

Charter Township Of Lyon
Zoning Board Of Appeals
Meeting Minutes
May 15, 2006

Approved as written on June 19, 2006

Date: May 15, 2006
Time: 7:30 PM
Place: 58000 Grand River

Call to order: Mr. Erwin called the meeting to order at 7:32.
Roll Call:

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

Also present:

Jane Drumm, Township Attorney
Al Hogan, Township Building Official
Chris Olson, Township Superintendent

Guests: 6

Approval of minutes:

1. Approval of April 17, 2006 meeting minutes.

Mr. Barber made the motion "to accept the meeting minutes for April 17, 2006 as written." Mr. Schilling supported the motion.

Voice vote:
Ayes: all
Nays: none

Motion approved unanimously.

Public Hearings:

1. Gerald Heinrich. Parcel No. 21-32-251-053. Applicant requests a 90-foot variance from the 150-foot minimum road frontage requirement to allow for a property split. Section 12.09 B of the Lyon Township Zoning Ordinance.

Mr. Heinrich clarified that the variance is for no cul-de-sac. He would like to put a 90-foot private road in.

Mr. Erwin asked how the other residents were getting to their homes. Mr. Raney answered that they used 9 Mile.

Mr. Hawkins clarified that the notes on the agenda say that Mr. Heinrich wants a 90-foot variance from a 150-foot road frontage, but that is not correct. Mr. Heinrich commented that was his original intention until he met with the Zoning Board of Appeals. He would like a 90-foot road with no cul-de-sac. He explained that for his road it would go up 90 feet and over 60 feet, making 150 feet for road frontage.

Mr. Erwin commented that he still saw a problem with the hardship. Mr. Heinrich commented that the Township Superintendent suggested that to avoid the hardship, the barn could be torn down. Mr. Heinrich commented that he thought that was a hardship. He has gone through many different options that allow for horse capability.

Mr. Erwin commented that he read in the past minutes that if Mr. Heinrich puts the cul-de-sac in, then he could only have one horse. Mr. Heinrich answered yes.

Mr. Hawkins commented that one thing the Zoning Board is looking at is allowing Mr. Heinrich to have reasonable use of his property. The intent of having 150-foot road frontage is relative to safety and public access concerns. In this application it is a little extreme because of the shape and size of this lot. Mr. Heinrich has gone part way by including a private road. Each case is unique. Mr. Erwin suggested that they allow a one-horse variance. The Zoning Board of Appeals has done that before. Mr. Heinrich commented that by the time the house and road are built, there is not a lot of room for two horses. Mr. Heinrich commented that he could agree to placing in the Deed Restrictions that the property could not be split again.

Mr. Raney commented that it would be different if there was not a cul-de-sac right there by the property. The cul-de-sac is about 5 feet off his property line.

The Zoning Board of Appeals continued to discuss how this applied to the Township Ordinances and the issue of hardship.

Mr. Erwin asked if anyone had a comment to make from the audience.

Mr. Erwin also commented that he was still concerned with if there was a hardship.

Mr. Hawkins commented that he did not think that this ordinance was intended to be applied in this manner. He has arranged for the road frontage to work. The ordinance says that at the end of a private road, there must be a cul-de-sac, and the Township Planner did not feel that was critical.

The Zoning Board of Appeals continued to discuss the issue of the cul-de-sac.

Mr. Hawkins made the motion “in regards to Gerald Heinrich parcel number 21-32-251-053, applicant has requested a variance from the Township Road Ordinance that requires a cul-de-sac at the end of a private road. There is an existing cul-de-sac on Mary Lane, which abuts to his property on the south side. There will not be a requirement for a cul-de-sac on his property should he provide a 150 foot road frontage, which is part of the variance. It is a unique piece of property. Parcel A, which belongs to Gerald Heinrich, whom will not permit Mary Lane to be extended onto 9 Mile Road to the north. The applicant has demonstrated that granting him the variance would do him substantial justice for use and application of his property. One item the Zoning Board would like to attach to this is that the property owner will not split the property beyond what it is currently being used for.” Mr. Schilling supported the motion.

Voice vote:

Ayes: Barber, Hawkins, Raney, and Schilling

Nays: Mr. Erwin.

Motion approved unanimously.

2. Performance Spring – Steve Bown, 57575 Travis Road, Parcel No. 21-09-276-008. Applicant requests a variance from section 5 of the Engineering Design Standards. Applicant is requesting his existing detention basin slopes of 1V: 3H remain.

Steve Bown, 57575 Travis Road – Mr. Bown explained that the previous engineering standards were 3 to 1, and now they are 5 to 1. If Mr. Bown were to follow that, they would have to take down a substantial amount of trees.

Kevin Steely, from Boss Engineering, showed the Zoning Board of Appeals a diagram and explained the problem to them. He explained that they used a 3 to 1 slope on the first portion of Performance Springs. The slope followed the 1998 standards. He also explained that if they were to keep the slope at a 3 to 1, like it is now, they would be able to

keep a large portion of trees. Mr. Steely said that if they have to go to the 5 to 1 slope, they would have to clear out 8,300 square feet of trees. Mr. Steely also commented that the way the basin currently is, there is never more than 6 inches of water in it. The basin is only 3 feet deep, due to a high water table to the south. They do not feel it is a safety issue at 3 feet deep.

Mr. Raney asked if the Tree Ordinance comes into effect with this.

Mr. Barber commented that when they came before the Planning Commission, they had no problem.

Mr. Hogan commented that it was his understanding, after speaking with the engineer, that the capacity is fine. The problem is in changing the slope to today's standards. There is no harm in the capacity. He also commented that the Township Attorney suggested that they put up a fence.

Mr. Steely continued to discuss how shallow the basin is and that it rarely holds water. He also explained the berm that goes along the outside.

Mr. Erwin asked if there was going to be a problem with a putting up a fence. Mr. Bown commented that he would rather not put up a fence. It does not look appealing and is expensive. He did realize that it was a safety issue.

Mr. Hawkins commented that from the Township, it has to be safe because of liability. Putting up a fence is what has been consistent in the past.

Mr. Bown commented that if that was the case he would like to investigate putting a 5 to 1 in. Mr. Hogan commented that the cost of the tree survey is going to be more than the cost of the fence.

The Zoning Board of Appeals then discussed the type of fence that would be appropriate.

Mr. Hawkins moved "in regards to Performance Springs, 57575 Travis Road, parcel 21-09-276-008 that the applicant's request for a variance from section 5 of the Engineering Design Standards requiring a 1 in 5 slope retention basin be granted, permitting the existing building facility be maintained at a 1 and 3 slope, provided the applicant provides a 4 foot high barrier or fence." Mr. Raney supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved unanimously.

Adjournment:

Mr. Erwin adjourned the meeting at 8:10 P.M.

Respectfully Submitted,

Catherine Culver

Catherine Culver
Recording Secretary