

**CHARTER TOWNSHIP OF LYON
ZONING BOARD OF APPEALS
MEETING MINUTES
November 22, 2004**

Approved as submitted January 18, 2004.

DATE: November 22, 2004
TIME: 7:30 PM
PLACE: 58000 Grand River

Call to Order: Chairman 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: Philip Seymour, Township Attorney
Larry Phillips, Building Official
Chris Olson, Township Superintendent

Guests: 3

**1. APPROVAL OF MINUTES:
- Regular Meeting of October 18, 2004**

Mr. Barber made a motion to approve the minutes from the regular meeting of October 18, 2004 as submitted. Mr. Raney supported the motion.

Voice Vote: Ayes: Barber, Erwin, Hawkins, Raney
Nays: None
Abstain: Johnson

Motion approved.

2. PUBLIC HEARINGS:

Deborah Windish/Richard Poling, 54288 Royal Troon Drive, South Lyon, MI 48178

Sidwell 21-26-251-001. Applicant requests a variance of 20 feet from the required 35 foot rear yard setback to allow for construction of an addition. This request was tabled from October meeting.

Mr. Erwin stated that he understands that Deborah Windish and Richard Poling are not going to be here tonight. Mr. Phillips stated that they called Mary Clark this afternoon and asked not to be heard.

Mr. Raney made a motion to table the application for variance for Deborah Windish and Richard Poling until we hear from them further. Mr. Hawkins supported the motion.

Voice Vote: Ayes: All

Nays: None

Motion approved.

Ruta L. Pfeifer, 25450 Villagewood Court, Woodwind Village Condominium, Lot 35

The applicant requests a variance of 2.19 feet from the front yard setback to allow for construction of a garage.

Ms. Pfeifer explained that she recently purchased Lot 35 at Woodwind Village. She stated that she is having difficulty in getting a house to fit within the building envelope. She stated that she originally selected a 1-1/2 story house and when she received the plan it indicated that the garage was over 8' outside the building envelope. She stated that she decided to look at a different style home, a colonial, but this plan had a 4' projection. She stated that she would keep the colonial but try a different elevation, which is 2.19' outside the building envelope. She stated that out of the three homes, this one has the least amount of projection. She stated that she is here tonight to request a variance for the 2.19' from the front yard setback so that her garage could be built.

Mr. Erwin noted that this is a brand new subdivision. Mr. Phillips stated that the applicant has really tried by going with several different models to try and make a home fit on the lot. He noted that there are a handful of lots within this subdivision that have different front yard setbacks due to the positioning of the cul-de-sacs.

Ms. Johnson commended the applicant for trying to minimize the variance request before coming before the Board.

Mr. Erwin stated that he doesn't understand why the builder offers homes that will not fit on the lots.

Mr. Olson referred to the minutes of October 18, 2004 in which Mr. Menuck of Curtis Builders indicated that he is not sure if any of the homes they offer will fit on the sites.

Mr. Erwin questioned if it has to be a three car garage. Ms. Pfeifer responded that it does because it is pretty much the standard now and that it would be nice to have the storage space. She stated that the 2.19' projection is at its widest and as the building envelope curves, the 2.19' is no longer existing because it tapers off to less. She stated that it gets narrower to the left.

Ms. Pfeifer stated that her sister and brother-in-law purchased lot 34 and that they have no objection to this home being built on this lot. She stated that this is well within the building envelope, it does not compromise the character of the land and it does not interfere with any of the other neighbors.

Mr. Barber questioned if 2.19' of the garage could be eliminated. Ms. Pfeifer responded that she would like to keep it the way that it is. She noted that there are wetlands in the back and that there is a narrow front to this lot. She stated that she would really like to live next door to her sister, which is her only sibling.

Mr. Erwin stated that he felt that the applicant should go back to the builder and tell the builder to find a home that will fit on this lot. Mr. Hawkins stated that the applicant could either do this or could have the builder shorten up the home by 2.19'. He stated that the builder has certain obligations to build within the parameters.

Ms. Pfeifer stated that it is her understanding that the Board gave a 3' variance to a future resident of this same development. Mr. Hawkins stated that they have address each case on their own merits of uniqueness.

Mr. Hawkins stated that in this particular case, he did not feel that 2' will either make or break the garage. He stated that the builder should be able to do a custom garage.

Mr. Erwin asked if there are other lots available in this development. Ms. Pfeifer responded that there are other lots, but she would prefer to live next door to her sister.

Mr. Hawkins made a motion in regards to Ruta L. Pfeifer, 25450 Villagewood Court, Lot 35 Woodwind Village Condominiums, the applicant's request for a 2.19' variance from the front yard setback to build a garage. The applicant has not demonstrated any justification in providing a variance and that the developer, as well as the builder, needs to stay within the limitations of the building envelope established by the planned development for Woodwind Village Condominiums. It is recommended to the Board that this application for variance be denied. Mr. Raney supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Larry Phillips, 55801 Pontiac Trail Court, New Hudson

Sidwell 21-03-203-006. Applicant requests a 14 foot variance from the minimum 35 foot front yard setback to be able to construct a front porch.

Mr. Phillips explained that the porch that is on this house now is 5' x 5' concrete with cinder block and is crumbling. He noted that it is the original porch from when the house was built in the 1950's. He stated that he would like to replace the porch with a 5' x 6' wood decking porch with steps going up to it to allow ingress to the home. He stated that for some reason the Pontiac Trail Court right-of-way is 86' wide and there is 44.9' of this on his lot.

Mr. Erwin questioned if the size of the porch is going to be increased. Mr. Phillips responded that the width will increase by 1'. The projection toward the frontage will remain the same as it is now.

Mr. Olson questioned if there is any possible reason that Pontiac Trail Court would ever be widened. Mr. Erwin responded that he doesn't know why it would because it is a private road. Mr. Phillips noted that a lot of homes would have to be moved, if it was ever widened.

Mr. Hawkins made a motion in regard to Larry Phillips, 55801 Pontiac Trail Court, Sidwell 21-03-203-006 request for a 14' variance from the minimum 35' front yard setback to be able to allow the reconstruction of a front porch. The existing lot has an increased right-of-way on Pontiac Trail Court which impedes into the front yard of the property. The applicant is replacing the existing porch. A variance due to the unique construction of the facility, its age and unique size and location of the lot in addition to the large right-of-way on Pontiac Trail Court. It is recommended to the Board that they grant a 14' variance from the front yard setback. Mr. Barber supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

- 3. **GENERAL BOARD DISCUSSION** **NONE**
- 4. **ADJOURNMENT**

Mr. Erwin adjourned the meeting at 8:00 PM.

Respectfully Submitted,

Deby Cothery

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Recording Secretary