

Charter Township of Lyon  
Zoning Board of Appeals  
Regular Meeting Minutes  
November 21, 2011

Approved: February 21, 2012 (as written)

The meeting was called to order by Mr. Erwin at 7:30 p.m.

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

Guests: 8

APPROVAL OF THE MINUTES

Motion by Towne, second by Raney  
To approve the meeting minutes of October 17, 2011 as presented.

Voice Vote: Ayes: Unanimous  
Nays: None

MOTION APPROVED

Mr. Hicks asked that an addition be made to the agenda so that a Vice Chair can be nominated. The Board agreed.

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 10-17-11 meeting.

Mrs. Fairchild explained that the inspector was out once and stated that he wanted pictures of what was actually done. The inspector stated he would not come out again until he had engineered drawings. Mrs. Fairchild explained that she is in the process of finding someone to do the drawings and they cannot proceed until those drawings are provided.

Mr. Hicks explained that aside from needing drawings, the inspector was also concerned with the trusses. Mr. Erwin stated that they can only hold off so long and that the applicant needed to find an engineer to look at the structure. Mrs. Fairchild explained that it was her understanding that the inspector was out for 6 weeks. Mr. Hicks stated that the inspector is off for 6 weeks, but there will be a substitute inspector available.

Motion by Towne, second by Raney

To table ZBA Case 27900 Haas Road, Wixom, MI 48393, Sidwell #21-11-426-017 until the meeting in May 2012.

Voice Vote: Ayes: Unanimous  
Nays: None

MOTION APPROVED

2. 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 of the Zoning Ordinance, 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' and 99.58'. A complete list of each campsite's requested variance can be viewed at the Township Hall during regular business hours. Tabled at 10-17-11 meeting.

Motion by Hicks, second by Towne

To table Sidwell #21-14-300-002, #21-14-300-19, and #21-14-400-010 indefinitely.

Voice Vote: Ayes: Unanimous  
Nays: None

MOTION APPROVED

3. J. Robert Langan, 49801 Deer Run, Northville, MI 48167, Property located at 56150 Nine Mile road, South Lyon, MI 48178. Sidwell #21-27-300-028. Applicant requests a variance from Section 36.02 of the Zoning Ordinance (Schedule of Regulations), which requires lots in the R-1.0 zoning district to have a minimum width of 150'. A proposed lot split would result in one lot having a width of 147.56'. Therefore, a variance of 2.44' is being requested.

Mr. Cliff Sieber explained that he was representing Mr. Langan and that the request is a parcel division in which one of the two parcels would be 29" short of the required 150' width. He is requesting relief on the width requirement.

Mr. Towne questioned if Parcel B could be split again. Mr. Sieber explained that it would be possible, if all of the out buildings were demolished. Mr. Towne stated that the pieces of property are not maintained, and it needs to be cleaned up. Mr. Towne questioned the entrance point. Mr. Sieber stated that they would move it over to make a circle and the rest of the driveway would service Parcel A. Mr. Towne stated it's not a big variance, and the property has to be cleaned up.

Mr. Hicks stated that there are places on the parcel where it's not 150'. He mentioned a letter that was received from a neighbor Hank Meyer, 22592 Lazy K. Drive. Mr. Meyer objects to the variance. Mr. Hicks suggested splitting the back off, which would preclude an additional split.

Mr. Erwin questioned where the hardship is. Mr. Sieber stated the parcel was this size at the time of purchase and they would be complying with 98.3% of the requirement in the fact that there is extra space in the easement. Mr. Erwin stated that it was not something the Township created.

Mr. Towne stated that he had no problem granting the variance, even though it is a jagged line.

Mr. Raney stated it was unclear why it's at the easement and not the center of the road. Mr. Erwin

stated it was not a hardship that the Township created.

Mr. Towne stated it was the landowner's right to improve his or her piece of property. Mr. Erwin stated there was one neighbor that expressed his opposition. Mr. Seymour stated that the standard is a practical difficulty, not a hardship.

Ms. Sellis agreed that 29" is small, but she felt that the neighbor that protested is not even impacted at all by this division. She expressed her concern that the applicant will want to divide it again, which would dissuade her from agreeing to it. Mr. Towne stated that the applicant would have to wait 7 years before splitting it again. Mr. Towne strongly suggested the site be cleaned up.

**Motion by Towne, support by Raney**

To approve the variance of 2.44' for property located at 56150 Nine Mile Road, South Lyon, MI 48178. Sidwell #21-27-300-028, taking into consideration the spirit of the ordinance and the private road easement entered into the equation.

Voice Vote: Ayes: Hicks, Towne, Raney  
Nays: Sellis, Erwin

**MOTION APPROVED**

4. Matthew L. Macchiarolo, 28025 Galien Drive, South Yon, MI 48178, Sidwell #21-08-328-005. Applicant requests a variance from Section 18.03 C-1, which requires the height of an accessory building in a residential district to not exceed 14'. The proposed pole barn would have a height of 16.8'. Therefore, a variance of 2.8' is being requested.

Mr. Macchiarolo explained that he would like to build a pole barn to store his RV in an enclosed space. He explained that the door opening would need to be 13.5' with a sidewall of 14'. This would increase the height to 16.8'.

Mr. Erwin commented that this would be higher than the house. He gave a suggestion of another applicant and how they went about meeting the height requirement by digging down 2'. Mr. Macchiarolo commented that would probably not be cost effective for him.

Mr. Macchiarolo explained that his neighbor did receive a variance to build a pole barn the requested height. Mr. Towne commented that it is a unique setting, and this barn would be pushed all the way to the back of the property.

Mr. Towne noted that there were not any neighbors in attendance in opposition of the pole barn. Mr. Towne stated since a variance was granted previously, he was not opposed. These are large lots in this subdivision.

Mr. Erwin stated that there are other ways to do this and be in compliance. He suggested changing the truss line.

Mr. Macchiarolo explained that the asphalt would be cut through to put in the footings for the barn.

**Motion by Towne, Motion was not supported**

To approve the request based on enough setbacks in the rear, front and side and it's a large piece of property and there are other large structures that are over the zoning ordinance.

**MOTION FAILED**

Motion by Sellis, second by Hicks

To deny the variance located at 28025 Galien Drive, South Lyon, MI 48178, Sidwell #21-08-328-005 due to the fact that the pole barn would have a height of 16'8" and a variance of 2'.8" does not satisfy the standard of protocol.

Voice Vote: Ayes: 4  
Nays: Towne

MOTION APPROVED

5. Nominate Vice Chair

Motion by Towne, second by Sellis  
To nominate Tony Raney as Vice Chair. Mr. Raney accepted the nomination.

Voice Vote: Ayes: Unanimous  
Nays: None

MOTION APPROVED

ADJOURNMENT

Mr. Erwin adjourned the Zoning Board of Appeals meeting at 8:17 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary