

**CHARTER TOWNSHIP OF LYON
ZONING BOARD OF APPEALS
MEETING MINUTES
February 17, 2004**

Approved as corrected March 15, 2004.

DATE: February 17, 2004
TIME: 7:30 PM
PLACE: 58000 Grand River

Call to Order: Chairman Erwin called the meeting to order at 7:30 PM.

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

Also Present: Philip Seymour, Township Attorney
Larry Phillips, Building Official
Chris Olson, Township Superintendent

Guests: 7

1. Approval of the Minutes of January 20, 2004

Mr. Barber made a motion to approve the minutes from the January 20, 2004 ZBA meeting as submitted. Mr. Raney supported the motion.

Voice Vote: Ayes: All
Nays: None
Abstain: Johnson

Motion approved.

2. PUBLIC HEARINGS:

Katherine Dyer, 56849 Grand River, New Hudson, MI

Sidwell 21-03-303-018. Applicant is requesting a variance from the Zoning Ordinance Section 19.02 Subsection FF to allow a veterinary clinic on this parcel. (Tabled from January 20, 2004)

This issue was removed from the agenda per a request from the applicant.

McNabb Flooring, 31250 S. Milford Road

Sidwell 21-03-126-017. Applicant is requesting a variance from the Sign Ordinance Section 16.04, D, 3 Non-conforming Signs, Substitution, to allow for replacement of a non-conforming sign.

Tony Wehr, President, McNabb Carpet Company, 280 Inverness, Highland, explained that he began working with Doug McNabb approximately four years ago. He noted that it was amazing

to him the number of people who did not know that McNabb was a retail carpet store. He stated that most thought that McNabb only sold carpet that was used at the auto shows once a year. He stated that he met with Doug McNabb and told him that since the car dealership and Wal-Mart's went in he felt that they need to remodel their store so that it looked like a retail store and not just a warehouse. He stated that Mr. McNabb agreed to do this so they hired an architect and began the process of remodeling. He noted that they really didn't change any structure on the outside, they just took the old skin off and replaced it with new skin and had everything repainted. He stated that they did this after they had remodeled the inside of the building.

Mr. Wehr stated that they received a letter indicating that they could not do signage after they were originally told that they could. He stated that they laid out the sign to make sure that they were not adding any additional square footage over what they already had.

Mr. Erwin questioned what the applicant is planning to do differently with the sign. Mr. Wehr responded that they changing the name from carpet to flooring. He stated that because they do more than just carpet, if they change the name to add flooring, it would help them pick up more business because this area is growing tremendously.

Mr. Barber questioned if Mr. Wehr is talking about the sign on the west wall. Mr. Wehr responded that there are two different signs that they are putting up, one on I-96 and one on Milford Road. He stated that he was asked not put the signs up until after this meeting, but because they had no signage at all, they installed the sign on the Milford Road side but did not install the sign on the I-96 side. Mr. Barber stated that there are a lot of signs on this building. He noted that the sign ordinance did change. Mr. Phillips stated that he does not know when all the signs were placed on the building, but they are definitely in violation of the Township ordinances.

Mr. Hawkins stated that Mr. Wehr mentioned a letter that he had received. He questioned who the letter was from. Mr. Phillips responded that it is a letter from Mr. Phillips. Mr. Hawkins stated that in regards to the letter, a copy that was just provided to the Board, it is in regards to the architect's application for a building permit. The application was reviewed by the Township's Building Inspector for compliance to the zoning ordinance. He stated that the general intent of the letter is that it complies with the ordinance but the building permits still need to be issued. He noted that this was a general review completed by Mr. Phillips at the time.

Mr. Hawkins questioned if the applicant received a building permit for the proposed work based on the documents submitted by the architect to the Building Department. Mr. Wehr responded that they did. Mr. Hawkins questioned if there is a permit required for the signs. Mr. Phillips responded that there is and that a permit has not been issued. Mr. Hawkins stated that the application does not comply with the ordinance so there has not been a permit issued. Mr. Phillips stated that this is correct.

Mr. Hawkins stated that they have existing non-conforming signage on the building now. He stated that what is being proposed is additional or modification of the signage which would make it another non-conforming sign. He stated that the ordinance would strictly prohibit this based on Section B, non-conforming signs.

Mr. Erwin asked if there were any public comments.

Chris Kemper, 2639 Ore Valley, Hartland, stated that originally when he took on this project he did send the architect in to make sure that the proposed plans were in the compliance with the Township ordinances. He stated that Mr. Ressler submitted preliminary plans and on those plans it actually indicates more signage than what they are asking for. He stated that the letter indicated exactly what they are asking for. He submitted a copy of the letter.

Mr. Erwin stated that the ordinance prohibits them from increasing a non-conformity. He noted that this building is already a giant non-conformity.

Mr. Hawkins stated that there are no specifics in the fax from the architect for Mr. Phillips to make a determination. He stated that Mr. Phillips general determination based on this is that the signs are being replaced and staying within the terms of the ordinance.

Mr. Hawkins questioned when the renovations began. Mr. Wehr responded that they began in September, 2003.

Mr. Hawkins stated that it is not that they don't want McNabb to advertise their product, but there are a lot of buildings going up in the Township right now and everybody is going to want to put up signage. He noted that they have been dealing with this for two years now. The issue that they have more often than not, is that the existing signage, particularly all the wording that is on the warehouse, is in non-conformance with the ordinance. He questioned if there would be any consideration to revising the signage on all the building to comply with the ordinance. He stated that in other words, if they come to an agreement here, the applicant would either cover up or paint over the signage on the warehouse. Mr. Wehr stated that the signage on the warehouse is not painted on, they are new. Mr. Phillips stated that if they are new signs, he does not have any information on them.

Mr. Phillips referred to his June 6, 2003 letter. He stated that at that time there was strict approval of the review form for compliance to Section 5.4 Subsection J, which requires a remodel of over 25% to go to the Planning Commission for review and approval.

Mr. Olson questioned when the plans for the signs were submitted. It was indicated that the plans were submitted July 6, 2003.

Mr. Phillips stated that he has done everything possible to work with the applicant.

Mr. Hawkins stated that the applicant would be permitted one wall sign per street or highway frontage on each parcel. It was noted that this is only one big parcel. He stated that the building is adjacent to I-96 and they would be allowed to have a sign along I-96.

Mr. Erwin stated that at this point there are three signs. One of the signs needs to be eliminated. Mr. Hawkins stated that the two signs would be along road frontage of Milford Road and the frontage of Pontiac Trail. He noted that they would be allowed third sign along I-96 because of the frontage on I-96.

Mr. Barber questioned the amount of signage now. Mr. Kemper responded that there is 1,090 square feet of signage now, but they are only proposing 920.75 square feet of signage.

Ms. Johnson stated that the applicant would have been allowed to maintain the existing signs, but once they removed the signs, any new signs installed would have to comply with the current Township ordinances.

Mr. Hawkins stated that he does believe that they have some latitude here. He stated that the applicant is allowed to have three signs, because there are two road frontages and I-96 frontage. He stated that if they deem it necessary, a larger sign could be permitted. He briefly discussed the traffic in that area. He briefly discussed the signage size that is being proposed.

Mr. Erwin stated that he does not have a problem with a sign along I-96, but he doesn't feel that they should consider a sign along Pontiac Trail. He noted that he does not have a problem with

Mr. Erwin questioned if the residence is the existing house. Mr. LaCroix responded that this is correct.

Mr. Erwin stated that there is an existing guest house behind the home. Mr. LaCroix stated that this building is used for storage.

Mrs. LaCroix stated that when they purchased the home, on a land contract, in the summer of 1999 there was more acreage than what is indicated now. She stated that the original survey that she had done for the appraisal indicated that it was a larger parcel.

Mr. Olson questioned the extent of the shrinkage. Mrs. LaCroix responded that originally there was 2.68 acres on the original survey and original appraisal. She stated that in between the time that the appraisal and survey were done and the time that they closed the amount of land changed to 2.44 acres.

Mr. Hawkins stated that based on the ordinance at 2.68 acres, it would allow approximately 2,400 square feet for a detached building. The existing barn is approximately 1,350 square feet. He questioned how big the guest house is. Mrs. LaCroix responded that the guest house has a separate address. Mr. Hawkins stated that it is still on the parcel. Mrs. LaCroix stated that the guest house is a little under 1,000 square feet. Mr. Hawkins stated that the total amount is close to 2,300 square footage, which would leave 100 square feet for an accessory building.

Mrs. LaCroix stated that they use the property for an agricultural business, she grows herbs.

Mr. Erwin stated that they are not telling the applicant that they have to attach a garage to the existing home. He stated that they are indicating that the applicant is already getting close to the maximum allowable square footage for accessory buildings on this parcel.

Mr. Erwin read into the record a letter received dated February 15, 2004 from Lori Ann Appel representing Park Woods. The letter expresses strong concerns with this proposal.

Mr. Erwin stated that at this time they don't want to get into a he said/she said situation. He stated that they need to look at this and make a determination at what has been submitted.

Mr. Erwin stated that there is no Township regulation that stops the applicant from using their property.

Mr. LaCroix stated that he just couldn't bring himself to attach a garage to a 150 year old house. It just wouldn't be right. He felt that by adding the accessory building that they want, he cannot see where it would be detrimental to anybody.

Mr. Erwin stated that the applicant is putting the hardship on themselves. He stated that the Township regulations has not put a hardship on the applicant or their property.

Mr. LaCroix stated that basically their proposal is being rejected. Mr. Erwin stated that in his opinion it would be rejected. He stated that he cannot speak for the rest of the Board, but he could not vote for this.

Mrs. LaCroix mentioned that she uses the property for agricultural purposes. Mr. Hawkins stated that the property is not zoned agricultural, it is zoned R-1.

There was brief discussion with regard to the guest house being used as a rental. She stated that it is not currently rented and that they are using it for storage.

Mr. Hawkins stated that they would love to see the applicant keep the historical nature of the site but at the present time the zoning ordinance does not recognize this or give the Board any leeway for this type of situation. He stated that he is not sure if this would be appropriate for this property. He stated that they are not keeping the applicant from using their property.

Mr. Erwin stated that the applicant must show a hardship and they haven't. He noted that the property is being used for three businesses now.

Mr. Hawkins made a motion with regard to Susan D. Stanton-LaCroix, 60100 E. Eight Mile Road, the applicant has made a request for a variance from the allowable square footage of detached accessory buildings. He would recommend to the Board that the application be denied in that the zoning ordinance does not restrict the applicant from using the property in its present use and buildings and allowing an additional detached accessory building would exceed the limitations per the ordinance. Ms. Johnson supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

- 3. **GENERAL BOARD DISCUSSION** **NONE**
- 4. **ADJOURNMENT**

Mr. Erwin adjourned the meeting at 8:38 PM.

Respectfully Submitted,

Deby Cothery

Deby Cothery
Recording Secretary