

Charter Township Of Lyon
Zoning Board Of Appeals
Meeting Minutes
December 18, 2006

Approved as submitted on February 20, 2007

Date: December 18, 2006
Time: 7:30 PM
Place: 58000 Grand River

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

Roll Call:

Barber, Mike (PC Liaison)
Hawkins, Michael
Raney, Tony

Also present:

Phillip Seymour, Township Attorney
Al Hogan, Building Official
Chris Olson, Township Superintendent

Guests: 5

Approval of minutes:

Mr. Raney moved "to accept the meeting minutes from November 20, 2006 as amended." Mr. Barber supported the motion.

Voice vote:

Ayes: all
Nays: none

Motion approved.

Mr. Hawkins commented that the board normally consists of 5 members. There needs to be a majority vote of 3. He said that if it is desired, the applicants may return next month if they are uncomfortable with only 3 members.

Public Hearings:

- 1. Thomas Marino, 59655 Woodfarm, South Lyon, MI 48178. Sidwell #21-32-400-037. Applicant requests a variance from section 18.03, A-2, to allow for a 10' side yard setback for a detached storage structure, as opposed to the 30' required by section 36.02 schedule of regulations for the R-1.0 zoning district.**

Thomas Marino 59655 Woodfarm South Lyon – Mr. Marino said that the property is encumbered with underground mechanicals for the watering system. The area is very wet. It has an active dewatering system and septic. He explained that he needs to push the storage structure back. His side lot is the property owner's west back lot. He is asking the Township to allow him to use his 10-foot setback requirement on his side lot so he can place the storage structure in an area that is not going to tangle with the underground mechanicals. He has been in this home since 1991. The storage structure will match the house.

Mr. Barber asked if they would be within 50 feet of the wetland area. Mr. Marino said that he did not believe that it was designated a wetland area. He is beyond 25 feet of the area that is wet on the property. Mr. Barber asked what was on the east side of the property. Mr. Marino said that there is a ditch and electrical, which he did not believe was

the best place atheistically. His neighbor would have to see it, if it were on the east side. To the east there is an existing home, and to the west there is vacant property that is a proposed subdivision. Part of that property has a protected area.

Mr. Seymour said that he reads the drawing as 50 by 33 feet. Is that too big?

Mr. Barber said that he is concerned about not knowing if the area has wetlands. All that information is needed to follow the ordinances.

Mr. Marino said that he drew on the map that it was a wetland just to designate that it is not a satisfactory buildable area because when there is a hard rain, the area will puddle up. He does not know of any designation anywhere on his property as a wetland.

Mr. Barber said that there is not enough information.

Mr. Marino said that on the Lyon Trail III plan, it does not show any designated wetlands. The Zoning Board discussed this issue. Mr. Barber said that Lyon Trail I and II had a lot of flooding problems.

Mr. Marino said that he would agree to the Zoning Board making a motion contingent upon that this is not a floodplain.

Mr. Hawkins said that he has a concern about the effect this will have on the neighbors, and more information is needed on wetlands. Secondly, the Township ordinance specifically designates the size of accessory buildings that are allowed. Mr. Marino said that his property is 3 plus acres. Mr. Olson said that a 2,678 square foot building is allowed. Mr. Hawkins said that a third thing that sticks out is that there is a lot of property on the east side. Mr. Hawkins asked what the rationale for this was. Mr. Marino said that the neighbor would prefer that it is not there. He did not think it would look as pleasing with the driveway, home, and garage on the right hand side and then have to put another driveway in on the other side to get to the accessory building.

Mr. Olson said that there might also be a problem with setbacks based on height. Mr. Marino said that he would ask to amend his application to ask for 15 feet.

Mr. Hogan said that he looked at the Lyon Trail map, and it does not show a wetland on there, and the park is going to be along the north part of his property.

Mr. Hawkins said that he struggles with the fact that it could someday be someone's yard. He said that it is undeveloped property to the west, and there is no clear definition as to where the wetlands are. There are also some other opportunities on the site to place this building, especially on the east side. It would also inconvenience a future neighbor.

Mr. Raney said that according to the ordinances, there is room on the west side of the property.

Mr. Olson asked if they could put it next to the drive but east of the dewatering system.

The Zoning Board discussed other options.

Mr. Raney moved "to table Thomas Marino at 59655 Woodfarm's request for a variance for the January 22, 2007 meeting pending more information concerning wetlands." Mr. Barber supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved.

2. **Jerry Thompson, 5065 Seven Mile Road, South Lyon, MI 48178. Sidwell #21-29-426-018. Applicant requests a variance from section 14.01, D-4, to allow for gravel-surfaced off-street parking, as opposed to the required hard surface. Applicant also requests a variance from section 14.02, B-1, to allow for the loading space to be located in the front of the building, as opposed the required rear location. Tabled at 11/20/06 meeting.**

Jerry Thompson 5065 7 Mile and Jim Appleton- Mr. Appleton said that they lost 917 square feet to parking and 87 square feet in building size. Mr. Hawkins said that he read the Giffels-Webster letter, and it said that area would not be lost if the pond was made deeper.

The Zoning Board discussed making the pond deeper but had concerns about creating a different variance that would be needed. Mr. Raney said that lesser of the two would be the gravel. Mr. Hawkins said that he agreed.

The Zoning Board also discussed that issue of a gravel road, back slope, and increasing the apron. They also discussed having stone, not gravel.

Mr. Barber moved “to grant a variance to 21-29-426-018, Jerry Thompson from section 14.01, D-4 to allow for a gravel surface off-street parking based on the plan in front of us. The applicant demonstrated the there would be a significant effect on him if required to have hard surface parking. Additional variances would be required if the detention areas were revised.” Mr. Raney supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved.

Mr. Raney moved “to grant a variance to 21-29-426-018, Jerry Thompson, from section 14.02, B-1, to allow loading space in the front of the building due to the configuration of the land and the fact that the rear is composed of wetlands witch will not allow him to put in his loading structure.” Mr. Barber supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved.

The Zoning Board discussed with the Mr. Olson the option of having an alternate member.

Adjournment:

Mr. Hawkins adjourned the meeting at 8:13 P.M.

Respectfully Submitted,

Catherine Culver

Catherine Culver

Recording Secretary

