

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

Approved: February 23, 2009 as written

DATE: November 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

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

Guests: 2

1. APPROVAL OF THE MINUTES

Mr. Hicks made a motion to approve the October 20, 2008 minutes as submitted. Mr. Barber supported the motion.

**Voice Vote: Ayes: All
Nays: None**

MOTION APPROVED

2. PUBLIC HEARINGS

A. Appletree Christian Learning Centers, 121 West Kalamazoo Avenue, Suite A, Kalamazoo, MI 49007. Property located at 58019 Grand River Avenue. Sidwell #21-04-151-004. Applicant requests a variance from Section 19.02, O, 7, to

allow for a playground area of 20, 250 square feet.

Representing Appletree Christian Learning Centers: Eric Rauch, Design Engineers

Mr. Rauch stated that the Planning Commission approved the Site Plan in June/July 2008 and on that Site Plan was a playground with a total area of 25,500 square feet. That number was derived from Section 19.02 that requires 150 square feet of play area per child. At that time, it was anticipated that there would be 170 children for this facility. Through the process, it was determined that this facility can have 165 children, 30 of which would be infants. In considering that, they revisited the site and determined that by requesting a reduction in the playground area, they can make some significant improvements to the site. They are requesting a reduction of square footage to 20,250 square feet. The ordinance does not make the distinction between infants and children who would use the playground area.

Mr. Rauch explained the safety improvements that would be made. There would be a reduction of retaining walls to create a safer facility. The two stairways would be removed, and they would be able to move the entire playground to the north.

Mr. Raney questioned who determined the quantity of infants. Mr. Rauch stated that it was in regards to the design of the building. Each room can have a certain amount of children; the maximum capacity was 165 total children. Mr. Raney asked if there were less than 30 infants, could they have more children. Mr. Rauch stated no.

Mr. Erwin stated it was a Federal Law that children are supposed to have so many square feet. Mr. Hawkins stated that the applicant has made a distinction between the kids that will use the playground and the ones who won't, so they were requesting that the playground area be adjusted to the amount of kids that would be using it.

Mr. Rauch stated that Appletree has facilities throughout the state and Midwest, and the square footage for this facility is four times larger than what they usually have, due to Township code requirements.

Mr. Barber stated that they would not be letting all of the children out at one time; it would be staggered by age group. The Board agreed that the safety improvements that were made are a benefit.

Mr. Hawkins made a motion in regards to Appletree Christian Learning Centers, 121 West Kalamazoo Avenue, Suite A, Kalamazoo, MI 49007. In regards to Sidwell #21-04-151-004, applicant requests a reduction in the outdoor play area for a day care center. The ordinance per Section 19.02, O, 7, requires 150' of outdoor play area be provided and maintained per child, the applicant has requested that it be revised relative to the occupancy of the facility to reflect 135 children that would be utilizing

the playground. They have demonstrated from the applicant Appletree that 30 of the 165 children in the facility, which it was licensed for, would be infants and they would not be using the playground area and they have demonstrated that by redefining the site they have provided some additional safety elements that provide for a more convenient and applicable use of the playground area for the children. Mr. Raney supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

MOTION APPROVED

3. ADJOURNMENT

Mr. Erwin adjourned the meeting at 7:48 p.m.

Respectfully Submitted,

Kellie Angelosanto
Recording Secretary