

Charter Township of Lyon
Zoning Board of Appeals
Regular Meeting Minutes
August 15, 2016

Approved: September 19, 2016

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

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

Guests: 4

Also Present: Leann Kimberlin, Township Attorney

APPROVAL OF MINUTES

**Motion by Towne, second by Raney
To approve the minutes from June 20, 2016 as presented.**

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

MOTION APPROVED

PUBLIC HEARINGS

- 1. Kerry M. Kessler, 27440 Dixboro Road, South Lyon, MI 48178. Sidwell #21-18-100-011. Applicant requests a variance from Section 36.02 (Schedule of Regulations) of the Zoning Ordinance, which requires front yard setbacks in the R-1.0 (Residential Agriculture) district to be a minimum of 75'. Due to the height of the proposed pole barn, 3' 4" must be added to that minimum. A front yard setback of 50' is being proposed. Therefore, a variance of 28', 4" is being requested.**

Mr. Kessler explained that they have a collection of motorcycles and snowmobiles and they would like to build a barn for that and store a couple of tractors as well. They just purchased this home and currently their collection is being stored at their old house. They wanted enough room to expand to put the tractors and possibly a motor home. He was under the impression that this would be treated more like the back yard/side yard. When he applied for the building permit though, he was told it needs to satisfy the front setback. The walls are 14' and another 12' at the peak, so it's 28' tall.

Mr. Barber asked how many trees would need to be removed. Mr. Kessler stated probably 5-6 trees would have to be removed, and there are pine trees and oak trees. He would like to not remove any oak trees. There are also 2 mature pine trees to the

south. He could not build right up against the trees. There was brief discussion regarding the placement of the building and the immediate area.

Mr. Barber confirmed there will not be parties held there, and there is no motorcycle club.

Mr. Erwin read a letter of support from a neighbor Donald Holmes.

Mr. Towne explained that it is important to have the setback due to the size of the building. With the oblong shape of the property he had no problem and there is a plus that there are no other neighbors here that are against it. He questioned if the Health Department has been contacted regarding the septic field. He wondered if the septic field failed if there would be enough room to replace it. Mr. Kessler stated there is plenty of room in the yard to put a septic field and it doesn't affect the view of the yard since it is underground. Mr. Towne questioned why he couldn't move it to the east. Mr. Kessler stated because there are mature trees there, and the property has more of a slope there.

Mr. Raney commented that the land is an odd shape. Because it's not close to the road or to anything else, he had no issue with it. He would rather see the mature trees left. There is room if the trees were removed.

Motion by Hicks, second by Barber

To approve the variance of 28' 4" to the side yard setback for the Kesslers, 27440 Dixboro Road, South Lyon, MI 48178, Sidwell #21-18-100-011 due to the practical difficulty of the topographical areas with the mature trees which would have to be destroyed in order to move the garage. It is also a flag lot and there are not any objections from any of the adjoining neighbors and it is 400' from the road.

**Voice Vote: Aye: Unanimous
Nays: None**

MOTION APPROVED

- 2. Lee Paschke, 59450 9 Mile Road, South Lyon, MI 48178. Sidwell #21-29-451-005. Applicant requests a variance from Section 19.02-A-1-c of the Zoning Ordinance, which requires the total floor area of an accessory residence to not exceed 600 square feet. A total square footage of 710 is being proposed. Therefore, a 100 square foot variance is being requested.**

Mr. Paschke explained he is building an accessory apartment for his mother who is handicapped. He wanted the spaces to be as large as possible, to accommodate wheelchairs and provide a first floor laundry space. He was in front of the Planning Commission as well and was approved.

Mr. Towne explained that the all members of the Planning Commission had no issues across the board with this request. This addition is a special land use, and the owners

put in the deeded property that it shall stay forever as a single family home. Mr. Towne continued that the zoning calls for 600' and this is at 710', so he will need 110' extra feet. All of the setbacks have been met, and all the paperwork has been met. It is only contingent regarding the Health Department approval. He is totally in favor of it.

Motion by Barber, second by Raney

To approve the variance for Sidwell #21-29-451-005 for 110' sq. foot variance to add the mother-in-law addition to an existing building. The granting of the variance will not increase the hazard of fire nor create a public nuisance. The address is 59450 9 Mile Road, South Lyon, MI 48178. Due to the unique circumstances of the handicapped occupant the variance shall be granted due to the need for the addition to be handicapped accessible and allow for wheelchair movement. The addition meets all the setbacks and is 600' off the road.

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

MOTION APPROVED

ADJOURNMENT

**Motion by Towne, second by Hicks
To adjourn the ZBA meeting at 7:38 p.m.**

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

MOTION APPROVED

The Zoning Board of Appeals meeting was adjourned at 7:38 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary