

Charter Township of Lyon
Zoning Board of Appeals
Regular Meeting Minutes
March 20, 2017

Approved: April 17, 2017

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

Roll Call: Mike Barber
Bill Erwin, Chairman
Lise Blades, Board Liaison
Tony Raney, Vice-Chairman
Carl Towne, Planning Commission Liaison

Guests: 10

Also Present: Leann Kimberlin, Township Attorney

APPROVAL OF MINUTES

**Motion by Towne, second by Raney
To approve the minutes from January 18, 2017 as presented.**

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

MOTION APPROVED

APPROVAL OF AGENDA

Mr. Towne added the Election of Officers to the agenda.

**Motion by Towne, second by Blades
To approve the agenda as amended.**

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

MOTION APPROVED

PUBLIC HEARINGS

- 1. Lightning Lawn & Landscape, 23655 Griswold Road, South Lyon, MI 48178. Sidwell #21-29-226-021. Applicant requests a variance from Section 36.02 (Schedule of Regulations) of Zoning Ordinance, which requires a 75' front yard setback along Griswold Court. The applicant proposes to locate a storage building 58' from the property line. Therefore, a 17' variance is being requested.**

Mr. Shigley explained originally he tried to put the building on the north side, and they didn't get approved for that. After many meetings, they got the plan approved with the stormwater where it is. There are limitations in the back of the property with the gas main and the electrical running through the center of the property. He came back to the Township about moving the building and he also went to DTE. If they put it on the south side of the property, it meets the setbacks on the north side and will be even with the existing building and open up the back of the property to be used again. The stormwater ponds were very small and have now tripled in size. The property would be landlocked for his business use. Mr. Shigley explained that Mr. Doozan had told him that he would support this plan and thought it was a great idea.

Mr. Towne stated they have an approved site plan. In order to change the site plan, they have to go to the Planning Commission. Ms. Kimberlin stated that is the normal and correct procedure, but if the ZBA desires they can review the case. If they are so inclined to grant the variance they are requesting, it would have to be conditioned that the applicant go back before the Planning Commission and approve the corrected site plan.

Mr. Towne stated that they deal with setback issues, not with buildings. The original site plan was approved by the Planning Commission. Therefore, he would not be inclined to move forward.

Ms. Kimberlin explained the original plan shows the wrong location for the septic field. Mr. Shigley explained he has been trying to get his business going since 2015, and it would help if they would help. Mr. Towne provided some background information regarding this application.

Mr. Shigley stated this is his 7th time here. He is just trying to run a business. He has been waiting 6 weeks to come here. If he had been told to go to the Planning Commission first, then he would have gone in February. Mr. Shigley stated that the building can't go further south. It would have to go to the north and less on the south side; there is no difference if they vote on it today because he won't be asking for more of a variance.

Motion by Towne, second by Barber

To table Lighting Lawn & Landscape 23655 Griswold Road, South Lyon, MI 48178. Sidwell #21-29-226-021 on the grounds the applicant was sent by someone to the ZBA when they should have gone to the Planning Commission to obtain additional information.

**Voice Vote: Ayes: 4 (Barber, Erwin, Blades, Raney)
 Nays: 1 (Towne)**

MOTION APPROVED

- 2. Scott Lynn, 27675 Charing Cross, New Hudson, 48165. Sidwell #21-16-101-008. Applicant requests the following variances from the Zoning Ordinance.**

- **A variance from Section 18.03 B-1, which limits an accessory building to 900 square feet for one acre. Applicant has one acre of property and is proposing an accessory building of 1,220 square feet. Therefore, a variance of 320 square feet is being requested.**
- **A variance from Section 18.03-A-4, which requires the side yard setback (15') to be increased by one foot for every foot in height that an accessory building exceeds 14'. The total height would be 19', requiring a side yard setback of 20'. A side yard setback of 16' is proposed. Therefore, a variance of 4' is being requested.**

Mr. Lynn explained he purchased the home in August. Before purchasing the home he had a contingency to make sure he would be allowed to build a pole barn in order to set up a home office. He spoke with the building department and Mark Spencer, and they figured out they could do what he wanted. They began construction and hit a septic field that wasn't where it should have been. The first constraint is that there is a septic field where they didn't know there was one. The 2nd constraint is that he is trying to get the Oakland County Health Department to repair or replace the septic field so he can build his pole barn. Oakland County denied the initial permit and have now identified the location of the new septic field. The 3rd constraint is because he is on a one acre, he must have a 3 bedroom property. There were concerns with him having a living space above the garage. He is happy with language that restricts that; he just needs a place to work.

Mr. Towne confirmed a building permit was issued by Lyon Township. On a need basis, he was entitled to build the building. Regardless of how they feel about septic fields, he cannot build that building without the approval of Oakland County Health Department. The applicant agreed he would put in an engineered system if needed; he has a permit for that. Mr. Lynn stated he would build a reserve field and it has to build an engineered field at this point.

Mr. Towne stated this a practical difficulty. They had a plan, and the septic field was not supposed to be there. Mr. Lynn stated that his office space will be about 17' x 30'. He commented he may have one meeting a year and has no employees.

Mr. Erwin opened the public hearing at 7:45 p.m. and closed it due to no one wishing to make comment.

Mr. Towne commented on the south side of the property there was another pole barn and on the north side there are trees. The pole barn to the south is every bit of 25' high.

Motion by Raney, second by Towne

To approve the variance from Section 18.03 B-1, which limits an accessory building to 900 square feet for one acre. Therefore, a variance of 320 square feet is being due to the fact the pole barn was initially approved and could not be built because of a preexisting septic field that was not in the Township records. The practical difficulty was not self-created.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

Motion by Raney, second by Towne

To grant a variance from Section 18.03-A-4, which requires the side yard setback (15') to be increased by one foot for every foot in height that an accessory building exceeds 14'. The total height would be 19', requiring a side yard setback of 20'. A side yard setback of 16' is proposed. Therefore, a variance of 4' shall be approved due to the fact of the existing septic field which was not on the township rolls and because of the height of the building is less than other buildings in the neighborhood and was not self-created.

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

MOTION APPROVED

3. ELECTION OF OFFICERS

**Motion by Towne, second by Raney
To elect Bill Erwin as Chair to the ZBA.**

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

MOTION APPROVED

**Motion by Towne, second by Erwin
To elect Tony Raney as Vice-chair to the ZBA.**

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

MOTION APPROVED

ADJOURNMENT

The Zoning Board of Appeals meeting was adjourned at 7:52 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary