

**CHARTER TOWNSHIP OF LYON  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
September 17, 2007**

Approved: November 19, 2007

**DATE:** September 17, 2007  
**TIME:** 7:30 p.m.  
**PLACE:** 58000 Grand River Avenue

Call to Order: Mr. Erwin called the meeting to order at 7:30 p.m.

Present: Mike Barber, Planning Commission Liaison  
William Erwin  
Michael Hawkins  
Tony Raney  
Paul Fransway, Alternate

Also Present: Al Hogan, Building Official  
Phillip Seymour, Township Attorney

Guests: 3

**1. APPROVAL OF CONSENT AGENDA**

**Mr. Raney made a motion to approve the minutes of April 16, 2007 as submitted. Mr. Barber supported the motion.**

<b>Voice Vote:</b>	<b>Ayes:</b>	<b>All</b>
	<b>Nays:</b>	<b>None</b>

**MOTION APPROVED**

**2. PUBLIC HEARINGS**

**Canzano/Lyon Trail Building Company, LLC, 32233 Schoolcraft, Livonia, MI 48150. Sidwell #21-32-251-060. Applicant requests a variance from Chapter 22, Article III, Division 4, Section 22-243, (2)-c-1 of the Code of Ordinances to allow the rear yards of units 13 and 14 in the Lyon Trail III subdivision to encroach approximately 10 to 12.5' into regulated wetlands.**

Representing Canzano/Lyon Trail Building Company, LLC: Nick Canzano

Mr. Canzano stated that from the time he had the Site Plan approved until now the ordinance was changed that wetlands could not be on a lot. He went through the plans to abide by the new ordinance and he was able to change lots 5, 6, 7, 10, 11 and 12. He could not change lots 13 and 14 due to the configuration of the rest of the sub. The lot was over 220' in depth and they still had 85' on lot 13 of building space to build on which would accommodate a house and a deck. There was 100' on lot 14. With these two lots there was plenty of room to put a house and a deck, he requested that they allow him to use these two lots with the wetlands on

them in the back 10'-12'.

Mr. Erwin questioned if there were homes on there already? Mr. Canzano stated no.

Mr. Barber stated that at the Planning Commission one of the requests was that the purchaser signs a letter that they realize there are wetlands and those would be submitted with the building plans so that they know that the purchaser knows. Mr. Canzano stated yes, one of the Planning Commission requirements was that he prepare a letter that has to be signed by the purchaser that they are aware that they cannot disturb the 25' adjacent to the wetlands at all and they can do minimal disturbance on the second 25' but no construction of anything solid. They would sign that and it would be part of the record and deed.

Mr. Seymour stated that the reason he wanted the variance was because without encroaching on the wetlands the lot wouldn't be big enough, it wouldn't be 30,000 s.f. Mr. Canzano stated correct, one of them would be 28,500 s.f. and the other would be 23,700 s.f. instead of 30,000 s.f.

Mr. Hawkins questioned if that was buildable area? Mr. Canzano stated yes, except for the last 10'. Mr. Hawkins questioned what the requirements were for minimal lot area in the Planned Development, was that the 30,000 s.f.? Mr. Canzano stated yes.

Mr. Erwin questioned what the house size was? Mr. Canzano stated 1600' on a range and 2000' on a multi story; it would fit any of those houses. Mr. Erwin questioned what the applicant's hardship was? Mr. Canzano stated that he couldn't have this lot, there was not 30,000 s.f. if he was to move the lot line 10' on one of the lots and 12.5' on the other the square footage would reduce and he wouldn't qualify under the 30,000 s.f. minimum. Mr. Hogan stated due to the new ordinance that was drafted requiring the 25' wetland setback.

Mr. Seymour stated that the variance was to include a portion of the wetland in the lot but the reason that the applicant needed to include a portion of the wetland in the lot was so the lot was 30,000 s.f. Mr. Canzano stated that he was able to accomplish that with some of the lots but not for these two lots.

Mr. Hawkins questioned where the 30,000 s.f. for minimum lot area came from in the Planning Commission in a Planned Development why was that so rock solid? Mr. Hogan stated it was actually an average lot size development. Mr. Canzano stated it was an average lot size development with 110' minimum frontage and 30,000 s.f. minimum lot size, 55' setbacks front and back, it was not a Planned Development.

Mr. Raney stated that the hardship was that the ordinance was passed after the applicant was approved.

Mr. Hawkins questioned how many feet into the wetlands? Mr. Canzano stated it was an approximate number. Mr. Canzano stated that the variance was to allow the lots to be less than 30,000 s.f. and to allow the small strip of wetlands to go onto lots 13 & 14. Mr. Seymour stated that he felt it was to allow the lot to encroach into the wetlands in order to satisfy the 30,000 s.f. requirement. Mr. Canzano stated he was correct. The no construction buffer would be moved, it would be a 30,000 s.f. lot with the wetlands in the back.

Mr. Raney stated that he didn't see any problem with it, he has done everything that he could do, it was reasonable.

Mr. Hawkins made a motion in regards to applicant **Canzano/Lyon Trail Building Company, LLC, 32233 Schoolcraft, Livonia, MI 48150. Sidwell #21-32-251-060. Applicant has requested a variance from Chapter 22, Article III, Division 4, Section 22-243, (2)-c-1 applicant has requested that the variance be granted to allow wetlands to encroach on the boundary of the lot as described for the development applicant has demonstrated that he has made sufficient revisions to his property and property boundaries and building lines with the exception of two lots 13 and 14 he has also noted that this development was established when the ordinance was revised after he already applied for and was in**

the process of Planning Commission and Site Plan Development approval. He recommended to the Board for these two limited lots 13 and 14 for development the applicant be granted a variance from the ordinance to allow the wetlands boundary and construction buffer to encroach upon these two properties. A notation as requested by Lyon Township Planner which are provisions that would be added to the variance reminding the Master Deed and By-Laws the loss of preservation and vegetation buffer as noted which was essentially as discussed per Planning Commission the purchasers of the property would be notified in writing that acknowledge they cannot build on the buffer or the wetlands and meeting the conditions of the ordinance. Mr. Raney supported the motion.

Voice Vote:           Ayes:           All  
                          Nays:           None

**MOTION APPROVED**

**3.       ADJOURNMENT**

Mr. Erwin adjourned the meeting at 7:45 p.m.

Respectfully Submitted,

Kellie Angelosanto  
Recording Secretary