Charter Township Of Lyon
Zoning Board Of Appeals
Meeting Minutes
March 20, 2006

Approved as written on April 17, 2006

Date: March 20, 2006
Time: 7:30 PM
Place: 58000 Grand River

Call to order: Mr. Erwin called the meeting to order at 7:40.
Roll Call:

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

Also present:

Al Hogan, Township Building Official
Chris Olson, Township Superintendent
Chris Doozan, Township Planner
Jane Drumm, Township Attorney

Guests: 13

Approval of minutes:

1. Approval of February 27, 2006 meeting minutes.

Mr. Barber made the motion "to approve the February 27, 2006 meeting minutes as written" Mr. Schilling supported the motion
Voice votes:
Ayes: all
Nays: none
Abstained: Mr. Erwin
Motion approved by unanimous voice vote.

Public Hearings:

1. Wholesale Builder Supply. Applicant request a variance to be allowed on an off premise advertising sign to be located at 51722 Grand River. Section 16.05 subsection D of the Lyon Township Zoning Ordinance.

Colleen Vanderhovel 51740 Grand River, New Hudson – Ms. Vanderhovel explained that the sign has been needed for 13 years. Customers have a difficult time finding the building. The building had a fire and the fire department could not find the building. She commented that her neighbor has agreed to allow them to put a multi-tenant sign on his property.

Mr. Olson commented that in the ordinance it says that there are no off premises advertising signs with the exception of the I-1 light industrial district, subject to provisions. That is found in the zoning ordinance page 16-13. It includes specific setbacks and distances and idem D addresses billboards along the freeway. There has typically been a prohibition against off site signage; otherwise, every street corner in the township would be full of signs. Many signs have been collected and many developers have been ticketed due to what we call "weekend bandit signs." Ms. Vanderhovel commented that she would not do that.

Mr. Erwin asked what the difficulty would be if she changed her address to Challenger. Ms. Vanderhovel responded that it would be a financial difficulty. The business would have to change all of their paperwork, for example, letterhead, envelopes, and business cards. That would be expensive. She also commented that one problem they typically have is that they get a lot of semi traffic. The semi trucks fly down Grand River and do not see a sign and go by the building. Then they are trying to turn the semi truck around. Ms. Vanderhovel said that changing the address was "definitely an option, but it wouldn't be my first choice."

Mr. Erwin responded that the Zoning Board of Appeals Board is looking for hardships and Ms. Vanderhovel just alleviated her hardship. There is another option, it may not be what she would like to do, but it is an option. Mr. Erwin said that was the option that the board would probably have to take.

Ms. Vanderhovel commented that she called and asked about getting an address on Challenger Drive. They said she would not be able to put a sign up because it was not a public road.

Mr. Olson asked if she called the Road Commission. Ms. Vanderhovel answered yes. Mr. Olsen responded that there are private roads that do have street signs on them. They are typically a different color (white). They might not do it for you, but there are other private drives that have signs.

Mr. Doozan commented that there was another option called a Permanent Entryway Sign. If Challenger Drive is considered an industrial subdivision there is the possibility of putting an entranceway sign at the entrance of the subdivision.

Ms. Vanderhovel asked how they would go about doing that because there will be six businesses on Challenger Road. Mr. Doozan replied that it is permitted in the ordinance. You are allowed to have up to 36 square feet in signage and it can be put on an entranceway structure.

Mr. Olson asked if the Township needed an association noted stating that they will be responsible for maintaining it. Mr. Doozan said that the ordinance does not call for that. The entranceway structure can be up to 60 square feet and the signage can be 36 square feet. Mr. Doozan commented that someone would have to get written approval to put the sign on their property and get a building permit. They also have to get together and collectively agree that they are a subdivision or a commercial development.

Mr. Olson pointed out that the ordinance was on page 16-20 item K (Entranceway signs).

Mr. Hawkins clarified that there are six businesses on Challenger Drive in the business complex. They are allowed to have one sign. They share the amount of square footage permitted by the ordinance.

Mr. Olson commented that even though it costs a significant amount of money, he suggested that they all get a Challenger Drive address. "We do not want anything tragic happening because the property adjacent to Grand River is miss addressed."

Bob Limbright 51760 Grand River, New Hudson – Mr. Limbright owns a business on Challenger Drive as well. He asked if a sign is put on the east side and his business is on the west side, would that prohibit him from having a sign on the dance studio? If they had a multi-tenant sign, could he have a dance studio sign in front of his property? He would like to be on the multi-tenant sign and have a sign on the studio. He also commented that he was in favor of what they were doing.

Mr. Hawkins asked what action needed to be taken. Mr. Doozan commented that he did not think that any action needed to be taken.

Because there was no action to take, Ms. Vanderhovel withdrew her application.

2. Gerald Heinrich. Parcel No. 21-32-251-053. Applicant requests a 90-foot variance from the 150-foot minimum road frontage requirement to allow for a property split. Section 12.09 B of the Lyon Township Zoning Ordinance.

Gerald Heinrich 21-32-251-053 – Mr. Heinrich explained that he bought the property in September and the engineering was already done on it. He took the engineering to the township and had Leslie and Michelle look at it. They thought that everything looked fine, except they were not sure if Mary Lane was a public road or not. Mr. Heinrich then bought the property. After buying the property he was told that he did not have enough road frontage. He looked into putting a cul-de-sac in. This causes a problem. The main reason he bought the property was because Mr. Heinrich has horses and his brother has horses. They wanted to split the property in half and his brother would have two horses on his parcel and there would be two horses on Mr. Heinrich's parcel. With the cul-de-sac, house, and everything else, it takes up about ¾ of an acre, which reduces his acreage and he would not be allowed to have two horses. He asked the board if he could have a variance. He thinks that the drive can come off of Mary Lane.

Mr. Raney clarified that Mr. Heinrich simply wants a driveway off of Mary Lane and does not want to extend the road. Mr. Heinrich said that without doing that he would have to have a second 60-foot radius cul-de-sac.

Mr. Barber asked why he did not bring the drive off of 9 Mile. Mr. Heinrich said that he did not want to bring the driveway off of 9 Mile for two reasons 1. Then he would have to go back to a 60-foot easement 2. That is the only qualifying pasture.

Mr. Olson commented that this is not the first time this parcel has been looked at. He thought that in regards to the acreage issue, they had a solution, go to the lot line to the north and get rid of the barn. Mr. Olson asked Mr. Doozan if they would be able to use Mary Lane. Mr. Doozan answered yes, because it is a public road.

Mr. Heinrich said that there was another issue with the setback lines. Road frontage is not computed in the setback line. That was the confusion with the engineering. Mr. Heinrich also commented that he does not want to tear the barn down because they will use it and the barn has some historic value.

Mr. Raney asked Mr. Heinrich to show him were he planned on putting the house.

Mr. Erwin clarified with Mr. Olson and Mr. Doozan that the 150-foot road frontage does not include his radius that he has. "We have to go 150 feet closer to it to put the cul-de-sac in." Mr. Doozan answered yes.

The Zoning Board of Appeals discussed the issue that Mr. Heinrich cannot have the cul-de-sac because he will lose the acreage he needs to have two horses.

Mr. Olson suggested that the least intrusive variance would be to allow for the extra horse on 1.75 acres (or whatever the calculated number is). That way the road frontage standard is kept. It is a serious standard that is in all of the developments.

The Zoning Board of Appeals discussed the issue of having a cul-de-sac so emergency vehicles and snowplow can turn around.

Mr. Doozan said that the public road ordinance calls for a cul-de-sac at the end of any public or private road. Mr. Schilling pointed out that there is a cul-de-sac right before the property.

Mr. Olson commented that the one-acre, 150 feet is the minimum under a R-1.0 zoning for a build able lot. Mr. Hawkins suggested that Mr. Heinrich did not have a problem with the build able lot. Mr. Olson commented that he had an access problem. The lot was never really meant to be split.

Ms. Drumm commented that the least intrusive variance is for Mr. Heinrich to apply for a variance to allow for two horses on less then two acres. That is what he is looking for. Mr. Heinrich said that 1 1/2 acres is not much room for two horses.

Mr. Erwin asked if Mr. Heinrich were to look for a variance to allow two horses on less then two acres would he have to come back? Ms. Drumm answered that Mr. Heinrich would have to come back because it would have to be published.

Mr. Heinrich asked why this does not qualify as a hardship. Mr. Erwin's commented that he has other ways to alleviate the problem. It may not be what you want. There are options.

Ralph Richardson 24574 Johns Road – Mr. Richardson thinks that somewhere commonsense should come into play. Why does he need another cul-de-sac if there is a cul-de-sac in there? It makes no sense to have him put in another cul-de-sac to get some frontage.

Mr. Heinrich commented that it is not a fire truck issue. He also asked if verbal approval of this, which caused him to buy the land, showed any hardship. Mrs. Drumm answered no. "There is no approval outside of a resolution that is passed by any official board or commission that binds the Township."

Mr. Olson said that he has talked with other people interested in the parcel and Mr. Heinrich did not talk with Mr. Olsen prior to buying the parcel. Mr. Olson also pointed out that Mr. Hogan also would have been able to help. Mr. Heinrich commented that he figured Michelle would have known. Mr. Doozan commented that Ms. Aniol's notes did not match with what Mr. Heinrich was saying.

Mr. Doozan said that there was another approach, which was to put in a private road and then ask for a variance from putting in the cul-de-sac. Under the private road ordinance, the variance of a private road goes to the Zoning Board of Appeals.

Mr. Hawkins asked Mr. Doozan to explain the rationale behind the idea of having 150-foot frontage. Mr. Doozan said that it is important to make sure that the lots are the proper proportions and width.

Mr. Hawkins continued that he has a little over 2 acres, he has 60 feet from Mary Lane and he is 90 feet short. How does not having 150 feet for this property make this not build able? Mr. Doozan answered that is why Mr. Heinrich is coming for a variance. It does not make sense.

Mr. Olson said that it is a standard that the Township uses for each build able lot. He also commented that he understood that each decision is for a specific instance. He is also concerned with the idea of what happens if the property gets split in the future.

Mr. Hawkins said that it was confusing that the Zoning Board of Appeals is preventing a man from using his property. It does not appear as though Mary Lane will go through. The house to the east is very large. Mr. Hawkins said that he would like to approve the variance contingent upon the fact that the parcel will not be split and will stay a two-acre parcel. Mr. Heinrich said that he would agree to that.

Ms. Drumm commented that Mr. Olson said that other people have been looking at this parcel. The Township could run into legal problems granting variance to one person and not the other. Mr. Olson commented that no one applied to the Zoning Board. Ms. Drumm clarified that if someone was told that he/she could not do it without a variance, the Township could run into legal problems.

The Zoning Board of Appeals discussed the options and different ways they could approach the issue. They discussed giving Mr. Heinrich a variance for the cul-de-sac. That would be the least intrusive way.

Mr. Raney asked if they had 90 feet up from the road and 60 feet over, does that count as 150 feet if it stubs off? Mr. Doozan answered yes. Then they would get rid of the cul-de-sac. Now the set back will be off the front.

Mr. Erwin asked if the cul-de-sac counts as the road frontage. Mr. Doozan answered yes. If you put the cul-de-sac in and get the variance and does the 90 feet plus 60 feet then that gets him his road frontage.

Mr. Erwin asked what happens if the next owner wants to build. Mr. Doozan answered they will not be able to.

Mr. Hawkins made a motion in front of the board "in regards to Gerald Heinrich application for a variance that we postpone his application to allow him to review with his developers, surveyors, and site consultants to present a different option for the April 2006 Zoning Board of Appeals meeting." Mr. Barber supported the motion.
Voice votes:

Ayes: all
Nays: none
Motion approved unanimously.

Adjournment:

Mr. Erwin's adjourned the meeting at 8:35 P.M.

Respectfully Submitted,

Catherine Culver
Catherine Culver
Recording Secretary