

CHARTER TOWNSHIP OF LYON
ZONING BOARD OF APPEALS
SPECIAL MEETING MINUTES
June 30, 2003

Approved as submitted July 21, 2003.

DATE: June 30, 2003
TIME: 5:00 PM
PLACE: 58000 Grand River

Call to Order: William Erwin called the meeting to order at 5:04 PM.

Roll Call: Present: William Erwin, Chairman
Michael Barber
Michael Hawkins
Pamela Johnson, Clerk
Tony Raney

Also Present: Dave Gillam, Township Attorney
Chris Olson, Township Superintendent
Larry Phillips, Building Official

Guests: 2

1. PUBLIC HEARINGS:

Victory Lane Oil Change, Sidwell No. 21-32-100-048. East side of Pontiac Trail, north of Russell Lane. Applicant requests a variance from the minimum front yard setback requirements of 75 feet. Variance was granted in May, 2001 and has lapsed due to no action being taken by the applicant.

Representing Victory Lane Oil Change this evening:
- Gary Laundroche, Bloom General Contracting
- Guy Nancekivell, Cornerstone Engineering

Mr. Laundroche stated that the variance was granted at one point partially because of being a corner lot. Mr. Nancekivell stated that their building was restricted because Russell Lane was built right on the property line. He stated that they lose 70' because of Russell Lane as well as 75' because of the required setback.

Mr. Nancekivell stated that the original plan was for a oil change building, a car wash and a small 5,000 square foot retail building. He noted that the configuration of these buildings are totally different from the new proposed plan. The new proposed plan is for a 10,000 square foot retail

building.

Mr. Barber questioned if the applicant owns the property or if they have a contingency to purchase. Mr. Laundroche responded that Victory Lane Quick Oil facility is the parent company.

Mr. Erwin questioned if it would still be called Victory Lane Oil Change. Mr. Laundroche responded that it will be called Victory Lane Plaza.

There was discussion with regard to the Victory Lane Oil Change which is located further down Pontiac Trail. It was noted that there will be two properties along Pontiac Trail that will have the Victory Lane name on them.

There was discussion with regard to what the issues were when this was before the ZBA before. Mr. Hawkins stated that one of the issues was that there is dual road frontage.

Mr. Hawkins stated that there is no entrance onto Russell Lane with this new proposal. Mr. Laundroche responded that this is correct. He noted that that whole side along Russell Lane will be very heavily landscaped.

Mr. Barber questioned why nothing was done to this property over the last two years. Mr. Laundroche responded that the owner was trying to establish his financing on the project. He stated that the lending company didn't want to approve a loan until there were lease agreements. He noted that tenants did not want to sign a contract without the financing in place.

It was noted that the new proposal is for retail only. There will not be an oil change facility at this location. The original variance was granted for the retail portion of this site, it was not for the oil change facility.

Mr. Erwin stated that the applicant is asking for a variance of 55'. Mr. Laundroche responded that that is correct. He stated that they are asking for a typical side lot dimension of 20', just like the north side of the property.

Mr. Olson questioned what the types of uses would be for the retail building. He noted that there are only 20 parking spaces indicated for almost 11,000 square feet. Mr. Nancekivell responded that they are not allowed to have a hair salon, medical office or food service. Mr. Laundroche stated that there are 43 parking spaces on this site.

Mr. Erwin stated that they building could be reduced, therefore, not needing a variance. Mr. Nancekivell stated that by doing this it may not be feasible or economical to do this project.

Mr. Erwin asked the applicant to explain the hardship other than they can't put the size of building they want on this lot. Mr. Laundroche responded that this is the primary hardship. What the cost of

the property was for the owner to put a smaller building on this property would not be feasible. Mr. Erwin noted that they cannot consider monetary situations when considering variance requests.

Mr. Laundroche stated that the fact of having two front yard setbacks is a hardship especially when they add in the 70' for the right-of-way on the one side.

Ms. Johnson questioned if this went back before the Planning Commission. Mr. Nancekivell responded that it has and that it has been approved by the Planning Commission.

Mr. Laundroche noted that the plan calls for heavy landscape on the Russell Lane side so that there would be no traffic going onto Russell Lane and so that the residents of Russell Lane will not be able to see into this site. Mr. Nancekivell noted that the building will actually be 45' away from Russell Lane because of the landscaping.

There was further discussion with regard to the size of the proposed building and the possibility of decreasing the size. Mr. Laundroche stated that the owner has clearly put a lot of effort into conforming with the community standards with the design and planning of the building.

Ms. Johnson stated that the problem she has with this is that everything that was originally proposed for this property was pretty much intertwined (i.e., car wash, oil change, etc.). Now it is proposed for strictly tenant retail, which can be modified. She stated that she is having a problem justifying granting another variance.

Mr. Nancekivell noted that there was always a tenant retail section proposed. The original proposal was for 6,800 square feet of tenant retail. The new proposal is for 10,800 square feet.

Mr. Erwin stated that the owner bought the property knowing what the variances were. He stated that this is the problem he has. He felt that a 55' variance was a lot. He felt that the applicant is creating their own hardship.

Mr. Hawkins made a motion with regard to Victory Oil Change, Sidwell No. 21-32-100-048, Pontiac Trail north of Russell Lane, the applicant is requesting a 55' side yard setback variance maintaining a 20' variance on the south side to permit the construction of a commercial retail facility approximately 10,800 square feet that would maximize the use of the property. The unique circumstances are the fact that there are two road frontages, the south setback would normally be 75' but is more because of road frontage on Russell Lane. It is unique, it has two road frontages, Russell Lane and Pontiac Trail. He recommended that they grant a 55' variance from the required 75' because of the unique location of the property. The applicant has maintained fire clearance around the facility and has significant landscaping and berming along the south edge and would give the applicant maximum utilization of his property. Mr. Raney supported the motion.

Voice Vote:	Ayes:	Hawkins, Raney
	Nays:	Barber, Erwin, Johnson

Motion failed.

Mr. Gillam stated that the somebody needs to bring a motion before the Board to deny or table the variance request.

Mr. Nancekivell asked that the issue be tabled so that he can get with the owner to discuss this.

Mr. Barber made a motion to table Victory Lane Oil Change, Sidwell No. 21-32-100-048 until the next meeting, July 21, 2003. Ms. Johnson supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved.

2. **GENERAL BOARD DISCUSSION** **NONE**

3. **ADJOURNMENT**

Mr. Erwin adjourned the meeting at 6:13 PM.

Respectfully Submitted,

Deby Cothery

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Recording Secretary