

**Charter Township Of Lyon
Zoning Board Of Appeals
Meeting Minutes
December 19, 2005**

Approved as submitted January 23, 2006

Date: December 19, 2005
Time: 7:30 PM
Place: 58000 Grand River

Call to order: Mr. Hawkins called the meeting to order at 7:40.

Roll Call:

Barber, Mike (PC Liaison)
Hawkins, Michael
Raney, Tony
Schilling, Troy (Brd Liaison)

Also present:

Philip Seymour, Township Attorney
Al Hogan, Building Official
Chris Olson, Township Superintendent
Chris Doozan, Township Planner

Absent:

Erwin, William, Chairman

Guests: 9

1. Approval of November 21, 2005 Minutes

After reviewing the minutes from November 21, 2005 Mr. Hawkins suggested that some corrections needed to be made and to resubmit the minutes and have them looked at again next month. Mr. Barber made the motion "To hold the meeting minutes for November 21, 2005 and resubmit with changes and we will consider them at that time." Mr. Schilling supported the motion.

Voice vote:

Ayes: all

Nays: None

Motion supported unanimously.

2. Dan Pauls, 60688 Lillian, South Lyon MI 48178, parcel ID#21-29-305-006. Applicant requests a 3'6" front yard setback variance to allow for the removal of an attached carport to be replaced by a garage that is 3' smaller than carport. (Section 36.02)

Dan Pauls 60688 Lillian – Mr. Pauls explained that it was his second time in front of the Zoning Board and he came requesting a variance. He went home and measured his property; the square footage is 2,078. He measured the garage and it was 997 square feet.

Mr. Hawkins confirmed that based on the square footage, it will meet the intent of the ordinance relative to the garage size, relative to the house size. Mr. Hawkins reviewed Mr. Pauls circumstance and confirmed that Mr. Pauls had two front yards and his problem was with the side on Kay Street.

Mr. Pauls explained that he needed a variance of 3'6".

Mr. Schilling made the motion "For parcel ID number 21-29-305-006, applicant Dan Pauls, requesting a 3'6" front yard setback variance based on the fact that he has a corner lot which would have two front yard setbacks. He has shown hardship to taking a carport and turning it into a garage and making it smaller. I propose that we allow this." Also added was that "this is on the Kay Street side." Mr. Raney supported the motion.

Voice vote:

Ayes: all
Nays: none

3, William Brewer, 58358 and 58340 Eleven Mile Road, South Lyon, Michigan, sidwell #21-16-300-019. Applicant requests a variance from Chapter 36, Schedule of Regulations, side yard setback maximum of 30 feet in the R-1.0 Residential-Agricultural District in order to permit a division of land, which would reduce an existing non-conformity.

Mr. Brewer said that he came in for a variance once, but Larry Phillips and he measured it wrong. It is off on one side.

Mr. Hawkins said that they granted Mr. Brewer a 131/2-foot variance from the required 30-foot side yard from 11 Mile Road. Mr. Hawkins asked, "When you say that the drawing was incorrect, how far off was it?" Mr. Brewer answered about 1 foot or 11/2 foot.

Mr. Hawkins asked when the Zoning Board originally agreed to this. Mr. Brewer answered over a year ago.

Mr. Raney commented that the problem here was that there were two houses on one lot. That is why it needs to be divided.

Mr. Barber asked if Mr. Brewer would be able to build onto the two houses. He also asked if the township has made the property conforming or non-conforming.

Mr. Doozan commented that Mr. Brewer has not split the parcel yet because they need the variance that hopefully will be granted this evening in order to split the parcels. Right now it is nonconforming with two houses on one parcel. Mr. Doozan could not do the split because the variance that was granted did not accomplish what it was intended to accomplish.

Mr. Barber made the motion "(For parcel A or 58358 11 Mile) To grant a variance not created by the owner of the property of 15 foot from the house to the property line. It is a modification of the variance granted in April 2005 based on more accurate surveying data now available." Mr. Schilling supported.

Voice Vote:

Ayes: all
Nays: none

Motion approved unanimously.

Mr. Barber made the motion "In regards to 58340 Eleven Mile Road, sidwell # 21-16-300-019, a 21.1 foot variance from the dwelling to the new property line created in the split for the same reason mentioned for parcel A. This is parcel B." Mr. Raney supported the motion.

Voice vote:

Ayes: all
Nays: none

Motion approved unanimously.

3. Touchstone Corporation, sidwell #21-22-300-023 and 21-22-300-034. Applicant seeks to 1) appeal the decision of the Township Board of Trustees of October 3, 2005; 2) to seek a use variance to permit commercial uses permitted in the B-2, Commercial Business District of property located at the northeast corner of Milford and Ten Mile Roads.

Mr. Hawkins made a notation that the Zoning Board of Appeals, according to the Township, does not have authority to rule on this. "That is a stated fact in our ordinance." Mr. Hawkins commented that Touchstone was welcome to make their presentation, but at this time, the Zoning Board of Appeals does not have the authority to grant this.

Robert Carson, representing Touchstone – commented that if it is the decision of the Board that it will not entertain and does not have the authority to grant the requested relief, then he did not see the point in making a presentation because it would not affect the ZBA's decision.

Mr. Seymour commented that the ZBA does have authority to overrule the Board in certain instances, that is only when it has jurisdiction. Under the ordinance, the ZBA does not have the authority to grant a use variance. It is not that they do not want to entertain Touchstone's presentation; they don't have the jurisdiction to grant it.

Mr. Carson commented that he appreciated that. "We would like to be clear that we have attempted every administrative procedure that was available to us through the township".

Mr. Seymour commented, "The records show that the ZBA is not saying that they do not want to entertain your presentation."

Mr. Carson replied that he just wanted to make the record clear that there is no other administrative relief we could seek.

Mr. Seymour also commented that the specific section was Article 8, Section 8.02, and it is entitled "Authority of the Zoning Board of Appeals" in subsection D.

Mr. Hawkins commented that in regards to Touchstone Corporation the Zoning Board of Appeals would like to make "a notation that by ordinance, Section 8.02 D, we do not have jurisdiction to permit or grant a use variance by direction of the ordinance to the Township Board the item is not to be reviewed at this time."

Meeting adjourned: 7:57 PM.

Respectfully Submitted,

Catherine Culver
Recording Secretary