

Charter Township Of Lyon  
Zoning Board Of Appeals  
Meeting Minutes  
June 19, 2006

Approved as written on July 17, 2006

Date: June 19, 2006  
Time: 7:30 PM  
Place: 58000 Grand River

Call to order: Mr. Erwin called the meeting to order at 7:34.

Roll Call:

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

Also present:

Jane Drumm, Township Attorney  
Chris Olson, Township Superintendent

Guests: 5

**Approval of minutes:** Approval of May 15, 2006 meeting minutes.

Mr. Barber made the motion "to accept the May 15, 2006 meeting minutes as written." Mr. Raney supported the motion.

Voice vote:  
Ayes: all  
Nays: none

Motion approved.

**Public Hearings:**

- 1. Jerry Thompson, property located at the Northwest corner of Griswold and Nine Mile Road. Sidwell number 21-29-426-018. Applicant is requesting a 44 foot variance from the front building setback requirement, a 39 foot variance from the front yard setback requirement, and a 25 foot variance from the wetland building and construction setback requirement per Section 36 Schedule of Regulations.**

Tim Appleton 2094 Plus Drive, Brighton – Mr. Appleton explained that he was asking for 4 variances. He explained that there was a correction to what was in the agenda; the 44 foot variance is a 35 foot variance. That was what he wrote on the application. The four variances are 1. the front set back of 40 feet, 2. the wetland setback of 25 feet, 3. an 11-foot parking setback, and 4. a variance from asphalt to a gravel parking surface.

Mr. Barber commented that Mr. Thompson has come before the Planning Commission, and the Planning Commission discussed that there is not much that can be done with this property. Mr. Thompson also told the Planning Commission that his operation was clean. Mr. Barber said that the Planning Commission

could not see a better use for it, and, without these variances, it cannot go in. Mr. Barber said that the Planning Commission approved it as long as the variances were approved.

Mr. Olson commented that there is a special approval land use that is contingent upon the approval of the site plan. Due to that and some other minor items on the planner's notes (landscaping, bike path, trash removal), they will be going back to the Planning Commission.

Mr. Erwin asked what kind of company this is. Mr. Thompson answered that he has a small construction clean up company. His company has gotten bigger over the years, and he needs somewhere to store his semi. He also has four employees, which are his sons. This is a part-time job for him. Mr. Thompson said that everything will be inside. He also commented that right now the property looks terrible, and he would like to clean it up and make it look nice.

Mr. Schilling asked if he was planning on putting a sign up. Mr. Thompson answered that he would like to have a nice sign.

Mr. Barber asked how many dumpsters he would have. Mr. Thompson commented that the dumpster would be left on construction sites. The only things that will be on site would be the actual semi.

Mr. Hawkins asked Mr. Olson why there was a special land use permit required. Mr. Olson answered that the special land use permit is because there was nothing that the Township could equate it to at the Planning Commission level. There is no description of a construction clean up business, so this fell in between a number of definitions for allowable land uses. "We went for special land use approval just to make sure it would not get challenged later."

Mr. Schilling asked if Mr. Thompson was going to have water and sewer. Mr. Olson commented that he would get sewer when the phases for the southwest special assessment district were available. Mr. Olson commented that they would not spend a lot of time on the property; most of the work is done at the construction site. Mr. Schilling asked if they were required to have a bathroom if there was an office there. Mr. Thompson explained that he would like to have an office and build whatever they are able to build, and then they will hook up to the sewer when it comes. Mr. Schilling commented that he did not understand if they were putting an office in and they were not hooking up to water and sewer, how is water and sewer getting to the office? Mr. Appleton answered they are not having water and sewer. Mr. Schilling asked if they were allowed to do that. Mr. Olson said that the Planning Commission can approve a development subject to adequate connections. It will be the decision of the Planning Commission and the building official.

Mr. Erwin asked if the special land use went with the property or the site plan. Mr. Olson answered that the variance would go with the property. He explained that if there is a change in use, they would have to go to the building official, and if it were a more intensive use, they would have to go back to the Planning Commission. Ms. Drumm commented that they could condition approval upon a building permit that the building be constructed within a certain amount of time; otherwise the variance would be void.

Mr. Erwin asked if anyone from the audience had any comments. There were no comments.

Mr. Hawkins asked Mr. Barber if the wetland issue was typical along Griswold between Nine and Ten Mile. Mr. Barber said that people have told him that during the spring, there are parts of Griswold that are flooded over. He also said that there are a lot of wetlands along Griswold. He also explained that the wetlands are a big concern of the Planning Commission.

Mr. Thompson commented that he has been planning this for over a year, and every time it rains he goes over to check out the property. It has been wet in the back, but up front where the building is going to be, it is dry.

Mr. Olson commented that when the lot was split, the Township did a sketch and to see what the buildable envelope would be with all the setbacks. An 8 foot wide building could be put on that lot. Mr. Olson said that there is a setback difficulty that was not caused by this applicant.

Mr. Hawkins “put a motion in front of the board in regards to applicant Jerry Thompson, property located on the northwest corner of Griswold and Nine Mile, sidwell 21-29-426- 018. With regards to the applicant’s request for a variance from the front yard setback from section 36.02, I make a motion that the he be granted a 35 foot front yard variance so he has an established 40 foot front yard setback, noting that the building is being constructed on a lot that has substantial wetlands as defined by environmental consultants on June 21, 2005, as well as unique circumstances of being a corner lot. A lesser facility would not support the gentleman’s use and application of the property at this time. A variance would be tied to or subject to this building application and issues from this application at this time.” Mr. Schilling supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved unanimously.

Mr. Hawkins asked Mr. Thompson if there was a real need for parking if people are not coming to the facility. Mr. Olson said that there is one parking spot per employee and one parking spot for each piece of equipment.

Mr. Hawkins made the motion “that applicant Jerry Thompson, sidwell number 21-29-426-018, applicant has requested a 39 foot variance from the required 50 feet for front parking at this facility. Once again, the proposed building is located on a lot that has significant wetlands, is a corner lot, and is unique in shape. In an effort to maintain the requirements of the building code for required parking of the facility, the applicant has met the requirements for minimal parking calculations. Due to the unique situation, I would like to recommend to the board that we grant a 39 foot variance for the applicant for the front parking variance. This variance is from section 36.02.” Mr. Schilling supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved unanimously.

Mr. Barber commented that there is 50 foot variance for wetlands. When doing construction, you have to trespass on part of those 50 feet in order to build. The 50 foot wetland variance is supposed to be untouched. Mr. Barber said he was worried about the 25 foot variance. The Township started with a 25 foot variance and then changed to a 50. The second 25 feet is sacred ground, and the first 25 feet is a buffer zone for construction.

Mr. Erwin asked if Mr. Thompson really needed an 80 foot building and if there was a way they could shorten the building to get off the 25 foot variance. “If the building is shortened to a 70 or 65 foot building, less of the wetlands would be disturbed.”

Mr. Appleton commented that he could shift the building to the north.

Mr. Barber said that Mr. Thompson will never be able to stay within the 50 foot variance. Mr. Hawkins said that he understood that but was trying to maintain that second 25 feet and then have Mr. Thompson restore the first 25 feet.

Mr. Hawkins asked if there was any way Mr. Thompson could consider shortening the building. Mr. Thompson said he would if the ZBA made him.

Mr. Erwin said that if the building is 65 feet instead of 80, then that will pull the building further from the wetlands. A 65 foot building is still big enough to put a semi in. Mr. Thompson said that he would like to put the semi in the building, but also have an office with a bathroom. He asked if the building could be 70 feet.

Mr. Hawkins asked if Mr. Thompson could live with a 15 foot variance so that they could shift and move their building however they wanted, just stay 10 feet off the 25 foot boundary. Mr. Thompson said yes.

Mr. Hawkins made “a recommendation to the board in regards to this issue that due to the wetlands, unique circumstances with the property, and the limited building space, that the applicant has requested a 25 foot variance from the wetlands requirement of 50 feet. I will make the recommendation that we grant the applicant a 15 foot variance to maintain a 10 foot distance from what is considered a 25 foot setback”

The board continued to discuss the motion and whether or not the applicant has shown a hardship.

Mr. Hawkins placed a contingency on his motion that the area up to that 25 foot line needs to be returned to its original condition.” Mr. Schilling supported the motion.

Voice vote:

Ayes: Barber, Hawkins, Raney, and Schilling

Nays: Erwin

Mr. Hawkins said that “the 14.01 request does not belong at the Zoning Board or Appeals; it belongs on the Planning Commission application for site plan approval.”

2. **Lyon Township Public Library, 27005 and 27025 Milford Road. Sidwell number 21-15-151-006. Applicant requests an 18 inch variance for the height of a proposed ground sign per Section 16.08 D 5.**

John Bell (speaking on behalf of the Library Board) 23113 Currie Road - Mr. Bell explained that the Library is in need of a sign because it is hard to find the building. There is a large amount of new people moving into the community, and they do not know where the Library is. They would like to have a visible sign in the right location. Mr. Bell gave the Zoning Board a picture of the proposed sign. It contains a planter that serves to protect the sign from cars and to elevate it. Mr. Bell also commented that there is only one location on the property that complies with the setback that is unobstructed, which is in the middle of the parking lot. He gave pictures to the Zoning Board of the library from different angles on Milford Road and then continued to discuss the proper location of a sign. Mr. Bell continued that the real hardship is finding a location that is visible and safe. He also brought to the Zoning Board’s attention that the library is 2 to 3 feet below the properties to the south and north. Mr. Bell said that the library is going to lose about 4 parking spots.

Mr. Erwin suggested that they put the sign perpendicular to the road.

Mr. Hawkins commented that he thought Mr. Bell has a reasonable request. The height issue with the sign ordinance has to do with safety at intersections. This is a legitimate request. Mr. Raney commented that the Zoning Board has allowed it in the past. Mr. Hawkins suggested that they check on parking and make sure it is okay to lose 4 spaces.

Mr. Hawkins made “a recommendation to the board in regards to the Lyon Township Public Library, sidwell 21-15-151-006. Applicant has asked for an 18 inch variance for the height of a proposed sign from section 16.808D5. I would like to make a recommendation to the board that they grant an 18 inch variance to allow the top of the sign to be 6 ½ feet. The applicant demonstrated that this is the appropriate place to put a sign on the site. Due to the unique location, the sign is to be located at a level lower than street level or building level. The variance would grant an ease of identification and be more useful to public safety relative to this application.” Mr. Raney supported the motion.

Voice vote:

Ayes: all  
Nays: none  
Motion approved unanimously.

**3. Lyon Township Public Library millage proposal.**

John Bell- Mr. Bell passed out pamphlets regarding the Lyon Township Public Library millage proposal to all Lyon Township residents at the meeting. Mr. Bell informed the Zoning Board that he will be making presentations for various community groups. He said that libraries benefit children, teenagers, and adults. Studies have been completed that show children and teenagers that use libraries turn out to be better students than those who do not. Mr. Barber showed the Zoning Board of Appeals their long term plans from the years 2004 to 2013. By the end of that time, as long as voters agree to it, the Township will have a new library. The Library already has the property, and it has been dedicated. Mr. Bell explained that the Township Board granted the Library extra money. With the extra money, they purchased more hours and more programs. Mr. Bell used a board that listed all of the accomplishments of the Library. Mr. Schilling suggested putting the poster up at the Library. He also explained that in 2006, the library will try to pass a millage of .53 mils. He also said that in 2007 and 2008, they will be asking the public what they want in their library. The hope is by 2009, they will know how big of a facility the Township will need; they are guessing between 17,000 and 18,000 square feet. Next they will ask for bondage of around 6 million dollars. They hope to occupy a new library in 2015. Mr. Bell explained what they would do with the money if they get it. They would like extended hours, to be open on Sunday, to have a part-time children's librarian, to buy more material (books and videos), to improve the Township's genealogy sections (as they are some of the best in the area), to have a career center, and to get computers. Mr. Bell asked the residents do the right thing for the residents, children and grandchildren.

**Adjournment:**

Mr. Erwin's adjourned the meeting at 8:43 P.M.

Respectfully Submitted,

*Catherine Culver*

Catherine Culver  
Recording Secretary