

Charter Township of Lyon  
Zoning Board of Appeals  
Regular Meeting Minutes  
September 19, 2011

Approved: October 17, 2011 (as written)

The meeting was called to order by Mr. Erwin at 7:35 p.m.

Roll Call:        Bill Erwin - Chairman  
                      John Hicks – Township Board Liaison  
                      Tony Raney  
                      Deborah Sellis  
                      Carl Towne – Planning Commission Liaison

Also Present:    Mike Barber - Alternate

Guests:            3

**APPROVAL OF THE MINUTES**

**Motion by Towne, second by Hicks  
To approve the meeting minutes of August 15, 2011 as presented.**

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

**MOTION APPROVED**

**PUBLIC HEARING**

1.        **Tom and Linda Fairchild, 27900 Haas Road, Wixom, MI 48393, Sidwell #21-11-426-017. Applicants request a variance from Section 13/05-B-1 of the Zoning Ordinance to allow for the existing deck to be enclosed. This would result in an increase of a non-conformity. The existing deck is a non-conforming structure due to having a 14' side yard setback when 30' is required.**

Representing ZBA Case:        Linda Fairchild - owner

Ms. Fairchild explained that she needs to enclose the area because the extra space is needed to keep her electric wheelchair. She would also like to purchase specially modified exercise equipment that she uses at the University of Michigan. Ms. Sellis questioned what is Spastic Diplegic Cerebral Palsy. Ms. Fairchild explained that her condition is worsening, and she uses an electric wheelchair that is very heavy and cannot be lifted and placed in their family room; it is a large machine.

Mr. Hicks stated that the applicant is asking the Board to approve a non-conformity when the deck was never given final approval. Ms. Fairchild stated that they can get a final approval and move forward; she just needs to know what steps to take to get there.

Mr. Erwin explained that the final approval needs to be taken care of first; the structure needs to be

sound and able to bear the weight of the enclosure. Ms. Fairchild stated that she has no problem doing that. Mr. Erwin explained that there are rules by which the ZBA is bound.

Ms. Fairchild stated that they would not be going any closer to the property line; they just want to enclose the deck. Mr. Erwin stated that after inspection, it could be found that the structure is not safe. Ms. Fairchild stated that they would do whatever needs to be done to get the final approval and move forward.

Mr. Barber asked if a handicap ramp would be installed. Ms. Fairchild stated if it were to be installed, it would be at the front of the home.

Mr. Towne questioned the square footage of the home. Ms. Fairchild stated it was a 3 bedroom, 2-bath home, approximately 1500 square feet. Ms. Fairchild continued that they did not create the setback. She explained that they did pull a permit for the deck, but it was never finished, so the permit was not finalized.

Mr. Hicks stated that the house is non-conforming, and they need final approval of the deck and the roof for the enclosure. Mr. Raney agreed that the final approval has to be done before moving forward.

Mr. Erwin stated that an estimate of the cost to enclose the deck should be provided as well.

Ms. Sellis asked what the market value of the home is. Ms. Fairchild stated \$125,000.

Mr. Towne stated that there were discrepancies between the County survey and the application; he would like to see the survey. Ms. Fairchild stated that she pulled the information from the mortgage survey and could provide that.

Mr. Erwin explained that there are some items that need to be taken care of before the Board can review the case and render a decision. The applicant agreed.

**Motion by Towne, second by Raney  
To table the applicant's request until the October meeting.**

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

**MOTION APPROVED**

## **ADJOURNMENT**

Mr. Erwin adjourned the Zoning Board of Appeals meeting at 7:55 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary