

**CHARTER TOWNSHIP OF LYON
ZONING BOARD OF APPEALS
MEETING MINUTES
October 20, 2003**

Approved as submitted November 17, 2003.

DATE: October 20, 2003
TIME: 7:30 PM
PLACE: 58000 Grand River

Call to Order: William Erwin called the meeting to order at 7:32 PM.

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

Absent: Michael Hawkins

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

Guests: 4

1. Approval of the Minutes of September 22, 2003

Ms. Johnson made a motion to approve the minutes from the September 22, 2003 ZBA meeting as submitted. Mr. Barber supported the motion.

Voice Vote: Ayes: All
Nays: None
Absent: Hawkins

Motion approved.

2. PUBLIC HEARINGS:

Dean Govan, 58400 Travis Road, New Hudson, MI 48165

Sidwell 21-09-100-054. Applicant is requesting a variance to allow him to replace an existing garage with a new one which will require a front yard setback variance of 35 feet.

Dean Govan explained that he currently has a non-conforming two car garage. He stated that he would like to re-build a larger garage basically in the current location. He would like to make the new garage a little bit deeper and wider. He noted that the variance would be 14' and not 35'.

Ms. Johnson questioned if the 14' would be from the edge of the easement of Tyrrell Lane. Mr. Govan responded that this is correct.

Mr. Erwin stated that the size of the garage is 26' x 24'. Mr. Govan responded that this is correct.

Mr. Erwin stated that instead of a 35' setback the applicant is looking for a 14' setback. Mr. Govan responded that this is correct. He stated that it would not change from the existing garage.

Mr. Erwin questioned if the existing garage would be knocked down and the new garage put up in its place. Mr. Govan responded that this is correct.

Mr. Erwin questioned if the new garage could be moved a little to the west. Mr. Phillips stated that there are septic problems in that area. Mr. Govan noted that the pool is probably closer to the septic and the garage than what it appears on the drawing. Mr. Erwin questioned if the pool is an in-ground or above ground pool. Mr. Govan responded that it is above ground.

Mr. Raney stated that if it is necessary, the pool can be moved, not the garage.

Mr. Erwin asked if there were any public comments. There were none. He then asked for Board comments.

There was discussion with regard to the size of the garage. It was noted that the existing garage is 26' x 24'. Mr. Govan indicated that he would like to build a 900 square foot garage, which would be 30' x 30'.

Mr. Erwin stated that this is a non-conforming use now and according to the Ordinance, they cannot increase a non-conforming use.

Mr. Raney questioned how far this would be off Tyrrell Lane. Mr. Phillips responded that it is

probably 30' off the road.

Mr. Phillips noted that the ZBA does have the authority to increase a non-conformity. Mr. Erwin stated that they do, but they have to have a hardship. He stated that the hardship he sees is that the applicant wants to build a bigger garage. Mr. Raney stated that the hardship is that this is a corner lot, therefore, it would be dual frontage.

Mr. Barber questioned if the existing building is in good shape. Mr. Phillips responded that it is safe.

Mr. Raney stated that the garage cannot be built further into the yard because of the septic field. He felt that this would be a hardship.

Mr. Erwin stated that the applicant can rebuild the garage the same dimensions. Mr. Phillips stated that if the garage is taken down, it cannot be rebuilt in the same place, the applicant would have to come to the ZBA. Mr. Erwin stated that if this was the case then they would not have to increase a non-conformity. He stated that the Ordinance is not disrupting the Mr. Govan's use of the property.

Mr. Govan questioned if it would help if they moved the garage back 1' and this would decrease the variance needed by 1'. Mr. Erwin noted that this would still be increasing a non-conforming structure. He stated that since the existing garage is going to be knocked down, he questioned why it could not be moved closer to the concrete driveway to the south and to the west closer to the deck. Mr. Govan responded that he needs 10' between the structure and the house.

There was brief discussion with regard to the distance from the easement. It was noted that this is 51' from the center of Tyrrell Lane and 21' from the easement.

Ms. Johnson stated that she would understand allowing the variance if the garage were in a condition that it needed to be removed and replaced. She noted that the existing structure is still sound.

There was discussion with regard to hardship. The homeowner did not create the hardship. The house was built in 1956, before Tyrrell Lane was constructed.

After further discussion, it was determined that reconfiguration may be desirable. Mr. Barber noted that the pool could be moved closer to the deck. By moving the pool the garage could be moved closer.

Mr. Gillam stated that there are only four members of the Board present tonight and for an approval it would require an affirmative vote from three of the four members present. He stated that if Mr. Govan would prefer, he can have this issue tabled until the next meeting when the full Board is present. Mr. Govan stated that he would like to wait until there is a full Board present.

Mr. Raney made a motion to table the Dean Govan, 58400 Travis Road, issue until the next scheduled meeting. Mr. Barber supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None
	Absent:	Hawkins

Motion approved.

Discount Paper Products, 54750 Grand River, New Hudson, MI 48165

Sidwell 21-02-376-019. Owner is Ed Swadish. Planet Neon of 46593 Grand River is sign company. Applicant is requesting a variance allowing three signs on building due to the unique design of the building.

Mike Reitenga, Planet Neon Signs, 46593 Grand River, Novi, explained that the owner, Ed Swadish, could not be present tonight, so he is speaking on his behalf. He stated that the reason they are seeking the variance is if they were to put a 100 square foot sign in the section with the clock, it would look disproportionate. He referred the Board to the color computer image of the building that was submitted with the application. He stated that they felt by breaking up the signs into three and keeping the same amount of square footage, it would be more aesthetically pleasing. He stated that also by splitting the sign into three sections, it indicates that Discount Paper utilizes the whole building and not just one portion.

Mr. Reitenga stated that there is only 4-1/4' between the brick arch and the clock. He stated that this area is very restrictive for a 100 square foot sign.

Mr. Phillips stated that the maximum size allowed for a sign is 48 square feet and not 100 square feet. He also stated that the Ordinance only allows for one sign.

Mr. Reitenga stated that there is 100 square feet of building and they are allowed up to 48 square feet for signage. He indicated that he misspoke earlier. He stated that the signage that they are proposing is actually 46 square feet, 2 square feet less than what the Ordinance allows.

Mr. Olson gave some alternatives of sizes to fit the area near the clock and entrance.

Mr. Reitenga stated that by making the three signs into one sign it will be crammed into the space available under the clock. He noted again that there is only 4-1/4' in that section. He felt that by splitting the sign into three signs, it would look much better. He stated that the signs are 12 square feet, 22 square feet and 12 square feet. He noted that they are not asking for more than what the Ordinance allows. He stated that the letter size is critical. They need something that can be seen from the road.

Mr. Phillips questioned if there is a ground sign on the property. Mr. Reitenga responded that there is no ground sign. Mr. Phillips stated that a ground sign is allowed. Mr. Reitenga stated that they did discuss this option, but there is really nowhere in front of the building to place a ground sign.

Mr. Olson stated that people will know that they are looking for Discount Paper Products and will know the general vicinity, therefore, he felt that there is no reason to have the three signs.

Mr. Reitentga stated that with the architecture of the building, they really cannot get the 48 square feet of signage into the one small space without it looking strange and out of place.

An option to table this issue until a full Board is present was offered to Mr. Reitenga. Mr. Reitenga questioned if this was tabled, when would it be heard again. Mr. Erwin responded that it would be

on the November agenda.

Mr. Barber made a motion deny the variance request for Discount Paper Products, 54750 Grand River, New Hudson, as presented due to the fact that there is no hardship to allow three signs instead of one sign of 48 square feet, which is allowed by the Ordinance. Mr. Raney supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None
	Absent:	Hawkins

Motion approved.

3. GENERAL BOARD DISCUSSION

Mr. Phillips briefly discussed the Darrel Fletcher case. He stated that he did not personally get a chance to talk to Mr. Fletcher, but indicated that Mr. Raney did speak to Mr. Fletcher. Mr. Raney summarized his conversation with Mr. Fletcher for the Board.

Mr. Raney stated that Mr. Fletcher indicated that he has some permits coming from MDEQ. Mr. Phillips stated that Mr. Fletcher was found guilty in court last week. He stated that Mr. Fletcher was fined \$1,500 and has to restore the wetlands. He stated that he heard from MDEQ that a consent judgement is possible.

Mr. Erwin questioned what they should do now in order to get this problem taken care of. He questioned if the Township has any recourse at all. Mr. Gillam stated that his recollection was that the Board made a determination based on the evidence presented at the public hearing. He stated that they are talking about a lawful non-conforming use, which means that the Township cannot take any action as long as the use continues. He noted that there were some conditions put on the determination specifically the number and types of vehicles being stored on the property. He stated that he did not know if this information has been provided to the Township yet.

There was discussion with regard to trees being moved to screen equipment from the neighbor.

It was noted that they cannot force Mr. Fletcher to do anything.

Ms. Falzon questioned the holes that have been dug along the fence line. She noted that these holes were dug after the meeting discussing this issue.

Mr. Gillam stated that they need to get information from Mr. Fletcher as to the number of vehicles so that they can keep a handle on the situation. It was determined that Mr. Phillips should get a list of equipment from Mr. Fletcher.

Ms. Falzon stated that she wants the view of Mr. Fletcher's property improved. Mr. Raney told

Ms. Falzon that she could plant as many trees as she wants on her property to block the view.

Ms. Falzon indicated that she still has a problem with Mr. Fletcher being allowed to use his property as previous.

After further discussion, it was indicated that the Township cannot enforce a promise. The Township does not enforce MDEQ regulations and wetlands.

4. ADJOURNMENT

Mr. Erwin adjourned the meeting at 8:47 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary