

Charter Township of Lyon
Zoning Board of Appeals
Regular Meeting Minutes
August 15, 2011

Approved: September 19, 2011 (as written)

The meeting was called to order by Mr. Erwin at 7:02 p.m.

Roll Call: Bill Erwin - Chairman
 Mike Barber – Alternate
 John Hicks – Township Board Liaison
 Deborah Sellis
 Carl Towne – Planning Commission Liaison

Absent: Tony Raney

Guests: 4

Also Present: Phillip Seymour, Township Attorney

APPROVAL OF THE MINUTES

**Motion by Towne, second by Hicks
To approve the meeting minutes of May 16, 2011 as presented.**

**Voice Vote: Ayes: Unanimous
 Nays: None**

MOTION APPROVED

PUBLIC HEARING

1. **David J. McCoy, 134 Woodland Drive, South Lyon, MI 48178. Sidwell #21-19-376-010. Applicant requests a variance from Section 18.03-A-2 of the Zoning Ordinance, which requires a side yard setback of 15' for accessory buildings. The proposed garage would have a side yard setback of 5'. Therefore, a variance of 10' is being requested.**

Representing ZBA Case: David McCoy - Owner
 Albert Kuchan – Builder

Mr. McCoy explained that he would like more space in order to take things out of the house that should be stored in a garage. The home only has a crawl space; it does not have a basement. Mr. McCoy stated that he does have an 8' x 8' shed.

Mr. Erwin questioned the dimensions of the property. Mr. McCoy stated it is 136' x 88'. Mr. Erwin questioned if the subdivision has an ordinance against accessory buildings. Mr. McCoy stated not that he knows of; there are accessory buildings throughout the subdivision.

Ms. Sellis questioned the location of the septic and the need for the 12' space. Mr. McCoy explained there is no other place to put the garage. Mr. Kuchan stated that there needed to be a buffer area

from the septic field, and it would allow space to be able to service the septic field.

Mr. Towne asked if there were letters from any of the applicant's neighbors. Mr. McCoy stated he did not get any letters. He has spoken to both neighbors about it though, and there were no problems.

Mr. Towne stated that he visited the property, and it is a unique property with a collage of different homes. The need is there, and he felt the request was reasonable; he was in favor of the setback.

Mr. Barber questioned the location of the utility pole and explained that he didn't think that the garage could be located that close to the pole/lines. Mr. McCoy stated that he received verbal permission from the utility company. Mr. Kuchan explained that there is adequate room to replace the pole. Mr. Erwin stated that their concern would be a risk of fire if the lines fell on the garage.

Mr. Barber questioned the septic field and commented that two fields are needed in the event one fails.

Ms. Sellis questioned if the fence would be staying. Mr. McCoy stated it would remain and it's a common fence.

Mr. Towne stated that adding a garage would also raise the property values in the subdivision.

Mr. Barber stated that if the applicant went smaller, a variance wouldn't be needed. Mr. McCoy stated that it could be made smaller, but it would be like having a shed again. Mr. Kuchan stated that a garage would allow the homeowner to keep their valuables clean and dry, and the building would be appealing. He continued that it becomes an aesthetic problem.

Ms. Sellis questioned the size requested. Mr. McCoy stated that it needed to be big enough to store everything. All he has is a crawl space; there is no basement.

Mr. Erwin thought that 18'x24' would give space to work with, and it wouldn't be such a big variance. Mr. Kuchan explained that he would obtain a letter of permission from DTE. Mr. Erwin stated that was something that the applicant would have to work out with DTE; the ZBA's concern is the setback.

Mr. Erwin suggested 20' x 24' for the size of the garage.

Mr. Towne stated that the property is unique in that it is the single street in the township with South Lyon located on either side, and he felt this would help the neighborhood. He agreed with the variance and felt it was reasonable. A 24' x 24' garage is standard, and there are no neighbors in attendance protesting the applicant. He saw no reason not to grant the variance.

Mr. Barber questioned if rescue/fire could reach the garage. Mr. Kuchan stated that there would be no problem bringing in fire or rescue equipment.

Mr. Erwin stated that this is not a difficulty the township has placed on the individual, and he would rather see a smaller variance, not 10'. He felt the less variance given is better.

Mr. Hicks stated that the Township is allowing 5' variances in new subdivisions where there is 5' on one side and 25' on the other. He does not have a problem with the requested variance.

**Motion by Hicks, second by Towne
To approve the request for a 10' variance from the side yard setback for 134 Woodland
Drive, South Lyon, MI 48178. Sidwell #21-19-376-010 contingent upon received a**

letter a letter from DTE allowing the location of the accessory building under the lines.

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

MOTION APPROVED

- 2. Pulte Homes, 100 Bloomfield Hills Parkway Suite 150, Bloomfield Hills, MI 48304. Property located at 24848 Purlin Court, South Lyon, MI 48178. Sidwell #21-21-304-158. Applicant requests a variance from the approved Pinehurst Planned Development plans, which require a rear yard setback of 35'. The proposed home would have a rear yard setback of 32'. Therefore, a variance of 3' is being requested.**

Representing Pulte Homes: Jim Christian

Mr. Christian explained that Purlin Court was finally released for building. He explained that there are homeowners that have waited 2 years for this lot, and no other lots will fit the model of home they would like to purchase. The applicant would like to extend the family room by 3' and have a 3-car garage. The request would be a 3' extension towards the rear of the building envelope. He continued that if the extension was not granted, the homeowner could do the 3-car garage without the extension of the family room or do the extension to the family room with a 2½-car garage; the lot is still buildable.

Mr. Barber stated that it is not a hardship to have a bigger house on the lot when it would fit without the extensions.

Mr. Erwin stated that one extension was already given, and there is no hardship on this property.

Mr. Christian explained that precedence would not be set since the rears of the lots are not visible.

Ms. Sellis questioned if there is not another lot that would accommodate this home. Mr. Christian stated there is not.

Mr. Towne stated that the applicants are not present, and there are a lot of questions that cannot be answered.

Mr. Erwin stated that Mr. Christian needs to go back to the builder and figure out a house that will fit on the lot.

**Motion by Towne, second by Sellis
To deny Pulte Homes, property located at 24848 Purlin Court, South Lyon, MI 48178.
Sidwell #21-21-304-158. Requesting a 3' rear setback.**

Mr. Hicks questioned if the Homeowners Association has any say. Mr. Seymour stated no. Mr. Hicks questioned if the lot would be excavated under 3'. Mr. Christian stated yes.

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

There was brief discussion regarding the procedure for electing a Vice Chair.

Motion by Hicks, second by Towne

To excuse Mr. Raney's absence.

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

ADJOURNMENT

Mr. Erwin adjourned the Zoning Board of Appeals meeting at 8:20 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary