

Charter Township Of Lyon
Zoning Board Of Appeals
Meeting Minutes
January 23, 2006

Approved as written on February 27, 2006

Date: January 23, 2006
Time: 7:30 PM
Place: 58000 Grand River

Call to order: Mr. Hawkins called the meeting to order at 7:30.
Roll Call:

Barber, Mike (PC Liaison)
Hawkins, Michael
Raney, Tony
Schilling, Troy (Brd Liaison)
Bill Erwin, Absent

Also present:

Philip Seymour, Township Attorney
Al Hogan, Building Official
Chris Olson, Twp. Superintendent
Chris Doozan, Planner

Guests: 4

Approval of minutes:

1. Approval of November 21, 2005 and December 19, 2005 minutes.
Mr. Barber made the motion to “accept the meeting minutes as written for November 21, 2005.” Mr. Schilling supported the motion. Motion approved by unanimous voice vote.

Mr. Barber made the motion “to accept the meeting minutes for December 19th, 2005 as printed.” Mr. Schilling supported the motion. Motion approved by unanimous voice vote.

Public Hearings:

2. Walnut Creek Estates. Applicant, Graphic Visions (sign company) is requesting a 35-foot variance from the required 50-foot front setback per Article 16 (Sign Ordinance) Section 16.05, sub-section C, Temporary Sign Standards to allow a temporary development sign to be located 15-foot from the edge of the road right of way.

Ray Cousineau 7001 Orchard Lake Road Suit 220 West Bloomfield:

Mr. Cousineau – Some time ago the applicant requested an application for a temporary sales sign at Walnut Creek for the sale of real-estate property. He was told at the time that he had to place temporary signs at a point equal to the side yard setback of the lots, which are 50 feet along Ten Mile and Johns Road. That means that they would have to place a sign 50 feet off the right-of-way. It is a 60-foot wide right-of-way at both locations. That puts the sign at 110 feet off the site line of the roadway. They looked at existing developments in the area, for example, the Woodwind Developments. All of their sign locations were about ten or fifteen feet from the right-of-way, which gives them good visibility. There has been some discussion from staff that this area of the ordinance needs to be revised and the signs be allowed to be placed in a location of fifteen feet off the right-of-way, which would be compatible with other developments in the area. The hardship is “if we are forced to place the signs at a location of 50 feet from the right-of-way, it actually puts it in the build-able envelope of our lot, the front yard, or the immediate rear yard of the build-able area of a lot. Not to mention that it puts the sign in a location that is visually useless. We

are looking for a variance that will allow us to place our temporary signs at a location compatible or similar to the developments in the immediate area.”

Mr. Hawkins said that he understood the request. He asked Mr. Olson if this was an item of discussion for the other parcels that Mr. Cousineau was referring to or if this was an item that was overlooked. Mr. Olson replied that the issue with the other parcels was not the lot, but common area of landscape setback. They are looking for a sign fifteen feet back from the road right-of-way line. Mr. Olson asked the board if they wanted to put limitations on when the temporary signs have to come down. “There is going to be some type of clean up of signs in the township. For example, the apartment complex on Grand River is at 90% occupied. They have no need to have temporary signs up anymore. “

Mr. Barber asked where the sign that identified the subdivision was going to be placed. Mr. Cousineau replied that it was going to be placed in the island and it was going to be fifteen feet off the right-of-way. Mr. Barber also commented that the Ten Mile Road frontage is usually 200 feet or more and the other developments do not have that, so the board has to give them special consideration.

Mr. Olson said that there is a detention pond and some area behind them on the Northern Exposure.

Mr. Cousineau commented that they are trying to find a place to put the signs that will not affect their permanent landscaping.

Mr. Olson noted that on Ten Mile Road there is much less landscape setback from the lot line than what other developments have.

Mr. Schilling asked Mr. Olson if the other developments he was referring to had signs in an open space allowing them to put the signs closer.

Mr. Hogan answered that other developments only have a 25-foot front yard setback making it 25 feet off the edge of the right-of-way. Instead, in their case, they have a 50-foot front yard setback.

Mr. Cousineau said that they need the temporary signs for as long as they can get because it is an actual advertisement sign. It identifies the project, size of the lots, the price range. A permanent entry sign does not do any of that.

Mr. Olsen commented that an important thing is setting reasonable limitations for the time period that the sign will be up. This is so it comes down in a fairly short order at a given percent of the lots being sold.

Mr. Hogan clarified that the ordinance says that the temporary signs have to come down within 30 days after all units or lots are sold or leased. So, it is already spelled out.

Mr. Cousineau commented when he sold the last lot to a home builder, the signs would come down, as opposed to a sign remaining up for the duration of the home building operation.

Mr. Hawkins noted that other operations are required to have buffer areas. What complicates this is that it is strictly residential, which has a deeper setback. It is not limiting his use of property although it is not fair in relationship to the other developers. Mr. Raney agreed and said that he thought it was a reasonable request.

Mr. Barber made a motion “to allow a sign permit application variance no closer then 15 feet from the right-of-way on 10 Mile Road and Johns Road. It is a temporary sign, which will be removed, per ordinance, within 30 days after all the units are leased or sold. It is a variance from temporary sign standards section 16.05, subsection C. The board recognizes that this is a unique situation with large setbacks on small lots.” Mr. Raney supported the motion.

Voice vote: Ayes: all
Nays: none
Motion approved.

3. Robert Briggs, 58580 Pontiac Trail, Sidwell No. 21-04-301-042. Applicant requests a variance to allow two accessory buildings to remain without a principle structure to allow for a property split. Section 18.01 A. Applicant is also requesting a variance of 5-foot to allow an accessory building 10 foot from the side property line. Section 36 Schedule of Regulations.

Mr. Robert Briggs 58580 Pontiac Trail, South Lyon – Mr. Briggs purchased a piece of property adjacent to his property. It was the property of his wife’s late aunt. He bought the property because he wanted the property between them. He has been working with Boss Engineering and would like to split the house and one car garage off from the rest of the property. One requirement was to hookup sewer and they have already done that. This piece of property is a real odd shape. He has talked with the neighbors and they are supportive of what he is trying to do. He also has plans of salvaging the two accessory buildings. He has taken down a chicken coop, which was an eyesore. There was another small building that he also took down. Mr. Briggs would like to fix the two remaining barns rather than tear them down. The buildings are old and have some history to them. He asks that the board allows the lot to be empty and for the two barns to remain. The neighbors to the west would like to see the barns stay.

Mr. Hawkins asked Mr. Olson what the board needed to do to accomplish this request. Mr. Olson answered that one issue is no principle structure. “That is probably the biggest issue, having the barns on one lot with no principle use on a lot.” You can reject it as not keeping within the ordinance or you can require an appropriate bond to see that a primary use is built on that lot within a reasonable time period. Mr. Olson did not know if there were any existing nonconformities except that the house appears to be too close (22 feet) to the west lot line.

The board continued to discuss the dimensions of the lot and possible nonconformities.

Mr. Hawkins asked Mr. Briggs what his intentions with the property were. Mr. Briggs answered that he currently has no intentions of building on the lot. His plans were to purchase the property between the existing house and his house.

Mr. Olson said, “The problem is you have to demonstrate a hardship and the question is also that the lot split would create a nonconformity. In the past, if someone pulls a permit, they can build within a year. If that is not the case, a bond would have to be put in place to build a house within a time period.”

Mr. Raney asked if there was any other way the parcel could be split again. Mr. Briggs commented that because of the parcels odd shape, his hands were tied with what he could do with the land. Mr. Briggs also commented that he is willing to work with the board.

Mr. Raney commented that he understood what he was trying to do.

Mr. Hawkins admitted that he did not know how to get around the fact that there was no principle structure. Ultimately if he were to build on this property he would have to deal with accessory buildings and their size in relation to the principle structure and other elements. Mr. Hawkins continued to ask Mr. Briggs if he intended to build on the lot. Mr. Briggs commented that he did not have immediate plans. It could be six months, a year, or five years. Eventually he is sure that it will get built on. He bought it to have the property between them. He feels that he is getting closed in. The property behind him is getting built. He has lived in the country all his life and would like to keep a little of the space.

Mr. Hawkins commented that he did not think that the board could put Mr. Doozan in the situation to create a lot split when one of the first priorities he has to look at is whether there is a primary residence.

Mr. Briggs asked if it would make any difference if he included the property with his property and made it one. Mr. Hawkins answered that he thought it would make a difference. Mr. Hawkins said it would not create a width to depth ratio problem. Mr. Hawkins asked Mr. Doozan if that was reasonable. Mr. Hawkins thought it would be a reasonable request as long as it did not put Mr. Doozan in a bad position. He also said that whoever buys the land has to deal with the barns at a later date. The board will accommodate Mr. Briggs consideration based on his requests.

Mr. Schillings made the motion “to postpone Mr. Briggs’ application for a variance to allow two accessory buildings to remain without a principle structure property split until such a time that he has documentation of a revised split that will combine his property, parcel 2, splitting up parcel 1.” Mr. Raney supported the motion.

Voice Vote:

Ayes: all
Nays: none
Motion approved.

4. Amendment to April 19, 2004 Meeting Minutes

Mr. Hawkins noted that McKenna discovered a problem in reviewing an application to a lot split that goes back to the April 19, 2004 ZBA meeting minutes. The clarification is in regards to a variance to submit the proper road frontage that will allow a lot split to happen.

Mr. Barber made the amendment “as the letter dated January 23, 2006 we have a subject amendment to April 19, 2004 ZBA meeting minutes. This is an amendment to minutes that were already approved. We would like to rewrite a paragraph and it is quoted in this letter, ‘ Mr. Hawkins made a motion in regards to William Brewer, 58358 Eleven Mile Road, South Lyon, in regard to the property at 58358 Eleven Mile that a 37-1/2’ variance to provide an 112-1/2’ frontage on an R-1.0 lot with Township sewer accessibility to permit a lot split between 58340 to reduce an existing non-conformity in the Township and to benefit the applicant so that he may comply with the current ordinances.’ It is similar wording, but the dimensions changed from 22-1/2’ to 37-1/2” Mr. Raney supported the motion.

Voice Vote:

Ayes: all
Nays: none
Motion approved.

Adjournment:

Mr. Hawkins adjourned the meeting at 8:17 P.M.

Respectfully Submitted,

Catherine Culver

Catherine Culver
Recording Secretary