

Charter Township of Lyon
Zoning Board of Appeals
Regular Meeting Minutes
June 15, 2015

Approved: August 17, 2015

The meeting was called to order by Mr. Erwin at 7:03 p.m.

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

Guests: 10

Also Present: Leann Kimberlin, Township Attorney

APPROVAL OF MINUTES

**Motion by Towne, second by Hicks
To approve the minutes from May 18, 2015 as presented.**

**Voice Vote: Ayes: 4
Nays: None
Abstain: Raney**

MOTION APPROVED

PUBLIC HEARINGS

- 1. BRIVAR Construction Company, 7258 Kensington Road, Brighton, MI 48116. Sidwell #21-11-226-003. Property located at 53410 Grand River Avenue. The following variances are requested.**
 - A variance from Section 12.12-A-1 of the Zoning Ordinance, which requires dumpsters to be located in the rear yard. Applicant proposes to locate the dumpster in the front yard.**
 - A variance from Section 12.12-A-1 of the Zoning Ordinance, which requires dumpsters to comply with the setback requirements for the districts in which they are located. A 12' front yard setback is proposed. In the I-1 District, a 75' front yard setback is required. Therefore, a 63' variance is being requested.**

Representing BRIVAR: David LeClair, Livingston Engineering.

Mr. LeClair explained that they are asking for two variances for the dumpster location on the site. The dumpster was always in the back location. With the 3rd building now being

constructed, they want to move the dumpster to the front for a more centralized location. The only place they could put it in the rear of the property is over the water main. The Township Planner thought locating the dumpster in the front was a good idea.

Mr. Towne explained the Planning Commission approved the site plan contingent upon the two variances. No one on the Planning Commission seemed to have an issue with the location of the dumpster. The applicant changed the dumpster enclosure from wood to vinyl. Mr. LeClair stated that it is a blocked enclosed area with a fence in the front. The planner had a good point that the dumpster is away from I-96.

Motion by Towne, second by Raney

To approve the dumpster location on Sidewall number #21-11-226-003.

The whole setup of the site with the series of 3 buildings that have the loading docks in front. It's a continuum of the process of these 3 buildings that were approved before the zoning changed. The only location is to put the dumpster in the front and be in a centralized location for all 3 buildings.

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

MOTION APPROVED

Mr. Towne commented that the zoning has changed and there is a detention pond on this site, which limits location. The proposed location for the dumpster is the most likely area to have the dumpster located so it is accessible to the other two buildings.

Motion by Towne, second by Raney

To approve the variance from Section 12-12-A-1 and allow a 63' variance on Sidwell #21-11-226-003.

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

MOTION APPROVED

- 2. Malyka DeGoa, 847 Glen Meadows Drive, South Lyon, MI 48178. Sidwell #21-25-200-025. Property located at 23697 Napier Road. Applicant requests a variance from Section 12.16-B-1-b, which requires fences between the road right-of-way line and the front setback line to have maximum height of 4'. Applicant proposes an 8' high gate. Therefore, a variance of 4' is being requested.**

Tim Birkmeier explained that they are requesting to have a gate placed in the driveway. They built a home on Napier about 600' off the road, and they are concerned about the security of their family. They want a higher gate so people don't feel compelled to walk on or drive up the driveway. They would like the gate high enough so the home can't be seen from the road.

Mr. Erwin stated that they could move it back far enough off the road so a variance wouldn't be needed; it could be 20' or 30' off the road.

Ms. Kimberlin explained that the Zoning Administrator is considering the whole thing a fence. Ms. Kimberlin stated that there are requirements for the location of a fence as well.

Mr. Towne stated it looks like overkill for the size of the fence they want to put up. The road will be paved along with the size of the driveway; an 8' foot high fence will be way too high. Mr. Towne suggested a 6' high fence.

Ms. Kimberlin stated if the fence would be shifted for parcels of land 2 acres or more, and have at least 200' feet of frontage, and which are not located in subdivisions, the maximum height would be 6' for fences located at or to the rear of the front setback line. Fences between the road right of way line and the front setback line which is where the applicant proposes to place the fence, shall have maximum height of 4'. If the applicant placed the fence back on their property the maximum height is 6'. The township ordinances do not allow an entranceway gate to a private home. Subdivisions and condos, and industrial developments do have an entranceway structure. The Zoning Administrator officer is treating this proposal as a fence and not an entranceway structure.

The applicant agreed to place their fence/gate off the right of way and have a 6' gate, so no variance is needed. There was deliberation regarding if the proposal should be tabled, denied or just withdraw the application.

Ms. Kimberlin explained if the applicant withdraws and they come back for another variance then they would have to start over from square 1. It would be a whole new process.

Motion by Towne, second by Raney

To deny the request for an 8' high gate with a variance of 4' Sidwell #21-25-200-025 property located at 23697 Napier Road from Section 12-6-B-1-b because the location of the fence is on the property line and right of way. The applicant did not show a practical difficulty, and this issue is self-created.

Voice Vote: Ayes: 4

Nays: Erwin

MOTION APPROVED

- 3. Keith Boulard, 24440 Tara Drive, South Lyon, MI 48178. Sidwell #21-22-378-002. Applicant requests a variance from Section 36.02 (Schedule of Regulations) of the Zoning Ordinance, which requires a minimum side yard setback of 30' in the R-1.0 District. Applicant proposes an addition to an existing garage, which would result in a side yard setback of 20'. Therefore, a variance of 10' is being requested.**

Mr. Boulard explained that he is asking for a 10' side yard setback for an addition he would like to build. He is stuck between the property line and the well and is 30' from his neighbor's property line.

Mr. Towne visited the site and walked the site completely. The front yard is a septic field with plenty of room next to the original septic field to put in a back-up septic field if needed. The property is a total of 1.29 acres and even putting this addition on would not touch the property area. The issue at hand is the 30' setback, and he wants a 10' variance. He did not see any reason not to grant the variance. The well cannot be moved anymore to the south because of the well location. Mr. Towne questioned why not make this building smaller. Mr. Boulard stated that he would have to make it deeper and the usefulness of the building would go down and compromise the use of the building.

Mr. Erwin stated if there is any way to keep it within the ordinance then they are supposed to do it.

Mr. Boulard agreed to knock it down to an 8' variance because it would at least put it in line with the existing driveway. Mr. Hicks stated that the request for the variance is 30' from the property line and he saw no problem with granting this variance, it is more than 30' from the neighbor's property line.

Mr. Raney stated he had no issue with the variance, the lot next to this has an additional 40-50'. Mr. Towne stated that the practical difficulty is the shape of the lot.

Motion by Towne, second by Raney

To approve an 8' variance on Sidwell #21-22-378-00, 24440 Tara Drive. Applicant requested a 10' variance and they are granting an 8' variance on the practical difficulty grounds to shift the building would run into issues on the back setback.

**Voice Vote: Ayes: 3
Nays: 2**

ADJOURNMENT

The Zoning Board of Appeals meeting was adjourned at 7:56 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary