

Charter Township of Lyon
Zoning Board of Appeals
Regular Meeting Minutes
May 21, 2012

Approved: September 17, 2012 (as corrected)

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, Vice Chairman
Deborah Sellis
Carl Towne, Planning Commission Liaison

Guests: 6

Absent: None

APPROVAL OF MINUTES

**Motion by Towne, second by Sellis
To approve the meeting minutes of April 16, 2012 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 non-conformity. The existing deck is a non-conforming structure due to having a 14 ft. side yard setback when 30 ft. is required. Tabled at the 11/21/11 meeting.

Ms. Fairchild stated that this was previously tabled and since that time, they have complied with all the recommendations from the building department and they are currently up to code. She added that they would not be going any closer to the property line than what they are now. They are only looking to enclose the existing deck so she can store her wheelchair in there and move things on one level for easier access because of her disability.

Mr. Towne noted that the non-conformity existed prior to the applicant purchasing the property and this request would not be increasing the non-conformity. Ms. Fairchild has a need to enclose the deck and have things accessible on one level. She has put in the proper foundation, and he is personally ok with this request.

Mr. Hicks indicated that when this came up previously, the only reason for coming to the ZBA was the issue of the non-conformity. Now, the non-conformity is not being increased, only enclosed. He would like to make the motion clear that this board would only be approving a *variance to build* the enclosure.

Ms. Sellis asked if this would be a 4-season room. Ms. Fairchild stated this room would not have heat; she just needs to store her wheelchair and move some things to this level.

Motion by Towne, second by Raney

To approve the request for a variance to allow for the existing deck to be enclosed with the need to put a wheelchair in that area while not adding to the non-conformity on Sidwell 21-11-426-017, with the understanding that that the variance is being given to enclose the existing deck and will meet all the standards from the building code.

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

2. **Joel Visnyak, 52775 Nine Mile Road, Northville, MI 48167. Sidwell #21-36-100-031.** Property located at 52305 Nine Mile Road. Applicant requests a variance from Section 36.02, footnote c, of the Schedule of Regulations in the Zoning Ordinance, which requires a lot depth to width ratio of 3 to 1. A proposed lot split would result in a lot depth to width ratio of 8.9 to 1.

Mr. Visnyak stated he has road frontage on 3 roads and is unsure with how Mr. Doozan came up with the calculations presented. He reviewed a drawing of his property and the frontage with the zoning members. He stated he currently lives in a 950 sq. ft. quad-level home that he can't add to, and he also has land that is unbuildable.

Mr. Towne feels this is an easy remedy, and Mr. Visnyak should be able to build on his property. While this would create a flag lot, there is a total ownership in this Township and his property. He personally is not opposed to the requested split.

Mr. Visnyak added that he purchased the property where he wants to build his home from a developer two years ago. He is hoping to build a new home and continue his agriculture business.

There was a brief discussion on whether there was another way this could be constructed. Malsia Court was considered as an access option, but it would create another flag lot.

Mr. Towne stated that he likes that Mr. Visnyak is committed to this property, and the ratio doesn't bother him. He feels he should be able to build on his property and has the right to do so.

Mr. Erwin noted that there are other parcels in the area with similar situations, and this board would not be creating something that isn't already in the area.

Ms. Sellis added that there would never be any use that could be made of the property in and around the water.

Mr. Hicks indicated that the Consumer's easement hinders what Mr. Visnyak can do on the property. Part of the parcel cannot ever be used due to the easement, and the drain also adds to the hardship. Mr. Raney added that this would diminish the width to depth ratio.

Motion by Towne, second by Raney

To approve, as the request as advertised on the agenda for Sidwell 21-36-100-031, to grant from lot depth to width ratio of 3:1 to lot depth as proposed to be 8.9:1 due to hardships on the property with gas line and drainage ditch crossing through the property, at which in reality this commission believes would change the width ratio.

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

MOTION APPROVED

ADJOURNMENT

**Motion by Erwin, second by Towne
To adjourn the meeting at 8:15 p.m.**

**Roll Call Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

Meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Lynn Lindon

Lynn Lindon
Recording Secretary