

**CHARTER TOWNSHIP OF LYON
ZONING BOARD OF APPEALS
MEETING MINUTES
June 16, 2008**

Approved as written on July 21, 2008

DATE: June 16, 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

Absent: Tony Raney

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

Guests: 18

1. APPROVAL OF THE MINUTES

Mr. Hawkins made a motion to approve the minutes of May 19, 2008 as submitted. Mr. Barber supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

2. PUBLIC HEARINGS

- A. New Hudson Inn, 56870 Grand River Avenue, New Hudson, MI 48165. Sidwell #21-03-302-003. Applicant requests a variance from Section 36.02 Schedule of Regulations to allow for a 5' front yard setback for a patio in the B-1 zoning district. A 75' setback is normally required, per Section 19.02, X-9-f, which requires outdoor seating to comply with setback requirements for a principal building or structure.**

Mr. Seymour explained that he felt this matter was not properly before the Zoning Board of Appeals. The New Hudson Inn is located in the Town Center Overlay District, which allows a 5' front yard setback. The Township does provide that bars and restaurants are permitted uses in the Town Center Overlay District, provided that they serve inside the establishment. If they want to have an outdoor eating area or patio, then it would be a Special Land Use, which is subject to the Planning Commission's approval. He thought the applicant had to follow the Special Land Use, which the ZBA doesn't have the authority to grant.

The applicant stated that Mr. Doozan told them to come to the ZBA. Mr. Seymour stated that he referred to Section 41-4 in the Zoning Ordinance, and it was clear that this is a Special Land Use.

There was discussion regarding the applicant not wanting to miss the summer months, since that would be business lost. Mr. Hawkins stated that, fundamentally, he didn't think they would have any issue with this.

Mr. Erwin explained to the applicant that they should come back and speak to Mr. Doozan again and request a refund for the application fee for this meeting.

Mr. Hawkins made a motion to make a recommendation to the Board in regards to the New Hudson Inn with regards to a front yard variance to table this issue for further review at subsequent meeting dates for either July or August. Mr. Barber supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None
	Absent:	Raney

MOTION APPROVED

B. C. Brian James, 1863 Vinsetta Boulevard, Royal Oak , MI 48073. Property located at 21376 Pontiac Trail. Sidwell #21-32-300-001, #21-32-300-008, and #21-32-300-018.

- 1. Timing of Appeal. Pursuant to Section 8.04(E), the ZBA must decide whether the appeal was filed in a timely manner.**
- 2. Pursuant to Section 8.02(A), the ZBA is asked to interpret the Zoning Ordinance and its application to the Meijer site plan with respect to the following issues:**

- **Outdoor Storage Requirements**
- **Porous Pavement**
- **Stormwater Discharge**
- **Impact on Wells from withdrawal of water**
- **Trees on parking lot islands in the Michigan Consolidated Gas Company Easement**
- **Cost of connecting to the sanitary sewer**
- **Approval of the private water system**

Mr. Erwin stated that since Mr. Hicks and Mr. Barber could not participate in this discussion and Mr. Raney was absent, they did not have a quorum. Therefore, they would be unable to make a decision. At this point, they would put the applicant on the July agenda.

Mr. James stated that he did not know why he was even on this agenda. As far as he was concerned, this appeal is over. Obviously, this board made a decision at the last meeting, and that's that. Mr. Erwin explained he was back due to the other issues that were on the application for the variance, which are listed above. Mr. James stated that he did not write the appeal. He was happy with the result. As far as he was concerned, there is no site plan pending right now, and he did not want them to waste their time. At this point, there is nothing for this board to decide.

Mr. Seymour stated that these were housecleaning issues. They were not going to change their decision. As far as the timeliness of the appeal was concerned, given the circumstances, they are being directed to come back to the ZBA. The minutes should reflect that a decision was made and will not be made on the other issues.

Mr. James stated that as long as he has the assurance that they are not going to revisit the issue that was decided last month, he saw no need to come back. Mr. Erwin stated that he did not know why they would change their decision or how they would do that

Stan Mitchner, 21711 Lyon Trail North. Mr. Mitchner stated that the agenda item needed to include timeliness of

the appeal; it was discussed at the last meeting. Mr. Seymour stated it was discussed, but there was no decision on it; that was all. Mr. Mitchner stated that the fact that they made the decision after the matter was discussed seems like the issue was addressed. They should correct the minutes, why bring everyone back here? Mr. Erwin stated that they have to do it this way, as they don't have a quorum.

3. ADJOURNMENT

Mr. Erwin adjourned the meeting at 7:53 p.m.

Respectfully Submitted,

Kellie Angelosanto
Recording Secretary