

Charter Township of Lyon
Zoning Board of Appeals
Regular Meeting Minutes
October 17, 2011

Approved: November 21, 2011 (as written)

The meeting was called to order by Mr. Erwin at 7:32 p.m.

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

Guests: 14

APPROVAL OF THE MINUTES

**Motion by Towne, second by Raney
To approve the meeting minutes of September 19, 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. Tabled at the 9-19-11 meeting.**

**Motion by Raney, second by Hicks
To continue to table the applicant's request.**

Mr. Towne explained that he disagreed with tabling the request since the applicant was given ample time. The applicant was supposed to come back to the Township with information, and the applicant did not attend the meeting.

**Voice Vote: Ayes: 4 (Erwin, Hicks, Raney, Sellis)
 Nays: 1 (Towne)**

MOTION APPROVED

2. **Raymond Kryda, 55598 Katie Lane, New Hudson, MI 48165. Sidwell #21-15-200-055. Applicant requests a variance from section 36.02 of the Zoning Ordinance to allow construction of a pole barn with a side yard setback of 15'. 30' is required, so a variance of 15' is being requested.**

Mr. Kryda explained that the home was built approximately 4.5 feet above grade for the required engineered septic field that the Township required. The rear portion of the land is 2 feet lower than grade, making it 6.5 feet lower than the house. To meet the side setback requirements the pole barn would have to be built at the rear of the property. This would require clearing the treed area and filling in the area to bring the land up to the house level. Due to this, it would not be financially possible. He requested a variance of the side yard setback to 15' from 30' in order to put the pole barn on the east side of the property. He also explained that the property well is located at the rear of the property on the east side and would interfere with the rear location. Also, the lot owner on the east side has no objection to the proposed variance.

Mr. Erwin explained that the ZBA cannot look at the cost; the issue must be a hardship that the Township/government placed on the property. Mr. Kryda stated that he had to install an engineered septic field, which created the situation when he built the home. The well location is an issue too.

Mr. Erwin stated that there are other possibilities as to where the pole barn could be located, even if the land in the rear of the property has to be filled. Mr. Kryda explained that the cost of filling in the land would double the cost of the project, and he wouldn't be able to do that.

Mr. Towne stated that moving the pole barn over would still give room to service the well, since there is 36' between the house and the edge of the pole barn. Mr. Towne stated that the applicant has the property to allow conformance to the setbacks.

Motion by Towne, second by Sellis

To deny the variance for Raymond Kryda, 55598 Katie Lane, New Hudson, MI 48165, Sidwell #21-15-200-055, due to the applicant having ample property and room to build a pole barn that would not require a variance.

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

MOTION APPROVED

3. **Darrell Fletcher, 58701 Twelve Mile Road, New Hudson, MI 48165. Vacant property located north of Eleven Mile Road, between South Hill Road and Haas Road (site of the proposed Fletcher's Cove Campground). Sidwell #21-14-300-002, #21-14-300-19, and #21-14-400-010. Applicant requests variances from Section 19.02-Z-1-c-1, which requires that all areas designated for camping be located a minimum of 100' from all property lines. Requested variances would result in distances from property lines ranging from 0' to 99.58'. A complete list of each campsite's requested variance can be viewed at the Township Hall during regular business hours.**

Mr. Langdon explained that there are 144 units that will require a variance. The nature of the request is due to the physical rendering of the site. The property won't accommodate the units and the road without a variance.

Mr. Erwin questioned if this plan has been before the Planning Commission yet. Mr. Langdon responded that it has been before the Planning Commission and the Township Board, informally. If they are able to get the variances that are needed, then they will go to the Planning Commission for a full site plan review. The consensus was to seek variances first in order to use them for the site plan. Mr. Erwin explained that the applicant needs to follow the proper process and go before the Planning Commission first; the ZBA cannot make a decision based on this information. Mr. Langdon stated that he understood that the applicant would still have to comply in every other regard.

Mr. Towne explained that the plan did come before the Planning Commission with no plans so it was tabled. The Planning Commission did not request that the applicant go to the ZBA for a variance. Mr. Towne further explained that the Planning Commission asked that the applicant bring a completed site plan to back to the Planning Commission and allow them to do their due diligence and then it may be passed, contingent upon variances from the ZBA. Mr. Fletcher stated that they were told to do it this way.

Mr. Langdon stated that he had met with the Supervisor and Planner who responded to their concerns to come to the ZBA. Without a variance, there is no need to go forward; it would be a dead project. They knew they might not get site plan approval so they opted, with approval, to come to the ZBA for the variances.

Mr. Seymour apologized if the applicant was misled and explained that the ZBA does not have the authority to grant a variance when a site plan has not been submitted. He also explained that one tax id number is found to be subject to a contract with the township and Lyon Sand and Gravel for a PD and has to be looked into further. Mr. Seymour reiterated that the ZBA does not have the authority under these circumstances to grant variances without a site plan.

Mr. Langdon stated that they relied on the Township and their guidance and felt that it was important to note that the Township is in a precarious position after accepting money and placing items on the agenda after the Township Supervisor and Planner supported it. He explained that the applicant was charged an additional fee for this meeting after it was tabled previously.

Mr. Seymour stated the Township would do their best to see about not incurring another application fee.

Mr. Erwin stated that the applicant needed to move through the proper channels.

Motion by Hicks, second by Towne

To table until the issue is resolved and recommend that the applicant not be required to pay an additional fee.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

ADJOURNMENT

Mr. Erwin adjourned the Zoning Board of Appeals meeting at 8:04 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary