

**CHARTER TOWNSHIP OF LYON  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
December 17, 2007**

Approved: March 17, 2008 as written

**DATE:** December 17, 2007  
**TIME:** 7:30 p.m.  
**PLACE:** 58000 Grand River Avenue

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

Present: Mike Barber, Planning Commission Liaison  
William Erwin  
Michael Hawkins  
Tony Raney

Absent: Daniel Cash, Board Liaison

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

Guests: 6

**1. APPROVAL OF THE MINUTES**

**Mr. Hawkins made a motion to approve the minutes of November 19, 2007 as submitted. Mr. Barber supported the motion.**

Mr. Erwin removed himself from the vote since he was absent at that meeting.

<b>Voice Vote:</b>	<b>Ayes:</b>	<b>All</b>
	<b>Nays:</b>	<b>None</b>

**MOTION APPROVED**

**2. PUBLIC HEARINGS**

- 1. James & Carey Clark, 56965 Brairmeadow, South Lyon, MI 48178. Sidwell #21-34-100-016. Applicants request a variance from Section 36.02 Schedule of Regulations to allow for a side yard setback of 24' as opposed to the required 35'. The requirement is 35' as opposed to the standard 30' in an R-1.0 district due to Section 18.03, A-4, which states that side yard setback shall be increased by 1' for every foot of height that an accessory building exceeds 15'. The accessory building is 19'.**

Mr. Clark stated that he would like to build a pole barn on their property. For all of the years that they have been in the home, all decisions that they have made have centered on the high-pressure gas main that runs across the middle of the backyard. It has been there since the 50's. Twenty-three years ago when they purchased the house, they discovered during the mortgage review that the gas easement of +/- 100' was somewhere in the middle of their living room. With advice from the bank, they were able to approach the gas company and get the actual easement across the width of the property reduced to +/- 30'.

Mr. Hawkins stated that they have quite a few detached accessory buildings. Mr. Clark stated that he is a car sports person, and he has out garages where he stores cars and does restoration work as a hobby. They are relatively tiny buildings. The garage that they would like to build now would house their motor home. It would be tall enough to store the motor home and get it out of the elements.

Mr. Hogan stated that with this size of property, the applicant would be allowed 5,121 sq. feet of accessory buildings. Mr. Clark stated that the allowable square footage would be approximately 5,100 square feet and the existing is 1,320, which leaves 3,800 sq. feet available. The new building they are requesting would be 2,160 square feet, leaving about 1,640 available or unused.

Mr. Hawkins questioned if the accessory buildings on the west side were existing. Mr. Clark stated that the smaller square one was there from the early 1970's. When he moved in, he added 16'x26' to it. They don't connect.

Mr. Erwin stated that they are looking at a 35' side yard. Is there some reason that they had to run the building long ways? Mr. Clark stated that the land was very long, not wide. Placing it that way would obstruct the view of the yard from the kitchen window. The driveway is about 600' long, and the house sits in the middle of the length of the property.

Mr. Erwin stated that they have to work with hardships, and if there is another way to place it on the property, then there is not a hardship. Mr. Hawkins stated that he agreed with Mr. Erwin.

Mr. Clark asked the Board to come by and look at the property. He thought that would make his case clear if they could physically see the property. To put the building parallel takes up too much of the backyard. Mr. Hawkins stated that he didn't see it being any wider than the existing asphalt. Mr. Clark stated that if he could go further south, he would. Mr. Erwin stated that the applicant can't show them a legitimate hardship, there are other options, and they have to follow the law.

**Mr. Hawkins made a motion in regards to the applicant James & Carey Clark, 56965 Brairmeadow, South Lyon, Sidwell #21-34-100-016. Applicants requested a variance from the side yard setback to allow the construction of a utility building. Applicant has not demonstrated that all options have been taken into consideration, and the Board felt that the square footage of the facility could be fit on the property. He would make a recommendation to the Board that the applicants' request for a variance be denied. Mr. Barber supported the motion.**

<b>Voice Vote:</b>	<b>Ayes:</b>	<b>All</b>
	<b>Nays:</b>	<b>None</b>

**MOTION APPROVED**

- 2. Lyon Copperwood, LLC, 27600 Northwestern Highway, suite 200, Southfield, MI 48034. Sidwell #21-25-100-015, 51847 Ten Mile Road. Applicant requests a variance from Article 16.08, C-2 to allow for a wall sign that is 150 square feet, which exceeds the maximum allowed size of 48 square feet.**

<b>Representing Lyon Copperwood, LLC:</b>	<b>Bill Watch, First Commercial Reality</b>
	<b>Jim Hiller, Hiller's Grocery Store</b>

Mr. Watch stated that they are requesting a sign variance for the new store that will be built at the Shoppes at Copperwood. The storefront is 500 feet from the front of the store to the southerly edge of Ten Mile Road. He showed the elevations with the required 48' square feet of signage and an elevation of what the new sign would look like from the road. He felt that that the ordinance imposed a practical difficulty on the site where the smaller sign would not be visible for people going along Ten Mile Road. The PD was approved with this signage requiring them to come in and ask for a variance. The signage that they are asking for was subsequently being proposed to change, and the changed ordinance would allow a 150 sq. ft. sign on a building of this size. Of course, they understood that there was no guarantee that the Township Board would approve the Planning Commission's recommendation.

Mr. Hiller stated that his stores are known out here, but it would be very difficult for them to have any recognition for people driving by if they complied with the letter of the law in this instance.

Mr. Barber questioned if there was any proposed signage out front. Mr. Hiller stated that he had no right to be on that monument sign.

Mr. Erwin questioned what the square footage of the store is. Mr. Hiller stated it is 53,000 square feet, but that does not include the loading area.

Mr. Seymour questioned what the proposed schedule for construction was. Mr. Watch stated that their contract calls for them to turn over the store to Hiller's on October 1, 2008. Mr. Seymour questioned when the signs would be ordered. Mr. Watch stated it would be late in the process, but they do have a specific requirement that they ask for a variance. Mr. Seymour stated that they have asked for a variance, so they have met that requirement. Brief discussion continued possible options.

Mr. Hiller asked if they could receive approval, but the approval would not take affect until February when and if the Township Board approves it. Mr. Seymour stated that it was possible, but he would not recommend it because the Board could possibly tweak what the Planning Commission recommended. However, they could still grant a variance for 150 square feet. Mr. Hawkins stated that it was consistent with other retailers, and it was not a small venue with traffic flow on a major thoroughfare, the request was not unreasonable. Mr. Seymour stated that if they were inclined to give the applicant the variance to do so.

**Mr. Raney made a motion to approve Lyon Copperwood, LLC, Sidwell #21-25-100-015, 51847 Ten Mile Road. That the variance be granted for the sign. Mr. Barber supported the motion.**

**Mr. Erwin abstained from the vote due to a conflict of interest.**

<b>Voice Vote:</b>	<b>Ayes:</b>	<b>All</b>
	<b>Nays:</b>	<b>None</b>
	<b>Abstain:</b>	<b>Erwin</b>

**MOTION APPROVED**

**4. ADJOURNMENT**

Mr. Hawkins adjourned the meeting at 8:05 p.m.

Respectfully Submitted,

Kellie Angelosanto  
Recording Secretary