

Charter Township of Lyon
Zoning Board of Appeals
Regular Meeting Minutes
April 20, 2015

Approved: May 18, 2015

The meeting was called to order by Mr. Erwin at 7:00 p.m.

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

Guests: 8

Also Present: Leann Kimberlin, Township Attorney

APPROVAL OF MINUTES

**Motion by Towne, second by Hicks
To approve the minutes from October 20, 2014 as presented.**

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

MOTION APPROVED

PUBLIC HEARINGS

- 1. Healy Homes, LLC, 3696 Sleeth Road, Commerce Township, MI 48382. Sidwell #21-21-301-024. Property located at 58780 Castle Court (lot 192 at the Carriage Club PD). Applicant request a variance from Section 8.03-cf of the Carriage Club Phase III Declaration of Covenants, Conditions, and Restrictions. The variance would allow for a 30' front setback, as opposed to the required 40' front setback. Therefore, a front setback variance of 10' is being requested.**

Jack Healy explained that one of the last lots is in a cul-de-sac next to a well house. They have to keep an Isolation distance of 200' from the well and 25' from the adjacent house. Also, the lot is very steep in the rear.

Mr. Healy explained that he is asking for a 30' front yard setback so that the back yard is not so steep. They have designed a custom home for that purpose. When the site plan was originally approved, there was a requirement of 150' isolation distance. Since then, the MDEQ has changed that distance to 200'. When doing Phase III, there is a high pressure gas line one house over. When they were prepping the road, they had to raise the road 2' higher. By raising the road higher, it made the steepness in the back worse. Many of the lots were approved with a 30' or 35' front setback. When the sub

was designed, the Planning Commission worked with them to have a smaller frontage and more of a bigger backyard.

Mr. Towne stated that there are hardships involved. Mr. Healy confirmed that it's a walkout unit with a 10' basement so, it's deeper. The garage will be dropped below the curb. It's a little bit of a challenge with the way it is already. Mr. Healy confirmed that the home would be about a 3,000 square foot home.

Mr. Raney stated that there are numerous lots already in this sub that have a 30-35' lot, and there are issues. He felt the request was justified.

Mr. Erwin opened the public hearing.

Cheryl Brisson 58751 Castle Court – Ms. Brisson is questioned which homes in the cul-de-sac have a 35' setback. Mr. Healy confirmed that none of the lots in the cul-de-sac are 30-35', but there are some that are located throughout the development. Ms. Brisson stated that she was curious as to why he wanted the front setback at that size. She didn't agree with a retaining wall. She was concerned with how that lot would be buildable, and she is concerned with the truck traffic. She liked how the development is now and felt that it's consistent. She is concerned how much this change would affect the development aesthetically with the shorter driveway. She preferred the way the homes are now with a 40' setback. However, as long as it doesn't affect their property value, she would be ok with it.

Robin Lowen, 58779 Castle Court – Ms. Lowen agreed with the previous speaker. She commented that lot 202 has a 30' setback and felt that it is very noticeable.

Mr. Erwin closed the public hearing due to no further comments.

Mr. Healy stated that they will have to bring in fill dirt, but they aren't sure how much. Mr. Healy confirmed that he has turned the plans in for a permit for the house as presented. If they went to 35', it wouldn't fit.

Motion by Raney, second by Towne

To approve Healy Homes, LLC, Sidwell #21-21-301-024, to allow for the 10 foot front yard setback variance. It would do everyone substantial justice. Some of the rules have changed since the approval of the sub which are causing the owner hardship which he has not brought on himself.

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

MOTION APPROVED

2. **Ghassan Abdelnour, 24001 Orchard Lake Road, Suite 180, Farmington Hills, MI 48336. Sidwell #21-21-400-055. Property located at 57196 Ten Mile Road (Lifetime Dental Group). Applicant requests the following variances:**

- A variance from Section 12.12-A-1-a of the Zoning Ordinance, which requires

dumpsters to comply with the setback requirements for the district in which they are located. The required setbacks in the B-2 District are 20' for the side and 60' for the rear. The dumpster would have a side setback of 17' and a rear setback of 5.5'. Therefore, a side variance of 3' and a rear variance of 54.5' are being requested.

- A variance from Section 36.02 of the Zoning Ordinance (Schedule of Regulations). The maximum lot coverage allowed in the B-2 District is 60%. The lot currently exceeds this amount, but a variance is only needed for the additional 3.5% of coverage that is being proposed by the addition of four parking spaces.

**Representing: Ghassan Abdelnour, Owner
David Kam, D.D.S.**

Dr. Kam explained that the first variance they are seeking is for the dumpster enclosure for the side yard variance of 3' and a rear yard variance of 54.5'. There is nowhere else to place the dumpster. An additional variance is for 4 parking spaces, which is 3.5% over coverage. They will be putting a building on existing surface.

Mr. Towne stated that the Planning Commissioners all agreed that the variances would be necessary because this used to be a drive-thru bank. They applicant would be taking out the three lanes of the former drive-thru to add a beautiful structure to the existing building. They all concurred that there is no other location for the dumpster. He would be in favor of moving both forward.

Mr. Raney stated that he couldn't see any reason not to grant the variance either.

Mr. Erwin opened the public hearing and closed it due to no one wishing to comment.

Motion by Towne, second by Raney

To approve a variance of 3 feet in rear and 54.5' on Section 12.12.-A-1-a of the Zoning Ordinance which requires a dumpster to comply with the setbacks but because of the nature of this building they need need to have the setback for the dumpster.

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

MOTION APPROVED

Motion by Towne, second by Raney

To approve from Section 36.02 of the Zoning Ordinance (Schedule of Regulations) the variance for lot coverage. The lot exceeds the amount but a variance is needed in addition of 3.5% of the coverage that is being proposed by the addition of 4 parking spaces. This building was originally a bank, and it is time to take out the drive-thru lanes. Therefore, he felt the 3.5% on the lot coverage was necessary.

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

MOTION APPROVED

3. **Lighting Lawn and Landscape, 410 Pettibone, South Lyon, MI 48178. Sidwell #21-29-226-021. Property located at 23655 Griswold Road. Applicant requests the following variances:**
- **A variance from Section 12.16-C-1 of the Zoning Ordinance, which prohibits fences from extending toward the front of the lot beyond the principal structure.**
 - **A variance from Section 36.02 of the Zoning Ordinance (Schedule of Regulations). A minimum 30' side yard setback is required in the I-2 District. Applicant proposes a side yard setback of 15'. Therefore, a side yard setback variance of 15' is being proposed.**

Mr. Erwin explained that the applicant has requested to have this item tabled and re-scheduled for July 20, 2015.

Mr. Erwin opened the public hearing at 7:36 p.m.

Wayne Bailey, 23900 Griswold – Mr. Bailey questioned if the property has been sold.

**Motion by Towne, second by Raney
To continue the public hearing on July 20, 2015.**

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

MOTION APPROVED

ADJOURNMENT

The Zoning Board of Appeals meeting was adjourned at 7:39 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary