

Charter Township of Lyon
Zoning Board of Appeals
Regular Meeting Minutes
April 17, 2017

Approved: May 15, 2017

The meeting was called to order by Mr. Erwin at 7:05 p.m.

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

Guests: 19

Also Present: Leann Kimberlin, Township Attorney

APPROVAL OF MINUTES

Ms. Blades made a change to the minutes.

**Motion by Towne, second by Raney
To approve the minutes from March 20, 2017 as amended.**

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

MOTION APPROVED

APPROVAL OF AGENDA

**Motion by Towne, second by Raney
To approve the agenda as presented.**

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

MOTION APPROVED

PUBLIC HEARINGS

1. **Jeff & Kristin Chaffin, 24278 Douglas Drive, South Lyon, MI 48178, Sidwell #21-21-300-038. Applicant requests a variance from Section 36.02 (Schedule of Regulations) of the Zoning Ordinance, which requires a 30' side yard setback in the R-1.0 (Residential Agricultural) District. The applicant proposes to construct a storage addition to the existing home that would have a side yard setback of 11'6". Therefore, an 18'6" variance is being requested.**

Mr. Chaffin explained the property is located on a downward slope with a low spot behind the existing barn. He explained that water from the hill and other surrounding properties flow down to the area around the barn. The floor of the barn is always flooded. They have installed drain tiles, blowers, and pumps to try and control the water inside the barn, but the contents of the barn are being damaged.

Mr. Chaffin continued after many years of trying to manage this, they have decided it's time to move to higher ground and abandon the barn. They will also remove all of the concrete and add grass. They are fortunate to have neighbors and friends in support of the site plan. No one has stated any objections, and they have signed site plan approvals.

Mr. Towne explained he has visited the site. The north side has a septic field and has room for another if the first one fails. The well is in the back. There is no other place to build. The building is huge and it needs to be removed. It will help the parcel by removing the concrete.

Ms. Blades commented that she did not see the problem as a self-created issue.

Mr. Towne questioned how big the lot is. Mr. Chaffin answered 2.5 acres.

April Talaga, 25001 Douglas – Ms. Talaga explained that notices are sent 300' from the property line, so people in Pinehurst got notices. If she didn't know about it already, she would not have been notified. She thought if it's a project on a private drive, everyone should be notified on the private drive. She wouldn't have gotten a notice if her neighbor hadn't told her. She is in support of the project.

Motion by Towne, second by Blades

To approve an 18'6" variance on Sidwell 21-21-300-038 at 24278 Douglas Drive from Section 36.02. The need was not self-created and the existing building sits down in an area that is overcome with water in the spring and fall. The applicant agrees to remove the existing building at their cost and remove the concrete and lay down seed and backfill. The building should be down and cleaned up within a year.

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

MOTION APPROVED

2. Robert Freund, 651 Woodland Drive, South Lyon, MI 48178. Sidewell #21-22-100-045 and #21-22-100-050. Property located on the south side of 11 Mile Road, east of Milford Road. Applicant requests the following variances from Section 12.09-C, which requires the maximum length of a cul-de-sac to be 660':

- **The distance from the centerline of 11 Mile Road to the center point of the cul-de-sac is 1,148'. Therefore, a 488' variance is being requested.**
- **The distance from the centerline of 11 Mile Road to the end of the dead end**

road on the west is 1,504'. Therefore, an 844' variance is being requested.

Mr. Freund explained he decided to do lot splits on the two parcels. The parcels are 1 to 5 acres in size. In the course of developing this, he was surprised there was a road there called Woodchuck Lane. He did not get the plan to the office until late today. He has 8 lots on his land, and the adjacent neighbor wants to do the same with his 4 lots and use Woodchuck Lane. Mr. Freund explained he can get 8 lots with lot splits. In the course of the conversations with the Township, Mr. Doozan mentioned to him that he would like to see the gravel road gone and paved to county standards. When Mr. Harris built the sewer plant, he used Woodchuck Lane for access. In the course of developing this, he also met with Ms. Zawada. She confirmed that Highland Treatment wanted access to the sewage beds. If he builds on the existing road, the Township won't be able to access the sewage beds. He would also cut off the Roscoes, and they would take a real hit. To satisfy everyone, he returned to the expanded plan called relocation and extension plan. This plan shows the existing Woodchuck Lane, and they redesigned the road to have access to the sewage beds.

Mr. Freund commented on the new plan and he is showing 1.25 acre lots.

Mr. Towne stated he visited the property. This plan has 15 homes and are all over an acre; these are nice sites. This will be 3 times less of what the general law is for the road. The road is long, but this is an unusual situation. Mr. Raney agreed. Mr. Towne stated as he looked at it, he didn't think it was that long of a road. It would be turned over to Oakland County and built by Oakland County specifications.

Judy Roscoe, 25700 Milford Road – Ms. Roscoe's property would be involved in this. The Blackwood Drain is by her property. It has gone from 2' across to 15' across and is eroding her property. To run a bridge across would cost upwards of \$30,000. In the long run, the road would go to Milford Road. They would have a nice road that is great access for emergency vehicles. It would be paved, and she can't see anything bad about it.

Mr. Roscoe stated it would be a paved road and questioned the 660'. Mr. Towne stated it is in the Zoning Ordinance; there are so many houses that can be put on a road. They came up with a formula as to how many houses can fit on the cul-de-sac. Right now, it is 3 times less for this cul-de-sac.

Mr. Freund stated he also took this to the Fire Chief and didn't offer any negative comments.

Ms. Blades questioned if there is any way they can do the plan and keep it as a gravel road. Mr. Freund stated the road was built years ago. Ms. Blades stated she is feeling unsure about this, since this is the first time she has laid eyes on it. She questioned if Mr. Freund can develop the lots on the existing Woodchuck Lane, which would then make it impossible for the Roscoes to sell. Ms. Blades stated even though the road is longer than what she would like to see, these are beautiful sites. They are looking at a family that would be affected positively, and they are large lots. She saw the benefit to the plan and could see where it adds value to the community and neighbors.

Ms. Kimberlin referenced Section 36.6 of the Zoning Ordinance.

John Johnson, 25963 Lyman Lane – Mr. Johnson commented that he is concerned with the impact of water. Right now his property is 2/3 under water, and he wondered what the impact would be to him. He likes the space here, and his biggest concern is if this project will have an impact on the watershed.

Mr. Towne commented that the existing pond on that site takes everything. He didn't see any disturbances affecting that upstream.

Mr. Shigley stated their area does flood, and all of this flows into the creek. They were not notified of this. Eleven Mile Road is flooded. The creek runs through an actual pond. He saw that when the creek backs up, it could flood Mr. Johnson's home. He has watched it flood over and flood that entire area. If they dug behind Mr. Johnson's house and added a detention basin, that would help.

Mr. Barber explained he is in support of the project.

Motion by Blades, second by Townes

To grant the variance of 488' for Sidwell 21-22-100-045 and 21-22-100-050 with the elements of practical difficulty being that the use or development of the property immediately adjoining the property in question is positively affected by this plan. The practical difficulty is also the requested variance would do substantial justice to the applicant as well as to other property owners in the district. The granting of this variance will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.

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

MOTION APPROVED

Motion by Blades, second by Towne

To approve 844' variance for Sidwell 21-22-100-045 and 21-22-100-050 with the elements of practical difficulty being that the use or development of the property immediately adjoining the property in question is positively affected by this plan. The practical difficulty is also the requested variance would do substantial justice to the applicant as well as to other property owners in the district. The granting of this variance will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.

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

MOTION APPROVED

Mr. Towne noted that the variance is good for one year.

3. **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.**

Justin Shigley explained this is the same plan. He met over the last two years with the Township and they came to the conclusion to put the building behind the existing building, even on the south side of the existing building. It would fall within the setbacks on the north side, and the building would be shielded with the existing building and serve to open up the rear of the property and make it usable again. The plan was approved at the Planning Commission meeting, and a final plan is coming up.

Mr. Towne stated the approval was contingent upon getting the variance, and he explained everyone at the Planning Commission level was on board. The 10' distance is noted on the new drawing. He would vote to approve it.

Ms. Blades stated she would approve it based on Mr. Doozan's comments as well.

Ms. Kimberlin confirmed an easement has been obtained.

Motion by Towne, second by Blades

To approve the 17' variance setback from the 75' front yard setback along Griswold, Sidwell #21-29-226-021 and make reference to the McKenna Associates memo dated March 28, 2017.

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

MOTION APPROVED

Mr. Towne also noted that the Board members are in need of new building ordinance books.

ADJOURNMENT

The Zoning Board of Appeals meeting was adjourned at 8:08 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary