

Charter Township Of Lyon  
Zoning Board Of Appeals  
Meeting Minutes  
July 17, 2006

Approved as written on November 20, 2006

Date: July 17, 2006  
Time: 7:30 PM  
Place: 58000 Grand River

Call to order: Mr. Erwin called the meeting to order at 7:35.

Roll Call:

Barber, Mike (PC Liaison)  
Erwin, William  
Raney, Tony

Also present:

Philip Seymour, Township Attorney  
Les Cash, Fire Chief  
Chris Olson, Township Superintendent

Guests: 6

**Approval of minutes:** Approval of June 19, 2006 meeting minutes.

Mr. Barber moved "to accept the June 19, 2006 meeting minutes as written." Mr. Raney supported the motion.

Voice vote:

Ayes: all  
Nays: none

Motion approved.

**Public Hearings:**

- 1. Reginald and Erin Madeline, 29910 Rondeau, New Hudson, Sidwell # 21-04-476-043. Applicant requests a variance from Section 12.16 to allow for construction of a privacy fence higher than the maximum height of 4 feet.**

Mr. Madeline gave the Zoning Board pictures of the fence. Mr. Madeline explained that they bought a house on the corner of Pontiac Trail and Rondeau two years ago. They did not have a fence when they bought the house; but they had a dog and a baby on the way and felt the need to keep the dog and baby away from Pontiac Trail. They also felt that they needed additional privacy. Since they have lived there and before the fence was up, they had items stolen from their property. Mr. Madeline pointed out that the pictures show that from Pontiac Trail one can see the entire back of their house. Mr. Madeline feels that the fence will give them some added privacy.

Mr. Erwin asked if the fence was on or off his property line. Mr. Madeline said that the fence was off their property line. He also added that their property actually goes to the other side of the private drive. Their property line ends on the other side of the black walnut tree just to the west of the house. Mr. Erwin said that he was not on the property line with this fence. Mr. Madeline said that they are not on their property line anywhere. Not even in the back.

Mr. Erwin commented that the reason why the Board has a four foot limit is for safety. The fire department needs to be able to get in and out of a piece of property safely. Six feet is too high for the fireman to climb over. Mr. Erwin also commented that in the past the Zoning Board has denied all requests similar to this one. They have suggested to others that they get arborvitaes. It will give you a lot more privacy and dust control.

Mr. Madeline commented that when he moved out to Lyon Township he called the Township and talked with the building department to see if he needed a permit. When he called no one told him about the four foot rule. The neighbors behind him had a six foot wood fence and his other neighbors had a six foot chain link fence. He assumed that a six foot fence was allowed. Also the fence he put up was vinyl and a very nice fence. He also put in larger gates. Mr. Erwin said that it was a nice looking fence, but it is still six feet tall.

Les Cash – Mr. Cash commented that on the west side of his property is the airport. It is not residential property to his west.

Mr. Erwin said that he does not know how they could approve it. Mr. Raney commented that in the past they have denied every request.

Mr. Madeline asked if there was anyway they could bury two feet of the fence. Mr. Erwin clarified that he wants to put in a two foot berm so that it is four foot high from the outside. Mr. Olson asked how much land he had to slope that. Mr. Madeline said that the only issue he would have would be on the backside. Mr. Olson said that he would have to do a 4 to 1 and 5 to 1 on any berm slope, and that would be very obvious.

Mr. Madeline commented that he had letters from all of his neighbors stating that they approved of the fence.

Mr. Olson said that the only exception in the ordinance is when a parcel of land is 2 acres or more and has 200 feet of frontage.

Mr. Erwin said that it is a beautiful looking fence but the ordinance is clear. He suggested that they contact the fence company that put it up.

Mr. Raney moved “in the matter of Reginald and Erin Madeline, 29910 Rondeau, New Hudson, parcel number 21-04-476-043, that the application for the variance be denied because it does not comply with the ordinance.” Mr. Barber supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved.

**2. Roy L. and Pamela Johnson, 29830 Milford Road, New Hudson, Sidwell # 21-03-351-005. Applicants request a 15 foot variance from section 18.03 A-1 to locate a detached accessory building in the front yard of their corner lot.**

Mrs. Johnson explained that they actually need a **19-foot variance**. Mr. and Mrs. Johnson explained that they feel they have a unique circumstance based on the configuration on their property and the 30 foot easement that has not been used for 50 years. The easement does narrow down to 15 feet toward the east portion of the property. Mrs. Johnson also stated that they could legally build a garage if they were not a corner lot. To vacate the easement would create a hardship for their neighbor who uses it as a driveway.

Mr. Erwin commented that they would not want to put the garage in the back because they would be driving on their septic tank. Ms. Johnson said that they could maintain 10 feet from the septic tank and 10 feet from the drain field. They still have the permits from 1973. Ms. Johnson also stated that they will be removing an 8ft. by 14ft. portion of their deck and an 8ft. by 8ft. shed to accommodate the setbacks. The reason they are asking for a front yard setback is because they need it for lawn equipment and a place to work on the equipment.

Mr. Barber asked if there are any addresses of other people of Deport Street. Ms. Johnson answered that there is a neighbor to the north. The street goes nowhere. The school system blocked the road off for a playground years ago and it has not been used in over 50 years.

Ms. Johnson commented that they would prefer not to vacate the easement because it will create a hardship for their neighbor. Mr. Johnson said it would be nice to be able to pull out onto Milford Road and not have to back out onto Milford Road.

Mr. Barber moved “to grant a variance of 19 feet for the construction of a new garage from Deport Street, with understanding that the street is not used by anyone but two families, and they share it. There is no other place on the property where the garage can be placed due to septic and the drain field, the shape of the property, and Deport Street runs on an angle into their property. This is for the address of 29830 Milford Road, Roy and Pamela Johnson.” Mr. Raney supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved.

**Adjournment:**

Mr. Erwin’s adjourned the meeting at 8:07 P.M.

Respectfully Submitted,

*Catherine Culver*

Catherine Culver

Recording Secretary