

**CHARTER TOWNSHIP OF LYON
ZONING BOARD OF APPEALS
MEETING MINUTES
March 17, 2008**

Approved: May 19, 2008 as written

DATE: March 17, 2008
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
John Hicks, Township Board Liaison
Tony Raney

Absent: Paul Fransway, Alternate (no alternate needed)

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

Guests: 12

1. APPROVAL OF THE MINUTES

Mr. Barber made a motion to approve the minutes of December 17, 2007 as submitted. Mr. Raney supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

2. PUBLIC HEARINGS

- A. Miles Christi Religious Order, 25300 Johns Road, South Lyon, MI 48178. Sidwell #21-24-400-006. Applicant requests a variance from Section 36.02 Schedule of Regulations to allow for construction of a bell tower with a height of 70', as opposed to the maximum height of 30' allowed in an R-1.0 district.**

Father Wainwright stated that he was a Catholic Priest of the religious order Miles Christi. On April 9, 2007, they submitted a site plan to the Planning Commission. The Planning Commission granted the approval and they approved the bell tower with the condition that the applicant goes before the ZBA for a height variance. The reason for the architectural design with the bell tower is that they are there to help the faithful grow closer to God, and they intend to provide practical ways and physical places where people can come and encounter God. There would be programs made available to enhance their lives. It is very important to their religious community to achieve this goal. They intend to have religious programs, liturgical celebrations, and faith formation courses. There would be a

religious community of priests living on site that would provide permanent service to the local community. The chapel and bell tower are at the heart of the plan. The significance of a bell tower is witnessed by the architectural traditions of the church. The style is Romanesque architecture, which is very traditional and sacred in the church. Father Wainwright gave a short presentation, which showed examples of bell towers throughout Europe and the United States.

Mr. Erwin questioned the 70' height. Father Wainwright stated that if the bell tower were 50', it would not be seen. The bell tower is to be located towards the back of the building.

Mr. Barber questioned if the bells would be rung. Father Wainwright stated yes, at 12:00 p.m. and 6:00 p.m. and Sundays before mass. It is a pleasant sound that is not considered a noise. Father Wainwright did not know how many decibels the bells were, and he continued that the sound would be heard clearly on the site and the surrounding area but not too far away.

Mr. Barber questioned if they would be setting precedence by approving this variance. Mr. Seymour stated that they have to look at each case individually to determine if there is practical difficulty demonstrated and deal with what the ordinance says.

Mr. Erwin questioned if bell towers were synonymous to the Catholic Church. Father Wainwright answered that they are also a symbol in the Presbyterian, Episcopalian, and the Lutheran churches, to name a few. This was an architectural design, and the more traditional churches tend to have bell towers. Mr. Raney stated that he didn't have a problem with it, as it is part of the Christian Religion.

Mr. Hawkins questioned what was in the vicinity of the site. Father Wainwright stated that the north side is all wooded. The south side is less wooded, but they had agreed to plant evergreen trees there to help buffer that side more.

Mr. Erwin asked if they could move the bell tower to the side and make it shorter. Father Wainwright stated that it was attached to the church in that spot, and the sun passes through the south. That would cover several windows, so they placed it on the north side where there would be no direct sunlight coming in through the windows. Mr. Erwin stated that 70' was a tall structure and questioned if they would be satisfied with something shorter.

Stephen Estey from Dykema Professionals stated that the site is 19 acres, and the concept of the bell tower was approved as part of the site plan. This facility's contribution to the community will be great. The building is beautiful with the Roman architecture, and they have the bell tower as low as possible to make it proportionate to the building. The Miles Christi is not the Catholic Church, and it's not a church, it is a Religious Order with nuns and brothers. Therefore, the tower has a particular application to the spirituality that they practice. It is a very specific religious component for them, including the toning of the bells at important religious times. He thought they have done an excellent job of keeping the tower to the lowest level and making it proportionate to the building.

Mr. Hicks asked if they would explain what the interior of the bell tower would be like. Father Wainwright stated that the first level would be a room for the sacristy for the church. The second level would be storage, and the upper floors would be where the bells are located; it would not be a livable space or used for normal human activity. There would be no lighting in the bell tower, so it would not be illuminated at night.

Mr. Estey stated that there is nothing in the present ordinance to address bell towers. There is a provision in the ordinance that explained exceptions to the height standards under Section 12.14B, which states that it should not apply to chimneys, church spires, public monuments, wireless transmission towers, farm buildings, water towers, and flag poles. They were not asking for an interpretation of the ordinance at this time. They were before them seeking a height variance at the direction of the Planning Commission. He thought it was another example that this is a unique and different situation.

Mr. Erwin stated that he worried about the height and thought that they needed to work within the ordinance.

Mr. Erwin opened the Public Hearing at 7:58 p.m.

Josif Arpasi, 24800 Johns Road, He stated that he lived next door to this property and he questioned how wide it was and where would they build it. They say the property is 19 acres, but it's not all buildable. There is a pond located on the land. He did not want the bells next to his house. He has lived in Rome, so he knows how they sound. They are asking even more than double what the ordinance states. He questioned how far that would be from his house. He showed the Board where his home is located on the plan.

Mr. Hawkins stated that there would be limited times that the bells would ring. The resident stated that there are kids in school at noon and people on the golf course. In relation to the height of the high school, it did not bother him because the school was far away. However, this church would be right next door to his home. Brief discussion continued regarding the measurements of the building.

Mr. Erwin stated that at this point, the applicant meets all of the criteria. The resident stated that the radar tower is the highest structure on Ten Mile. 70' is too high.

Mr. Erwin closed the Public Hearing at 8:05 p.m. due to no one else wishing to address the Board.

Mr. Barber stated that he had no problem with it being 70'. Mr. Erwin stated that if it were closer to 50', the sound of the bells would be kept more on the property. The hardship was created by the applicant, not by the Township.

Mr. Estey stated that if they looked at the drawing, a 50' bell tower would look terrible. It would do a real disservice to the façade of the building. He felt that 70' is appropriate. If there were any resistance from this Board, he would request that it be minimal; perhaps 65' might work.

Mr. Erwin asked why the bell tower couldn't be in front of the building as a stand-alone structure, as opposed to being attached to the building. Father Wainwright thought it wouldn't be approved because it distorts the façade too much; the rear of the building was more proportionate and discreet at the same time.

Mr. Estey stated they have lost a lot of the architectural beauty in their buildings in this country. In Europe, they are built as artwork. This is a real gift that is being proposed for this community. This is the way it's been done for centuries. It was a well-designed and beautiful building. They have spent so much time in bringing something to this community that is truly beautiful.

Mr. Barber asked if this is not even addressed in the ordinance, would they need a variance? Mr. Seymour stated that the suggestion of the use of the phrase "church spires" and how it implies to bell towers could have different connotations. The applicant is not asking for an interpretation of the ordinance at this point.

Mr. Estey stated that the reason the applicant was seeking a variance and not an interpretation of the ordinance was because the Planning Commission directed them to seek a variance and it gives the Township more control.

Mr. Erwin stated that the hardship was self-created, and he has to keep the ordinance in mind when making a decision. They are a Religious Order, and there could be some leeway as far as the bell tower, but 70' is very high. He keeps trying to look where they have a leg to stand on, and he can't find it. Father Wainwright stated that being a Religious Order is essential to this issue. Mr. Estey stated that this is an incredible organization, and there is another basis that they could look upon because it is a Religious Order. Under the Religious Land Use and Institutionalized Persons Act, they have the ability to look at that Federal Act and say that it could substantially burden this particular Religious Order if they didn't approve it. That is another way of looking at it. It gave them some more flexibility.

Mr. Erwin stated that it didn't have to be 70' high. The height could be less. Mr. Estey stated that the Order would consider a lesser height but to make sure it was the least amount. He felt that 50' is too low. They would be willing to go to 60'-65', if they found that acceptable.

There was brief discussion regarding the height of the tower and the architecture.

Mr. Seymour stated that Section 12.14B does talk about variance height standards; it shall consider the height of surrounding structures, the character of surrounding uses, the potential to obscure light and potential detriment to the use or value of surrounding properties. Mr. Erwin stated that was why he said 50' because the trees would block the sounds of the bells and it wouldn't sit so far above the tree line.

Mr. Hawkins stated that the tower would be 100' from the property line, and he would find it hard to believe that it would obstruct a view from anyone. It meets setbacks and obviously there was an adjacent high school with good height. They are dealing with masonry dimensions. He didn't know if they could say take 5' off of it and have it be structurally sound.

Mr. Raney stated that he didn't see any problem with it. Mr. Erwin stated that there was no hardship shown. Mr. Hawkins stated there was a resident that had an objection, and the hardship was self-created. However it would be a good reflection on the community, and he did not think it would impact the neighborhood severely.

Mr. Barber made a motion in the case of Miles Christi Religious Order, 25300 Johns Road, South Lyon, MI Sidwell #21-24-400-006 that they approve the tower as 70' as opposed to the maximum height of 30' because it was a Religious Order, and they have a federal law that says they should give favorable consideration in all matters of debate. It is part of the building structure that was approved by the Planning Commission. It does not present any health or safety issues. They would work out the complaint with the neighbor. Since there are no bell towers in the ordinance and the upper floors are not an inhabitable structure, he would motion that they approve it. Mr. Raney supported the motion.

Voice Vote:	Ayes:	Barber, Hicks, Raney
	Nays:	Erwin, Hawkins

MOTION APPROVED

3. ADJOURNMENT

Mr. Erwin adjourned the meeting at 8:28 p.m.

Respectfully Submitted,

Kellie Angelosanto
Recording Secretary