Eeley, 58226 Belfore Court, Sidwell 21-20-230-007, the applicant has requested a variance from established planned development side yard setbacks for the construction of a deck. It is recommended to the Board that this variance request be denied. The planned development is established and there are guidelines for 25' side yard setbacks for this particular lot with a total distance between homes at 30'. The applicant does have other options relative to the location of the deck and stairs. Mr. Barber supported the motion.

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

Motion approved.

There was brief discussion with some of the neighbors that attended. The neighbors expressed their objections to the decision of the Board.

**Kevin Mechiqian, Bob Saks, Inc., Farmington Hills Holding Co., Larry Behrenwald, Owner, AIS Parcel 21-03-127-002.** Application for use variance from existing zoning B-3, General Business Zoning, for use of property as an automobile dealership.

Mr. Erwin stated that the ZBA does not have the jurisdiction to grant this variance. Mark Szerlag, Thomas Duke Company, stated that he understands this.

Mr. Seymour stated that the ordinance does not grant this Board the authority to grant a use variance, which is what is being requested. He referred to a June 9, 2004 letter from the applicant's attorney that discusses the reason why they are here.

Mr. Hawkins read section 8.02 of the Zoning Ordinance, which indicates that the ZBA does not have the authority to grant this.

Mr. Hawkins made a motion in regard to Kevin Mechigian, Bob Saks, Inc., that the applicant's request for the Board to vote on or grant the variance be dismissed seeing that the Zoning Board of Appeals does not have the authority per Article 8, Section 8.02. Mr. Raney supported the motion.

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

Motion approved.

**Jeff Appel, Lyon Development, LLC, Twin Pines.**

South of Martindale and Grand River intersection. Sidwell 21-05-252-011. Applicant seeks a variance from Section 5.5.2.1.B.5, of the Engineering Design Specifications to allow one on three side slopes in a retention basin. The specifications call for slopes no steeper than one foot vertical to five feet horizontal.

Brent Levanway, Boss Engineering, stated that they have been before the ZBA in regards to a couple other items relative to this development. He stated that as they proceeded to their construction documents, they found a situation when working with the Township Engineer that there is not a well established drainage force to the south for them to outlet their pond. He stated that the Martindale Road improvements are coming in and that they are accepting the west side of Martindale Road drainage onto their property. He stated that because of this they have made the pond slopes steeper, 3 to 1, and will be fencing and heavily landscaping around the pond.

Mr. Hawkins questioned if the pond is designed for a 100 year storm. Mr. Levanway responded that it is actually designed for two 100 year storms.

Mr. Erwin stated that he see several safety issues here, the slope, the fence and the berm drainage. He stated that these are his main concerns. He stated that construction on this development has not begun, therefore, these types of issue should be worked out.

Mr. Barber questioned if this situation was created because they would be taking in water run off from Martindale Road. Mr. Levanway stated that they have been working with Giffels-Webster on the design of Martindale Road improvements and some of the water will be going here. He stated that he does not believe that they have any real good options as to where to outlet the water. He stated that from a design standpoint it does make sense to direct the water to this development.

Mr. Hawkins questioned if this pond is larger because of this than it would be for the development. Mr. Levanway responded that it is.

Mr. Barber stated that when this was approved at the Planning Commission level it was noted that just south of this site that another development would be going in there. He questioned if some of the detention pond could be put on the south property. He stated that it has been established that the south property will be developed in near future. Mr. Levanway responded that on the south site the best location for the pond would be on the southern end. He noted that they would be getting into ownership situations as well, there is a common ownership, but different developers.

Mr. Levanway addressed some of the safety concerns. He stated that water attracts. He stated that whether it is 5 on 1 or 3 on 1, there is always the possibility of someone being attracted to the pond. He stated that putting the fence around it will keep the small kids out. He stated that there isn't a fence tall enough that will keep out teenagers or adults, if they want to get in. He stated that the fence will alleviate the safety concern with small children. The landscaping is there to

