

Charter Township of Lyon
Zoning Board of Appeals
Regular Meeting Minutes
September 16, 2013

Approved: October 21, 2013

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

Roll Call: Bill Erwin, Chairman
John Hicks, Board Liaison
Mike Barber, Alternate
Tony Raney, Vice Chairman
Carl Towne, Planning Commission Liaison

Absent: Deborah Sellis

Guests: 4

Also Present: Scott Baker, Township Attorney

APPROVAL OF MINUTES

1. Approval of the August 19, 2013 Meeting Minutes

**Motion by Towne, second by Hicks
To approve the August 19, 2013 meeting minutes as presented.**

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

MOTION APPROVED

PUBLIC HEARINGS

1. **Ray Hicks, 21951 Chubb Road, Northville, MI 48167. Sidwell #21-35-200-032. Applicant requests a variance from Section 18.03-B-1 of the Zoning Ordinance, which requires this parcel's maximum ground area coverage of all accessory buildings and structures to not exceed 4,500 sq. ft. An existing pole barn measures 4,000 sq. ft., and the applicant wishes to construct a garage measuring 10,000 sq. ft. Therefore a 9.500 sq. ft. variance is being requested.**

**Representing ZBA Case: Ray Hicks, Owner
Margaret Kurtzweil, Attorney
Dave Richardson – Lindhout Architects**

Ray Hicks explained that he has tried to obtain more property from his neighbors all around him, but no one has been willing to sell their property. He explained that he collects antique cars and has 12 at the present time that are stored in the existing barn on the property. He has submitted signed letters from his neighbors that state they have no issues with the variance request. He explained that the property is very private and rural. He stated that he plans to retire here and collect the cars.

Ray Hicks explained that there will not be any work done on the cars on site. The proposed barn could hold approximately 45 cars. He explained the value of the cars and that they are not driven. If the cars are ever removed from the property they are transported by a carrier.

Mr. Towne stated that he visited the site and understood that the property behind the applicant is not buildable because of the wetlands. He stated that the building is large but felt that the property could handle it. Mr. Towne explained that his concern is if the applicant ever sold his property and moved, a business could be run out of the barn. He would want to see stipulations placed that there could never be a business and there would be no storage of any flammable materials, and the applicant would allow the barn to be inspected by the Township once per year. He explained that none of the neighbors would even be able to see the barn. Ray Hicks stated that he would agree with any restrictions that were placed on the variance and would even agree to take the barn down if he ever moved.

Mr. Erwin explained that the applicant has not presented a hardship and that the applicant is able to use the property. Ray Hicks stated that he could put the barn somewhere else, but it was important to him to have it on his property due to security issues and the convenience of being able to walk out to see the cars.

Mr. Richardson explained that the project is unique in that the applicant is going to upgrade the existing barn to match the building materials of the home. Also, with the new barn, they are proposing to build a green planet roof on the north side. This is unique because the barn is not a totally impervious structure. Rainwater would run through that filter before reaching the wetlands. He explained that the S2 type use limits fuel in cars on site per the building code and the Fire Marshall does visit S2 type buildings annually. He explained that the building does not have to be fire sprinkled due to the size and since it would be brick and steel. He stated that the applicant is making a significant investment. Ray Hicks stated that he would install a fire sprinkler if it was something the Board wanted.

There was discussion and concern expressed about setting precedence within the Township if this was approved. Mr. Towne felt that this project was very unique, and the applicant has gone above and beyond and is even willing to agree to demolish the structure if he moved. He felt this project would be an asset to the community.

John Hicks explained his concern with the project becoming a commercial enterprise.

Mr. Erwin explained that there are 5 criteria that the Board looks at, and the applicant has not met any of those. The applicant is able to use the property now. He stated that no hardship has been presented.

Margaret Kurtzweil explained that she is aware that it is difficult to work with government in a way that satisfies the needs of the Township and the residents. She explained that her client moved to Lyon Township for a reason. She stated that the plans were unique and that there is no other property that is so secluded in the Township to where no one will see this structure. There is no public access to the property. She explained that her client is highly committed and offers an exclusive collection to southeastern Michigan. She stated that the hardship is that Ray Hicks has tried to purchase additional property, and no one has been willing to sell. This is unique to Lyon Township and is a project that will use incredible technology. She explained that Ray Hicks is more than willing to work with the Township. She used another ZBA case that was approved as an example. She explained that any information that was needed by the Fire Marshall would be provided. She stated that if adjustments needed to made on the size then they could look at that.

Mr. Towne stated that he did not feel this would set any type of precedence in the Township. He stated that it is clear that the applicant loves the Township and that this is such a unique project. He stated that the applicant is bringing the existing building up to code and updating it. He felt that this should be looked at further. He stated that the applicant has expressed his willingness to work with the Township and felt that the square footage could be lowered. Mr. Erwin reiterated that none of the 5 criteria points have been made.

Motion by Hicks, second by Towne

To table Ray Hicks, 21951 Chubb Road until the October meeting for further information on an opportunity to accommodate the applicant.

Voice Vote: Ayes:	Unanimous
Nays:	None
Absent:	Sellis

MOTION APPROVED

- 2. Raymond and Terri Foley, 56441 12 Mile Road, New Hudson, MI 48165. Sidwell #21-15-126-017. Applicants request a variance from Section 36.02 of the Zoning Ordinance, which requires accessory structures to have a side yard setback of 30'. A proposed lot split would result in an accessory structure having a side yard setback of 15'. Therefore, a 15' variance is required.**

Representing ZBA Case: Raymond Foley, Owner

Mr. Foley explained that the parcel was originally 660' by 330' in 1996 and homes were built on the ends of the parcel and 2 acres were left in the middle and would make a large, over 1 acre home sites. He would like to split those middle lots and sell them. He explained that his engineer and the Township's engineer disagree that the existing pool is a structure. His hardship is that he cannot sell the parcels without the variance.

Mr. Towne asked if the land conformed to the zoning at one time. Mr. Foley stated yes, it was all one large 5 acre parcel. He explained that his neighbor built a barn 15' from his property and he questioned how that happened.

Mr. Towne discussed where the fence is from the pool to the side yard setback. Mr. Foley explained that the fence to the side yard is 15'.

Mr. Raney stated that when the pool was built the zoning ordinance had 15' side yard setbacks. He did not understand why the pool is an accessory structure.

Mr. Erwin stated that the applicant could split the lot two ways instead of 3 ways. The applicant stated he would not do that. Mr. Hicks commented that any movement would make the parcels less than one acre with the easements.

Mr. Baker explained that the ZBA cannot create a non-conformity nor approve a hardship that is strictly for financial purposes. Those are not considerations that the ZBA can utilize in granting a variance.

**Motion by Towne, second by Raney
To table Raymond and Terri Foley, 56441 12 Mile Road, New Hudson, MI
Sidwell #21-15-126-017.**

**Voice Vote: Ayes: 3 (Hicks, Towne, Raney)
Nays: 2 (Barber, Erwin)**

MOTION APPROVED

ADJOURNMENT

Mr. Erwin adjourned the Zoning Board of Appeals meeting at 8:33 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary