

Charter Township of Lyon
Zoning Board of Appeals
Regular Meeting Minutes
September 17, 2012

Approved: October 15, 2012

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

Roll Call: Bill Erwin, Chairman
John Hicks, Board Liaison
Tony Raney, Vice-Chairman
Deborah Sellis
Carl Towne, Planning Commission Liaison

Guests: 9

Also Present: Philip Seymour, Township Attorney

APPROVAL OF MINUTES

1. Approval of the May 21, 2012 Meeting Minutes

Mr. Hicks added some additional language to the minutes.

**Motion by Hicks, second by Towne
To approve the May 21, 2012 meeting minutes as amended.**

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

MOTION APPROVED

PUBLIC HEARINGS

1. **Douglas J. Cook 9775 Cross Creek, South Lyon, MI 48178. Sidwell #21-08-300-014. Property located at 28060 Pontiac Trail. Applicant requests the following variances from the Zoning Ordinance:**
 - **Section 36.02, footnote r, requires a 40' setback adjacent to residential. Building B has a 15' setback. Therefore, a 25' setback variance is required.**
 - **Section 12.09-C requires a 31' wide driveway. The driveway is 22' in width. Therefore, a 9' variance is required.**

- **Section 14.01-D-5 requires curbs or wheel stops at the edge of all paved areas. Wheel stops are proposed at the ends of 8 parking spaces only. Therefore, a variance from this section is required.**
- **Section 19.02-E-4 requires that driveways serving commercial property be located at least 25' from property that is zoned or used for residential purposes. The driveway is located 6' from the property line of the property to the south, which is used for residential. Therefore, a 19' variance is required.**
- **Section 14.01-B-1-b-i requires off-street parking in a commercial district to be set back a minimum of 20' from residentially zoned or used land. The existing parking is set back 13' on the south. Therefore, a 7' variance is required.**

**Representing: Ann Cook
 Doug Cook
 Austin Cook**

Mrs. Cook gave a PowerPoint presentation which highlighted their vision for the property and their specific plan of opening a vehicle repair center.

The applicant explained that they are not operating a repair business currently. It was explained that the existing buildings will be used as they exist. Once this portion of the business is up and running and profitable, the goal is to open a NAPA store and distribution center at which time they would come back with an entire new plan. Building B would hold the vehicle repair center while buildings A and C would be used for parking customers' vehicles that are either finished or waiting to be worked on. Mrs. Cook acknowledged that the truck bays will be presented in a safe fashion and everything will be up to code. Mrs. Cook confirmed that the property is being purchased, not leased.

There was discussion amongst the Board members regarding the variance requests. Concerns were raised that if changes were required at this time, they could change the topography and water flow on the property, which would increase the costs significantly.

Mr. Cook explained that the plan is to build a separate building for the parts store once the vehicle center is up and running. At that time, they would come back to the Township and fulfill all requirements. He explained that they have been in touch with NAPA. NAPA has expressed interest in this location because it could fill a void for them.

The applicant also agreed to buffer the area with arborvitae or evergreens to present a strong buffer on the south side. Also, a mix of evergreen, linden, and mugo pines will be planted on the southwest side of the parking lot. Mr. Towne explained that the Planning Commission had felt that arborvitae were not a thick enough buffer. Ms. Cook explained that the arborvitae were suggested by Mr. Doozan.

Mr. Towne explained that the Planning Commission was in favor of this project. He

explained that the special land use for the auto repair center could be revoked at any time if the business changed and the applicant did not come back for a site plan change. He indicated that he felt the repurposing of this site is good for the community. Mr. Erwin was concerned that if the variances were approved and the business grew and changed it could become very hard to get something changed on it.

Variance Request

Motion by Hicks, second by Towne

To grant a variance of 25' on the south boundary of Building B with the recommendation that the density screening agreement is satisfied.

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

MOTION APPROVED

Variance Request #12.09-C

Concerns were discussed regarding the disturbance of the eco system, water flow patterns, and the fact that this is an existing driveway that has been in service for 30 + years. Mr. Erwin expressed his concerns regarding the requirements for granting a variance.

Elias Kassab, 28030 Pontiac Trail – Mr. Kassab stated that he has no desire for the variances. He doesn't mind having the business as it exists now but he doesn't want the variances.

Motion by Towne, second by Raney

To approve the variance from Section 12.09-C for a 9' variance.

**Voice Vote: Ayes: Raney, Towne
Nays: Sellis, Hicks, Erwin**

MOTION FAILED

Motion by Sellis, second by Hicks

To deny the variance request to Section 12.09-C requiring a variance of 9' for the width of the driveway.

**Voice Vote: Ayes: Sellis, Hicks, Erwin
Nays: Raney, Towne**

MOTION APPROVED

Motion by Towne, second by Raney

To approve a 19' variance from Section 19.02-E-4 so as to not disturb the property and to repurpose this site.

Voice Vote: Ayes: Towne, Raney

Nays: Hicks, Sellis, Erwin

MOTION FAILED

Mr. Cook expressed that there would be an inability to secure loans to get funds for what the Zoning Board was asking. He felt that an opportunity was being missed to grow together. They fully plan to be in compliance and are only asking for a postponement. He felt that the request was reasonable.

There was discussion regarding the type of vehicles that would utilize the driveway.

Barbara Johanningsmeier, 12387 Cambridge Boulevard – Ms. Johanningsmeier explained that she worked on this site for 30 years, and there was never an accident on that driveway.

Ken Sprinkles, 59000 12 Mile Road – Mr. Sprinkles explained that he was speaking on behalf of Paul and Brenda Sprinkles who live immediately south of the property. He stated that all of their concerns were addressed and that they would like to see the property used. Their only request is that curbing would be used all along their parcel to prevent runoff onto their site.

There was more discussion amongst the Board regarding the previous concerns listed. Comments were made regarding the repurposing of the site. There was discussion regarding changing the vote/motion.

Mr. Hicks commented that the Engineers report also stated that they would approve as presented. Ms. Sellis commented that she understood what the applicant was saying about getting the business up and running before making changes and the value of repurposing this existing site. She would like to find a solution to accommodate this site. Mr. Raney agreed due to the fact that this is an existing site and not a new development.

Motion by Sellis, second by Raney

To reconsider the denial of the 9' variance to Section 12.09-C for the width of the driveway.

Voice Vote: Ayes: Sellis, Raney, Hicks, Towne

Nays: Erwin

MOTION APPROVED

Motion by Raney, second by Towne

To approve the 9' variance for the width of the driveway to Section 12.09-C.

Voice Vote: Ayes: Raney, Towne, Sellis, Hicks

Nays: Erwin

MOTION APPROVED

Variance Request 19.02-E-4

Motion by Sellis, second by Towne

To approve the 19' variance pursuant to Section 19.02-E-4 that would require the driveway to be 25' from the property instead allowing the driveway to be 6' from the property.

**Voice Vote: Ayes: Sellis, Towne, Hicks, Raney
Nays: Erwin**

MOTION APPROVED

Variance Request #14.01-D.15

Mr. Cook agreed to place the wheel stops all around the south and west side of the parking lot.

Motion by Raney, second by Towne

To grant the request for a variance from Section 14.01-D-5 so that the wheel stops will be put on entire west and south side of the parking lot immediately in front of Building B.

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

MOTION APPROVED

Variance Request #14-01-B-1-b-i

Motion by Hicks, second by Towne

To grant the 7' variance to Section 14.01-B-1-b-i.

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

MOTION APPROVED

ADJOURNMENT

Mr. Erwin adjourned the Zoning Board of Appeals meeting at 9:08 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary