

Charter Township of Lyon
Zoning Board of Appeals
Regular Meeting Minutes
April 18, 2011

Approved: May 16, 2011 as written

The meeting was called to order by Mr. Erwin at 7:30 p.m.

Roll Call: Bill Erwin
Michael Hawkins
Mike Barber – Alternate
John Hicks – Township Board Liaison
Carl Towne – Planning Commission Liaison

Absent: Tony Raney

Guests: 23

Also Present: Phillip Seymour, Township Attorney

APPROVAL OF MINUTES

**Motion by Towne, second by Barber
To approve the meeting minutes of February 28, 2011 as submitted.**

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

PUBLIC HEARING

- 1. The Kroger Company of Michigan, 40399 Grand River Avenue, Suite 110, Novi, MI 48375. Property located at 20730 Pontiac Trail, South Lyon, MI 48178. Sidwell #21-32-300-023. Applicant requests the following variances for a proposed fuel center at the existing Kroger grocery store:**
 - A variance from Section 16.08(G)(1) to allow two gasoline price signs.**
 - A variance from Section 36.02 to allow for a front yard setback of 67.67', as opposed to the required minimum front yard setback of 75'.**

**Representing Sherman Clark: Matt Pisko
Tom Frank**

Mr. Pisko explained the two variances that are being requested. The variance for the setback is required in order to allow safe access for the gasoline tanker from the kiosk. The kiosk is only 131', and it is used only as a pay point.

Mr. Pisko continued that the request is also for two sign variances for the gasoline price signs. The proposal is to have two signs on the short sides of the canopy, one facing east and one facing west. The signs would only be visible from one way and both signs would not be visible at any one time. Both signs combined are smaller than one sign that is allowed by ordinance.

Mr. Towne commented that the strip mall has seen sad times, and there is a new owner of the mall. He felt that this fuel center would only be a benefit and would increase traffic onto the site. He felt the two signs were acceptable considering they were under the 20' that is allowed.

Mr. Barber questioned if there would be televisions on top of the gasoline pumps. Mr. Pisko stated no.

Mr. Hawkins questioned if there was any desire to place the sign on the landscaped area along 8 Mile Road. Mr. Pisko stated it wasn't allowed, and they felt splitting the signs would be best for visibility. Mr. Hawkins questioned if Kroger had concerns about the canopy blocking their signage on the side of the building. Mr. Pisko stated no; they had no concerns. Kroger felt it was the best choice, and it can still be seen. Mr. Hawkins expressed his concern that the ZBA had granted variances for the Kroger signs before and didn't want to continue to grant variances upon variances.

Mr. Hicks explained that the Township Board had no issues with the fuel center and were in favor of it.

Mr. Towne questioned how large the signs would be. Mr. Pisko stated approximately 8.53 sq. feet each.

Mr. Barber stated that he thought there is an ordinance that gas stations cannot sell liquor. Mr. Frank explained that the point of purchase for liquor must be separated from the pumps by a minimum of 50', and the facility that sells the liquor must carry a minimum of \$250,000 of other inventory excluding fuel and liquor, so they fall under that provision of the State. But before the fuel center can be opened, the State Liquor Control Commission will perform an investigation to make sure they are in compliance with state law. Mr. Frank also explained that the signage has actually been reduced with the removal of the Comerica Bank signage.

**Motion by Towne, second by Hicks
To approve the variance from Section 16.08(G)(1) to allow 2 gasoline price signs 8.53 square feet per sign which is still under the square footage**

allowed by the Township ordinance.

**Voice Vote: Ayes: Unanimous
 Nays: None**

MOTION APPROVED

**Motion by Towne, second by Barber
To approve the variance from Section 36.02 to allow a variance of 7.33’
which would allow the setback to be 67.67’ as opposed to the normal front
yard setback of 75’ that would allow the gas tanker to enter and leave
safely.**

**Voice Vote: Ayes: Unanimous
 Nays: None**

MOTION APPROVED

**2. Darrell Fletcher, 58701 Twelve Mile Road, New Hudson, MI 48165. Vacant
property located north of Eleven Mile road, west of Haas road. Sidwell #21-
14-300-002, #21-14-300-19, and #21-14-400-010. Applicant requests the
following variances for a proposed campground at the former Lyon Sand
and Gravel site:**

- A variance from Section 19.02(Z)(1)(c)(1) to eliminate the required
setback of 100’ from all property lines.**
- A variance from Section 19.02(Z)(1)(c)(4), which requires that a 6’
high fence be provided.**

**Representing: Darrell Fletcher
 Matt Novello – Attorney**

Mr. Novello explained that the property is zoned R-1.0 and that they are proposing a
campground use. He continued that whoever uses this parcel would need to have a
variance since the lake portion is so close to the property lines. With no relief, it would
never be used. He explained that Mr. Fletcher has spoken to a bulk of the neighbors,
and many are interested. Mr. Novello continued that this use could generate revenue
for the Township as well as increase revenue for surrounding businesses. He explained
the need for the 6’ fence around the property.

Mr. Novello explained that if they could obtain consensus among the Board members,
they would go forward with the proper engineering.

Mr. Erwin questioned why Mr. Fletcher would want a piece of property with so many

restrictions on it. He stated that Lyon Sand and Gravel created the problem, not the Township.

Mr. Novello explained that if the Township wanted further property development, this parcel could generate a lot of revenue for the township.

Mr. Towne stated that it was a blunder that the Township allowed Lyon Sand and Gravel to mine so close to the property line. He continued that every area would have to be dissected and that a blanket setback variance could not be given. Mr. Towne stated that there are sections that back up to residential and sections that back up to the Haas Lake campground; it's not doable to give a blanket variance for the whole area.

Mr. Hicks stated that they would have to be very careful in not setting a precedent and that sewage is a big issue.

Mr. Seymour cautioned the Board on giving any advisory opinion, as the application is defective.

Mr. Hawkins stated that he was not objecting to variances if they could document and support their application. However, there is a process that has to be completed, and it has not even been started. Mr. Novello requested that the application be tabled until they can work out the details.

Motion by Hawkins, second by Towne

To table the application at the applicant's request regarding vacant property located north of Eleven Mile Road, west of Haas Road. Sidwell #21-14-300-002, #21-14-300-19, and #21-14-400-010 until details are worked out and the applicant reapplies for review.

**Voice Vote: Ayes: Unanimous
 Nays: None**

MOTION APPROVED

ADJOURNMENT

Motion by Towne, second by Barber

To adjourn the meeting at 8:07 p.m.

**Voice Vote: Ayes: Unanimous
 Nays: None**

MOTION APPROVED

The Zoning Board of Appeals meeting was adjourned at 8:07 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary