

Charter Township of Lyon
Zoning Board of Appeals
Regular Meeting Minutes
October 20, 2014

Approved: April 20, 2015

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

Roll Call: Bill Erwin, Chairman
John Hicks, Board Liaison
Kurt Radke
Tony Raney
Carl Towne, Planning Commission Liaison

Guests: 12

Also Present: Leann Kimberlin, Township Attorney
Mike Barber, Alternate

APPROVAL OF MINUTES

**Motion by Towne, second by Raney
To approve the minutes from August 18, 2014 as presented.**

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

MOTION APPROVED

PUBLIC HEARINGS

- 1. Gary and Colleen Michalak, 23000 Griswold Road, South Lyon, MI 48178. Sidwell #21-28-300-011. Applicants request a variance from Section 13.04-A-1 of the Zoning Ordinance, which requires the width of a non-conforming lot to not be less than 75% of the requirement for the district in which the lot is located. Section 36.02 (Schedule of Regulations) of the Zoning Ordinance, requires a lot width minimum of 150' in the R-1.0 District. The lot width is 28.49'. The applicants wish to construct a barn on an existing nonconforming lot.**

Representing: Gary Michalak

Mr. Michalak explained that he would like to add a barn to his property. The problem is the way the property is divided up, he only has 28.8' of road frontage. The property then opens up to the bulk of the property for a total of 5.43 acres.

Mr. Towne commented that there is uniqueness to the property. This variance would not apply to many, if any, properties in the Township. If the variance is needed, then he

thought it should be granted.

Ms. Kimberlin stated that there is a special provision for single family dwellings and customary accessory buildings as far as lots that were in existence at the time the ordinance changed putting forth the requirement for the road frontage. She referenced Section 13.04A. Mr. Raney commented that he didn't think a variance was needed at all.

Motion by Towne, second by Raney

In reference the request for a variance, it is found that it is a permitted use in the zoning district of residential/agriculture, pursuant to Section 13.04A. Therefore, a variance is not required.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

- 2. Therese McCarthy – Dandy Acres, 56560 10 Mile Road, South Lyon, MI 48178. Sidwell #21-22-300-010. Applicant requests a variance from Section 19.02-F-F of the Zoning Ordinance, which requires veterinary clinics to have a 200' setback on all sides that adjoin a residential district. The applicant wishes to construct two accessory buildings. Building A would require a 158' side setback variance, and Building B would require a 110' side setback variance.**

Representing: Terry and Therese McCarthy

Mr. McCarthy explained that they would like to construct two small storage buildings since they have some agricultural storage needs, and more storage space for the clinic is needed.

The applicants confirmed that there would be no animals in the storage buildings.

Mr. Towne confirmed that the current building was built under the ordinance that it has to be built on a 10 acre parcel, so it was built under the premise that any accessory buildings would have to be 200' from the property line. Ms. McCarthy stated that she didn't think that was in effect at that time.

Mr. Towne stated that he struggled because this will front 10 Mile Road, and it will front residential. He struggled with one building, let alone two buildings, out there. He didn't see any criteria. It seemed to him the buildings could be placed further back on the property.

Mr. McCarthy explained that the setbacks overlap, and the building is non-conforming.

Mr. McCarthy confirmed that there are no chemicals that would be stored on the property. Mr. Erwin commented that the ordinance has put the burden on the property.

Mr. McCarthy commented that they are very proud of their place and it looks sharp.

Ms. McCarthy also commented that they are zoned as a farm. She was told that they could put the buildings up without a permit for the farm, but they wanted to make sure they were on the up and up. She explained that she is a beekeeper and raises honeybees. Ms. McCarthy explained that they received a grant from the NRCS and has created a pollinator habitat on the back 8 acres.

Todd Wyett, 25900 W. Eleven Mile – Mr. Wyett explained that he is the only neighbor, and the only one impacted by this. He is in favor of it.

Mr. Towne questioned what the height of the buildings would be. Mr. McCarthy explained that there will be a 6' privacy fence, and the height of the buildings would be 12'. They have also decided on a metal roof for the buildings.

Mr. Hicks commented that for the storage of equipment, he had no issue with both of the requests.

Dave Moore, 56465 Ten Mile Road – Mr. Moore stated that he is concerned with the buildings being so close up to the road. He asked if the applicants could utilize the land and put the buildings more in the back of the property so it doesn't clutter the front area by the road.

Mr. Radke asked if they could do one larger building. Ms. McCarthy explained that one building would be for the bees, and one would be for storage use for the clinic.

The applicant agreed to add additional landscaping to try to block the view of the buildings.

Motion by Hicks, second by Raney

To approve the variance for the two buildings Sidwell #21-22-300-010 because there is no way the buildings can be built to the current ordinance and the buildings won't be used for housing of animals. The present zoning ordinance with the variances is not acceptable with this property it just doesn't fit. The practical difficulty is that the lot is too narrow and the need for the variance is not self-created, but has been in existence since the time it was built.

Voice Vote: Ayes: 4 (Erwin, Hicks, Radke, Raney)

Nays: 1 (Towne)

- 3. Lannie Young, 55601 Lorals Way, Northville, MI 48167. Property located at 55395 Lorals Way. Sidwell #21-34-200-059. Applicant requests a variance from Section 36.02, (Schedule of Regulations) which requires 75' front setback in the R-1.0 District. A 35' setback is being requested to construct a home, required a variance of 40'.**

Representing: Lannie Young

Mr. Young explained that he has lived here since 1984, and he is asking for a variance because of the difficulty that the property presents. There is a 100 year old tree line,

and some of those trees are 100' tall. The largest tree is about 54" across the bottom. It would be substantial justice to receive a 40' variance from the front yard setback so he wouldn't have to cut the landmark trees. If he went to the south side of the tree row, he would be in the septic field. The hardship is the septic field and the landmark trees.

Mr. Young asked that they allow him to build the house farther forward, which would allow him to preserve the trees and place the septic where it's approved. His neighbors are also in support.

Mr. Towne stated it's a private road. The main septic and backup septic are ready to go, and that would be the largest thing he worried about. He commented that he would also worry about the drainage issue that would be created if the trees were taken out. It's really secluded and being that the private road easement is there, no one would see it. He had no problem with it.

Ben Kemp – Mr. Kemp explained that he is one of the neighbors, and he is in support of moving the house further from their property line and not removing the trees.

Motion by Towne, second by Hicks

To approve the requested variance of a 35' setback from Sidwell # 21-34-200-059 the strict compliance of the setback would prevent the owner from using property and the setback would create a drainage issue and remove landmark trees and for those he would approve a variance of 40'.

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

MOTION APPROVED

ADJOURNMENT

The Zoning Board of Appeals meeting was adjourned at 8:16 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary