

**CHARTER TOWNSHIP OF LYON
ZONING BOARD OF APPEALS
MEETING MINUTES
July 19, 2004**

Approved as submitted August 23, 2004.

DATE: July 19, 2004
TIME: 7:30 PM
PLACE: 58000 Grand River

Call to Order: Chairman Erwin called the meeting to order at 7:33 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: 4

1. Approval of the Minutes of June 21, 2004

Mr. Hawkins noted a correction for the Recording Secretary to make.

Mr. Barber made a motion to approve the minutes from the June 21, 2004 ZBA meeting as corrected. Mr. Hawkins supported the motion.

Voice Vote: Ayes: Barber, Erwin, Hawkins, Raney
Nays: None
Abstained: Johnson

Motion approved.

2. PUBLIC HEARINGS:

Jeff Appel, Lyon Development, LLC, Twin Pines.

South of Martindale and Grand River intersection. Sidwell 21-05-252-011. Applicant seeks a variance from Section 5,5.2.1.B.5, of the Engineering Design Specifications to allow one on three side slopes in a retention basin. The specifications call for slopes no steeper than one foot vertical to five feet horizontal.

Mr. Olson stated that he spoke with the Engineers about this issue. He stated that the Road Commission does not want drain into the pond because of the mixture of public liability into a private pond. He noted that the road drainage would only be 10% of the anticipated storm water. He stated that takings street water will not be part of the equation.

Mr. Erwin stated that his opinion still stands, there is nothing built yet, therefore, he does not believe that there is a hardship here.

Since Jeff Appel was not present, Ms. Johnson made a motion to change the order of the agenda by moving Jeff Appel to the end. Mr. Raney supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

Lowe's Home Centers, Inc. Milford Road East Development, 30547 Lyon Center Drive East, New Hudson Applicant is seeking a variance from the Lyon Town Center Planned Development agreement, specifically signage that is permitted in size and location.

John Lapointe, Atwell Hicks, stated that with him tonight is David Yost, Lowe's Site Development Manager. He stated they are requesting a directional sign variance. They are looking to modify the two approved directional signs, one at the north entrance and one at the east entrance of Lyon Center Drive. They are requesting to install "Indoor Lumber Yard" and "Garden Center", one at each end of the building instead of installing the directional signs along Lyon Center Drive. By doing this, it will help allow Lowe's customers to determine where they need to go within the store. Mr. Lapointe noted that Lowe's uses this signage on more than 1,000 stores across the Country.

Mr. Barber questioned if the rest of the signs are in compliance. Mr. Lapointe responded that they are. He stated that they stayed within the spirit of the agreement, they have one wall sign at 245 square feet.

Mr. Hawkins stated that he would like to verify what the PD Agreement allows. He noted that the ordinance only allows for 48 square feet. It was determined that the PD Agreement allows for 250 square feet of signage.

Mr. Yost explained what a right hand and left hand store is. He noted that this is based on the location of their garden center. He stated that the signs will help guide the shopper that is coming for a specific purpose.

Mr. Barber questioned if this store is a right hand or left hand store. Mr. Lapointe responded that it is a right hand store. Mr. Barber stated that the garden center would be next to the future expansion of Wal-Mart. Mr. Lapointe responded that this is correct.

Mr. Erwin questioned why the customers could not be directed within the building. Mr. Lapointe stated that there are directional signs within the building. He noted that the building is 600' long and the directional signs will help people determine where they need to park depending upon what they are going to purchase.

Ms. Johnson questioned if there is a way to minimize the verbage on the signs. Instead of saying "Indoor Lumber Yard" could the sign just say "Lumber" and "Garden Center" just say "Garden". Mr. Yost responded that the signs are relatively small, one sign is 81 square feet and the other is 62 square feet. He stated that he would love to have a much larger sign that they would typically put on their buildings, but in respect to the PD Agreement, they kept the sign smaller.

There was discussion with regard to the purpose of the parking lot directional signs. It was noted that these signs only say "Lowe's" and don't direct the customer to the appropriate locations,

i.e., lumber yard or garden center. Mr. Yost stated that he would be willing to forgo these signs, if the Board would allow the directional signs on the building.

Mr. Hawkins briefly discussed the number of signs on the Kroger building. He noted that the Board allowed those signs because of the multiple uses within the building. He stated that in fairness to Lowe's it could be said that there are more than one tenant in the building (lumber, hardware and garden). Mr. Erwin stated that this is under a PD Agreement.

Mr. Erwin questioned if Kojaian knows about the request for more signs. Mr. Lapointe responded that he has spoken with Tony Antone of Kojaian, who has indicated that they don't have a problem with this.

Mr. Erwin asked if there were any public comments regarding this issue.

John Ellsworth, 56901 Appaloosa, stated that he goes to the Lowe's located in Howell. He stated that if he goes for garden stuff, he parks at that end of the building. If he goes for lumber, then he parks at that end of the building. He stated that with the signs, it makes it easier to determine where he needs to park for the type of items that he is purchasing.

After further brief discussion, Mr. Erwin asked for a motion.

Mr. Hawkins made a motion in regard to Lowe's Home Centers, Inc., Milford Road East Development, the applicant has requested a variance from the Planned Development sign Ordinance to permit an addition 138 square footage of signage to be located on the building. It is recommended that the variance be granted provided the developer/owner limit the amount of signage to the building to be a total of three (3) signs totaling a maximum square footage of 388 square feet. This is 138 square feet over the permitted 250 square feet allowed under the Planned Development Agreement. Based on the applicant's demonstration that there are multiple uses and applications in the 600' building. This will give significant direction to the patrons using this building. The applicant has conceded that there will be no road directional signs installed in the parking lot as required by the PD Agreement. Ms. Johnson supported the motion.

Voice Vote: Ayes: All
 Nays: None

Motion approved.

John Ellsworth, 56901 Appaloosa, South Lyon, MI 48178, Sidwell 21-22-300-014

Applicant requests a variance from the minimum required front yard setback to be able to erect an accessory building 55 feet from the edge of Appaloosa private road easement. Variance requested is 20 feet.

Mr. Ellsworth explained that he has discussed the way his property is set with Mr. Olson and Mr. Phillips. He stated that it is difficult to erect an outbuilding with the way that the lot is. He stated that he cannot go to the south of the house because of the septic system. He stated that according to the Township his address is Appaloosa, which is actually the side of the house where he enters the garage. He stated that to look more uniform with the house, he placed it in this particular location. He noted that it does not meet the 75' setback requirement.

Mr. Erwin questioned if the structure could be moved closer to the pool. Mr. Ellsworth responded that he could probably move it about 10'. He stated that he does not want to get too close to the pool so that it would cause conflict. Mr. Phillips stated that the Building Department likes to see at least 10' between accessory buildings and pools. Mr. Ellsworth stated that there would still be

