

Charter Township of Lyon
Zoning Board of Appeals Meeting Minutes
April 19, 2010

Approved: February 28, 2011 as written

DATE: April 19, 2010
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.

Roll Call: William Erwin
Michael Hawkins
John Hicks, Township Board Liaison
Paul Fransway, Alternate
Tony Raney

Absent: Carl Towne, Planning Commission Liaison (made prior arrangements)

Also Present: Phillip Seymour, Township Attorney

Guests: 2

1. APPROVAL OF MINUTES

Mr. Hawkins made a motion to approve the Minutes of March 15, 2010 as written. Mr. Hicks supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None
	Abstain:	Raney, Fransway

2. MOTION APPROVED

3. OLD BUSINESS

Michael Owen, 23399 Currie Road, South Lyon, MI 48178 (at the corner of Woody Lane). Sidwell #21-27-200-015. Property owner proposes to construct an addition on to an existing non-conforming outbuilding. The outbuilding is non-conforming because it is set back 31.58 ft. from Woody Lane, but the required setback is 75 feet. The proposed addition would be set back 44 ft. from Woody Lane. Thus, two variances would be required: 1. A 31 ft. setback variance is required to allow the addition to be set back 44 ft. from Woody Lane. 2. A variance from Section 13.05(B)(1) is required to allow an increase in the extent of a non-conformity.

Mr. Owen explained that he investigated and was able to determine where the septic field is located. He passed out an updated plan that included the location of the septic field.

Mr. Hawkins explained that the applicant does have two frontages, which is a practical difficulty.

Mr. Hicks felt that the Board was within their rights to grant an increase to a non-conformity.

Mr. Raney felt that there was not a safety issue to either nearby residents or the community.

Mr. Erwin questioned if the existing building had to stay. Mr. Owen explained that he would like to preserve as much of structure as he can due to it saving him money; he also would not be adding so much material to the landfill. He continued that he would try to tear down less of it but he is interested in preserving as much as he can.

Mr. Hicks stated that he had no issue with it being non-conforming.

Mr. Hawkins stated that the dual road frontage is a hardship. Based on acreage, the applicant would be allowed up to a 2000 sq. ft. accessory building. Mr. Erwin stated that he has a problem with the existing portion of the building and felt

30 that part could be removed.

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32 Mr. Hicks felt it was also important to consider that the applicant had 100% approval/support from the surrounding
33 neighbors. Mr. Raney stated that he has no trouble with it and felt the ZBA was there to make allowances for such cases.
34 Mr. Erwin felt that it was increasing a non-conformity and that was not within the rights of the ZBA. Mr. Raney
35 explained that the intent was for buildings not in use or in disrepair, not for buildings/property that were in good shape
36 and maintained properly. Mr. Raney felt that the hardship was caused by the ordinance change.

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38 Mr. Hawkins stated that the building was not posing any safety hazard to the public or landowners.

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40 There was brief discussion regarding the ordinance and rules of procedure for granting a variance.

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42 **Motion by Hicks, seconded by Raney, that the ZBA has the authority to increase a non-conformity.**

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44 **Voice Vote: Ayes: 3**
45 **Nays: Erwin, Hawkins**

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47 **MOTION APPROVED**

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49 **Motion by Hicks, seconded by Raney, regarding 23399 Currie Road, Sidwell #21-27-200-015 to approve**
50 **the applicant's request for a variance of 43.25' variance Section 18.03 for the side yard setback on**
51 **Woody Lane and to allow a variance from Section 13.05 to allow a 40' x 40' addition to an existing legally**
52 **non-conforming structure. The existing legal non-conformity was created by an amendment to the**
53 **Zoning Ordinance section 18.03, thus creating a hardship. There have been no objections from**
54 **residents within 300' and several of the surrounding property owners attended the hearing on March**
55 **15, 2010 and enthusiastically supported the request.**

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57 **Voice Vote: Ayes: 4**
58 **Nays: Erwin**

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60 **MOTION APPROVED**

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63 **3. ADJOURNMENT**

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65 Mr. Erwin adjourned the meeting at 8:15 p.m.

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67 Respectfully Submitted,

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69 Kellie Angelosanto

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71 Kellie Angelosanto
72 Recording Secretary
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