

**Charter Township of Lyon
Zoning Board of Appeals
Regular Meeting Minutes
February 19, 2013**

Approved: June 17, 2013

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

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

Absent: Tony Raney, Vice-Chairman

Guests: 1

Also Present: Scott Baker, Township Attorney

APPROVAL OF MINUTES

1. Approval of the January 22, 2013 Meeting Minutes

Motion by Towne, second by Sellis

To approve the January 22, 2013 meeting minutes as submitted.

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

MOTION APPROVED

PUBLIC HEARINGS

1. **Saman Sammoe, 58805 Grand River Avenue, New Hudson, MI 48165 (Copper Creek Vineyard). Sidwell #21-04-151-008.** Applicant requests the following variances from the Zoning Ordinance:

- Section 36.02, Schedule of Regulations, minimum front setback in the B-2 district is 75 ft., proposed setback is 73.5 ft., front yard variance required: 1.5 ft. Tabled at 1-22-13 meeting.
- Section 36.02, Schedule of Regulations, minimum side setback in the B-2 district is 20 ft., proposed setback at the northeast corner is 11.5 ft., side yard variance required: 8.5 ft. Tabled at 1-22-13 meeting.
- Section 36.02, Schedule of Regulations, minimum side setback in the B-2 district is 20 ft., proposed setback at the southeast corner is 24.5 ft., side yard variance required: 5.5 ft. Tabled at 1-22-13 meeting.

- Section 14.01, subsection (B)(1)(b) requires a 10 ft. front setback for off-street parking. The proposed setback is 3.75 ft. Variance required: 6.25 ft.

Bob McNally, representing the applicant, indicated they would like to demo the west side of the building and some of the rear, which would bring them into compliance on the west side. They are requesting variances because they are still non-compliant to the east side. They would fill the northeast corner on the front of the building to be more reasonable to the front elevation.

Mr. Towne commented on the 4th variance request pertaining to parking. The site calls for 12 parking spaces. Without the variance, the applicant will lose those spaces. He feels this is a difficult piece of property, and the constraints are phenomenal. He would like to see a nicer facility and sees no reason not to grant the parking variance. Mr. McNally noted that they tried to move the parking as much as possible. Mr. Towne added that he has looked at this site thoroughly and could not see a better way than what the applicant is proposing.

Mr. Hicks noted that the Township created the need for the variance to the east when it put in the road. He understands this has to come back when an expansion is being requested, but in this case there is nowhere else for the applicant to build. It was agreed that this project would be a major improvement to the area, and the neighbors would also be looking forward to the improvements on the property.

- Section 36.02, Schedule of Regulations, minimum front setback in the B-2 district is 75 ft., proposed setback is 73.5 ft., front yard variance required: 1.5 ft. Tabled at 1/22/13 meeting.

Motion by Hicks, second by Towne

To approve the 1.5 ft. variance to the front yard setback, and there being major improvements to the property with the constraints of the site that would not allow the applicant to come into compliance.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION CARRIED

- Section 36.02, Schedule of Regulations, minimum side setback in the B-2 district is 20 ft., proposed setback at the northeast corner is 11.5 ft., side yard variance required: 8.5 ft. Tabled at the 1/22/13 meeting.

Motion by Hicks, second by Towne

To approve the 8.5 ft. variance to the side yard and it is noted that the road was previously allowed to be constructed closer to the property.

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

MOTION CARRIED

- Section 36.02, Schedule of Regulations, minimum side setback in the B-2 district is 20 ft., proposed setback at the southeast corner is 24.5 ft., side yard variance required: 5.5 ft. Tabled at the 1/22/13 meeting.

There was discussion on a discrepancy with the numbers advertised on the agenda. Mr. Baker noted there was a typo on the agenda and the proposed setback at the southeast corner should reflect 14.5 ft. and not 24.5 ft. The requested variance is correct at 5.5 ft.

Motion by Hicks, second by Towne

To approve a 5.5 ft. side yard variance (with all said mentioned items regarding the applicant's existing situation and property constraining them from following the rules and regulations in that section).

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

MOTION CARRIED

- Section 14.01, subsection (B)(1)(b) requires a 10 ft. front setback for off-street parking. The proposed setback is 3.75 ft. Variance required: 6.25 ft.

Mr. Erwin noted that the site calls for 12 spaces and questioned whether or not if approved it would be detrimental to the property. Mr. McNally responded that all of existing spaces currently encroach, and they've improved it with without moving the building.

Motion by Towne, second by Sellis

To approve the 6.25 ft. front setback and the property constraints have elevated this area with safety to the curb and gutter.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION CARRIED

Adjournment at 7:55 p.m.

Respectfully Submitted,

Lynn Lindon

Lynn Lindon
Recording Secretary