

**CHARTER TOWNSHIP OF LYON
ZONING BOARD OF APPEALS
MEETING MINUTES
November 19, 2007**

Approved: December 17, 2007

DATE: November 19, 2007
TIME: 7:30 p.m.
PLACE: 58000 Grand River Avenue

Call to Order: Mr. Hawkins called the meeting to order at 7:30 p.m.

Present: Mike Barber, Planning Commission Liaison
Michael Hawkins
Tony Raney
Paul Fransway, Alternate

Absent: William Erwin
Daniel Cash

Also Present: Al Hogan, Building Official
Phillip Seymour, Township Attorney

Guests: 5

1. APPROVAL OF THE MINUTES

Mr. Hawkins made a correction to the minutes to remove the words "that was just granted" from line 113 in the minutes. The Recording Secretary corrected the minutes.

Mr. Barber made a motion to approve the minutes of September 17, 2007 as revised. Mr. Fransway supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

2. PUBLIC HEARINGS

Townsend Neon, Inc. 31550 Gossett Drive, Rockwood, MI 48173. Sidwell #21-03-426-006, 55500 Grand River Avenue. Applicant requests a variance from Section 16.08, C-1 to allow for a second wall sign as a 48 square foot wall sign is already in place. Applicant also requests a variance from Section 16.08, C-2 to allow for the size of the additional wall sign to be 175 square feet, which exceeds the maximum total allowed size of 48 square feet.

Representing Townsend Neon: Roy Harris
Mr. Ferguson

MOTION APPROVED

Mr. Barber made a motion that the request for the second 48 s.f. wall sign that was already in place, Sidwell #21-03-426-006, 55500 Grand River Avenue be removed since a motion was just approved to grant a larger sign. Mr. Fransway supported the motion.

Voice Vote: Ayes: All
 Nays: None

MOTION APPROVED

Mr. Fransway excused himself from the next applicant due to a conflict of interest, as the applicants are clients of his.

2. **Allstate Sign Company, Inc. 8740 S. Clare Avenue, Clare, MI 48617 Sidwell #21-32-100-002, 22318 Pontiac Trail. Applicant requests a variance from Section 16.08, C-1 to allow for a second wall sign, as a 40 square foot wall sign is already in place. Applicant also requests a variance from Section 16.08, C-2 to allow for the size of the additional wall sign to be 32 square feet which exceeds the maximum total allowed size of 48 square feet.**

Mr. Hawkins advised the applicant that they would need a unanimous vote in order to proceed. If the applicant wanted to wait until there was a full Board, they could come back at another time. The applicant decided to move forward at this meeting.

The applicant stated that Walgreens has a tower sign just inside the door; it was a request for an additional 4 feet. It is Walgreen's signature, a big "W" right inside the doorway, and it is encased; the applicant continued that about 99.9% of Walgreens have this sign in their stores.

Mr. Hawkins questioned how it came to this point, since it is inside the building. Mr. Hogan stated that McKenna Associates was working on this, and it is still signage. It's neon and a logo, even if it is inside the building. Mr. Seymour stated that it is still visible to everyone.

Mr. Hawkins stated that this is an old issue; it is an unpopular issue with the public in reference to the dance studio and the other tenants behind Walgreens. Walgreens took the entire signage without regard to the other tenants; he was surprised that none of them were here to express their discontent again. The applicants stated that they didn't know anything about that.

Mr. Barber stated that the Planning Commission approved a second sign because the tenants were at that meeting, and they didn't have any signage because Walgreens had it all. There was a second ground sign allowed for the tenants. There were a lot of people upset by it. Mr. Seymour stated that had to do with ground signs, not wall signs. The applicant stated that they have been doing Walgreen signs for 5 years, and they have never run into this problem before. Mr. Raney stated that the Sign Ordinance is very specific.

Mr. Barber stated that the store is so large that no one could miss it, even if they didn't have a sign on it at all. It is unfortunate not to get the big "W", but he would have to vote against it.

Mr. Hawkins asked if the second wall sign is 42 s.f. or 70 s.f. The applicant stated it was approximately 32 s.f. She was told that they had 8' remaining by the Township and to ask for an additional wall sign because they were considering it as part of the elevation.

Mr. Hogan asked if they have a sign on the west and the north elevation, as it showed on the plans. The applicant stated yes. Mr. Hawkins stated it was per road frontage. Mr. Hogan stated it was 40 s.f. for each

Walgreen wall sign and then the "W" was 32 s.f.

Mr. Hawkins stated that he agreed with Mr. Barber. Mr. Raney stated that they can't allow it, with the way the ordinance reads.

Mr. Barber discussed some possible options that the applicants may consider.

Mr. Seymour stated that he had to caution that the way Walgreens acted in the previous presentation at the Planning Commission was not a factor in deciding a variance. Mr. Hawkins stated that he understood but at times, as appointed members of the Zoning Board, they have to take into consideration the public's best interest. The applicant did not show a practical difficulty, and they have not demonstrated that they can't use their property, and they have not shown that they don't have sufficient advertising already.

Mr. Barber made a motion in regards to Allstate Sign Company, Inc. known as Sidwell #21-32-100-002, 22318 Pontiac Trail. In regards to the application asking for a variance from Section 16.08, C-1 to allow for a second wall sign he would recommend denial because it does not agree with the ordinance and there was no hardship and they are not denying use of the property and they have sufficient signage. Mr. Raney supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

Mr. Barber made a motion in regards to the second request for an additional wall sign to be 32 square feet in Section 16.08, C-2 from Allstate Sign Company, Inc. known as Sidwell #21-32-100-002, 22318 Pontiac Trail. He would recommend denial because the second wall sign was not allowed so that would extend to the size of it as well. Mr. Raney supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

4. ADJOURNMENT

Mr. Hawkins adjourned the meeting at 8:13 p.m.

Respectfully Submitted,

Kellie Angelosanto
Recording Secretary