

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

Approved as corrected on December 18, 2006

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

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

Roll Call:

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

Also present:

Scott Baker, Township Attorney
Al Hogan, Building Official
Chris Olson, Township Superintendent

Guests: 10

Approval of minutes:

Mr. Barber moved "to accept the meeting minutes from October 16, 2006 as written." Mr. Hawkins supported the motion.

Voice vote:

Ayes: all
Nays: none

Motion approved.

Mr. Raney moved "to accept the meeting minutes for July as written." Mr. Barber supported the motion.

Voice vote"

Ayes: all
Nays: none

Motion approved.

Public Hearings:

- Sandi Schlacht, 56849 Grand River Avenue, New Hudson, MI 48165. Sidwell #21-03-303-018. Applicant requests a variance from Section 19.02, O-2, to allow for a play area of 2300 square feet for a proposed day care center, as opposed to the required 5000 square feet. Applicant also requests a variance from Section 19.02, O-9 to waive the required 25' side yard setback.**

Ray Foley – representing the Schlachts. The building is in the Downtown Development Area and in the Crossroads Center, which has been renovated over the past couple years. The building was built in the 1940's or 50's. Mr. Cheresko originally had heavy industrial tenants in the building, but the Township changed the zoning away from heavy industrial. Mr. Cheresko renovated the building to better fit its new zoning. Mr. Cheresko has had a difficult time finding tenants for the building in the back. Mr. and Mrs. Schlacht have proposed to put a day care in. In order

to make the day care fit, they need a variance. They are proposing a 2300 square foot play area. If they receive the variance, they plan on going to the State for approval of a license.

Mr. Barber commented that this building was a difficult building, and it would be hard to fit people in it. He also pointed out that this is in the Downtown Development Area.

Mr. Olson said that there needs to be a demonstration of hardship, and they are requesting a play area that is half of what is required. He asked how many children they were expecting to be licensed for. He also had questions about how children were going to be dropped off and picked up. Mr. Foley said that they are guessing about 30 children. He also explained that they were hoping to have a swing around drop off area.

The Zoning Board members discussed traffic and the amount of cars going to the facility. They also discussed the effect the day care would have on the other buildings. Mr. Cheresko said that H & R Block has four vehicles and is not there very often. All State has one car, and Sport Horse Saddlery does not have many cars. He also explained that they are not there before 9 a.m.

Mr. Hawkins asked if they have maximized the play area. Mr. Foley said yes, they will not gain any more substantial space.

Mr. Hawkins said that it is an existing structure. 5,000 square feet is the minimum requirement for the Township's ordinance, which is contingent upon the criteria per child. Mr. Hawkins asked if there is a standard outside of the Township ordinances that they were required to meet as far as outside play areas. Mrs. Schlacht said that they are required to have an outdoor space.

Mr. Olson asked if they have applied to the State and if they had any information. Mrs. Schlacht said that the State comes in and then tells them how many children they can have.

Mr. Hawkins said that they are going into an older building. The other option is to place restrictions on how many children the day care can have.

Mr. Erwin said that he wanted to know what the hardship was.

The Zoning Board discussed possible action to take.

Mr. Hawkins moved "in regards to Sandi Schlacht 56849 Grand River with respect to the proposed day care center for Crossroads Center 56849 Grand River. The applicant has requested a variance from the requirements of 19.02 section O-2 requiring 150 square feet per child for an outdoor play area. The applicant has demonstrated due to the uniqueness of this facility, and it is in an existing Downtown Development area, that this site would require that the 150 square feet be reduced to 75 square feet per child for the outdoor play area. This is in an existing facility and in an existing location, which has an ample parking and drop off area. It should also be noted that the type of client that will normally be served will be in the younger age range, which will not require as much outdoor play area. I recommend that we grant a 75 square foot per child variance for the outdoor play area." Mr. Barber supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved.

Mr. Hawkins moved "to recommend to the board in regards to Sandi Schlacht for the Cross Road Center Day Care Center at 56849 Grand River a variance of 1 foot 9 inches be granted from the side yard setback requirements from an adjacent residential area for a group day care home child care center. This is a variance from the ordinance 19.02 section O-9." Mr. Schilling supported the motion.

Voice vote:

Ayes: all

Nays: none
Motion approved.

2. **Jerry Thompson, 5065 Seven Mile Road, South Lyon MI 48178. Sidwell 21-29-426-018. Applicant requests a variance from Section 14.01, D-4, to allow for gravel-surfaced off-street parking, as opposed to the required hard surface. Applicant also requests a variance from section 14.02, B-1, to allow for the larding space to be located in the front of the building, as opposed to the required rear location.**

Mr. Thompson explained that this was a suggestion made by one of the members on the Planning Commission.

Mr. Hawkins said that gravel parking surfaces tend to allow the water to go back into the ground and not into the drain. It is more environmentally friendly.

Mr. Erwin asked what will be parked on the surface. Mr. Thompson said that trucks or a Bob Cat during the day will be on the surface. Everything will be stored inside at night. Mr. Erwin asked if anything he had would leak oil or gas. Mr. Thompson said no.

Mr. Hawkins said that the gravel parking has its advantages, and the Township ordinance is probably a little behind in that respect.

Mr. Barber said that there is not a whole lot to do with the property.

Mr. Hawkins asked Mr. Olson if there is an ordinance on dust control. Mr. Olson said that in terms of the commercial/ industrial parking lot, it is typically required to be paved. He also said that a concern is if gravel gets into Griswold Road. Mr. Thompson said that they can limit that.

Mr. Hawkins said that he felt the request was reasonable. The applicant must understand that dust control measures will need to be taken.

Mr. Olson asked what their retention detention would be reduced to if they paved the road. Mr. Appleton answered that he was not sure. Mr. Olson said that the Zoning Board does not know what the hardship would be or what the reduction of the parking would be if it were paved. Mr. Schilling commented that they were looking to compare numbers.

Mr. Olson said that there was a possibility of paving resulting in the loss of parking spaces.

Mr. Hawkins said that he agreed with Mr. Schilling that more detail is needed.

Mr. Hawkins moved "to recommend to the board that we hold off on making a decision on this until the December or January meeting so that the applicant can provide some additional information that would show the impact to the site, parking lot, and building if the Township ordinance for hard services were enforced." Mr. Schilling supported the motion.

Voice vote:

Ayes: all

Nays: none

Motion approved.

3. **Terry Sever, on behalf of Leo Soave Development, 21725 Pontiac Trail, South Lyon, MI 48178. Sidwell #21-31-200-003. Applicant requests a variance from the R-1.0 zoning that required single family development to permit the rear of the property to be developed as RM-2 (Multiple Family Residential District) and the frontage of 435' along Pontiac Trail to be used as commercial.**

Mr. Sever said that this was presented to the Planning Commission and was recommended to be denied and went in front of the Township Board and was denied. This was their last opportunity. He stated for the record that the hardship is that the R-1.0 zoning is not reasonable.

Mr. Hawkins commented that the Zoning Board of Appeals are not permitted to grant use variances by direction of our authority granted by the Township Board.

Mr. Sever said that he was following procedure and wanted to indicate that he was willing to try to come in with some possible compromises.

Mr. Sever asked if notice was sent out to residents within 300 feet of the area. Mr. Olson said that it is 300 feet and he was positive notice was sent out.

Abe Ayoub 21962 Lyon Trail North – Mr. Ayoub said that a notice was sent out.

Adjournment:

Mr. Erwin adjourned the meeting at 8:28 P.M.

Respectfully Submitted,
Catherine Culver
Catherine Culver
Recording Secretary