

**CHARTER TOWNSHIP OF LYON
ZONING BOARD OF APPEALS
MEETING MINUTES
April 18, 2005**

Approved as submitted May 16, 2005.

DATE: April 18, 2005
TIME: 7:30 PM
PLACE: 58000 Grand River

Call to Order: Mr. Erwin called the meeting to order at 7:41 PM.

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

Also Present: Philip Seymour, Township Attorney
Chris Olson, Township Superintendent
Lannie Young, Township Supervisor

Guests: 37

**1. APPROVAL OF MINUTES:
- Regular Meeting of March 21, 2005**

Mr. Barber made a motion to approve the minutes from the regular meeting of March 21, 2005 as corrected. Mr. Raney supported the motion.

Voice Vote: Ayes: All
Nays: None

Motion approved.

2. PUBLIC HEARINGS:

Mr. Erwin informed the public that Rick Tabbi, per information from his Attorney, has withdrawn his request for a variance. He stated that the Zoning Board of Appeals has no jurisdiction over the Bylaws of the subdivision.

Mr. Olson stated that this really is a civil matter. He stated that with regard to the notice that went out, he would like to possibly discuss some of the comments made. He stated that he knows the development has had its share of ups and down and some tense moments for the residents. He briefly discussed some of the problems that have come out.

Mr. Olson stated that with regard to the comment in the flyer "a deal has been cut", this is not exactly accurate. He stated that the simple fact is that the Master Deed and Bylaws both happen to exceed Township zoning requirements. He stated that if the Zoning Board of Appeals, Planning Commission or the Township Board go above and beyond their jurisdiction and try to

enforce something that they can't then they open the Township up to liability.

Mr. Olson stated that he does understand the disappointment and the anger that is going on, but noted that there are other options to try. He briefly reviewed some of the options.

Mr. Olson stated that this is not a case of indifference, it is a case of jurisdiction and these are the rules that the Township has to live by too, under the law.

A resident asked if they could get some answers to their questions. Mr. Erwin replied that at this point the issue has been taken off the agenda. He stated that if they wanted to wait until after the meeting, they could get together with Mr. Olson to discuss their questions.

Michael Roberts, 60661 Lamplighter, New Hudson

Sidwell 21-05-326-015. Applicant requests a 456 foot variance to allow construction of a detached accessory building. Variance requested is from Chapter 18.03. Tabled from March 21, 2005.

The applicant withdrew his request.

Christopher Jung, 25840 Johns Road, South Lyon

Sidwell 21-24-201-001. Applicant requests a 40 foot front yard setback variance to allow construction of a new home. Tabled from March 21, 2005.

Mr. Jung updated the Board on his situation. He stated that he did a perk test and it was denied. He stated that he has had discussions with Boss Engineering with regard to an engineered field. He stated that Boss Engineering indicated that they need to do a survey of the property to find out where the field and house should be placed. Because of this, Mr. Jung requested that this issue be tabled again until he gets his survey done and the approvals from the Health Department.

Mr. Erwin noted that once Mr. Jung has the necessary information and approvals, then he can be added to the agenda to discuss the variance that he needs.

Mr. Barber made a motion to table this issue until the May 16, 2005 meeting. Mr. Raney supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Rick Tabbi, builder for 57653 Dakota, New Hudson

Sidwell 21-04-306-001. Applicant/representative is requesting a variance from the minimum size home that is required on an 80 foot lot per Orchards of Lyon Planned Development Agreement. Variance requested is for 150 square feet.

The applicant withdrew his request.

3. GENERAL BOARD DISCUSSION

Ron Diepert, Architect for Lyon Mechanical, updated the Board on his project. He stated that they have made a submittal to the Planning Commission for site plan. He stated that they will be in front of the Planning Commission on May 19, 2005 to discuss their plan.

4. ADJOURNMENT

Mr. Erwin adjourned the meeting at 7:54 PM.

Respectfully Submitted,

Deby Cothery

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Recording Secretary