

Charter Township of Lyon  
Zoning Board of Appeals  
Regular Meeting Minutes  
May 19, 2014

Approved: August 18, 2014

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

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

Guests: 15

Also Present: Leann Kimberlin, Township Attorney

**APPROVAL OF MINUTES**

Mr. Towns noted that Mr. Barber closed the meeting on October 21, 2013 not Mr. Erwin.

**Motion by Towne, second by Hicks  
To approve the minutes from October 21, 2013 as amended.**

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

**MOTION APPROVED**

**PUBLIC HEARINGS**

- 1. JZN Realty #2, LLC, 2662 Ogden Drive, West Bloomfield, MI 48323. Property located at 57196 Ten Mile Road. Sidwell #21-21-400-055. Applicant requests a variance from Section 16.08. C.1 of the Zoning Ordinance, which allows only one wall sign. One wall sign exists, and a second sign is being requested.**

**Representing JZN Reality: David Bennett, Attorney  
David Kam, Owner**

Mr. Bennett explained that the dental office is located at Milford Road and Ten Mile. When entering the site off of Milford Road, there are no external or internal signs on the eastern side in the development or on the building. There is also another dental office on the site and they have had clients go to that dental office instead of the correct office. They are asking for an identical sign that faces Ten Mile Road for the east side of the building.

Mr. Towne explained that with the location of CVS a sign on the east side would not be

seen. He suggested using a sandwich sign. Mr. Towne stated even a grand opening sign could be put up which is allowed already in the Zoning Ordinance six times per year. Mr. Bennett questioned if the landlord would allow a sandwich board, and he felt he may have problems with other tenants that may want one. Mr. Towne stated he is not sold because other options have not been exhausted yet.

Mr. Hicks questioned if there is a monument sign? Mr. Bennett stated yes, but the real problem is coming off of Milford Road. Mr. Bennett stated that he thought an additional sign would help.

Dr. Kam explained that he is the dentist in the facility, and the issue is when a patient turns off of Milford Road, CVS is on the left and the shopping plaza is on the right and once CVS is passed the sign for Lifetime Dental could be seen. He explained that when a patient turns into the development off of Milford Road and looks to the right, there is another dental office. That is where patients go, thinking it is Lifetime Dental.

Mr. Towne suggested moving the building sign from the front to the east side; he stated that there are options. Dr. Kam stated that he wanted that originally but the Township would not let him put the sign on that side.

Ms. Kimberlin stated that the Sign Ordinance says that a sign has to face a roadway. Dr. Kam stated that the patient confusion is a paramount concern with finding the building; it is something that happens on a weekly basis.

Mr. Hicks and Mr. Raney were concerned that Anytime Fitness has two signs.

Mr. Radke asked what the main concern is for Dr. Kam. Dr. Kam stated that his concern is 99% of his patients arrive at a different location. Mr. Bennett felt that a good viable alternative is to take the existing wall sign and flip it over to the eastern side of the building.

**Motion by Towne, second by Raney**

**To allow JZN Realty #2, LLC, Property located at 57196 Ten Mile Road. Sidwell #21-21-400-055 to move the exact sign on the south side to the east side due to the practical difficulty of the patients not finding the office.**

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

**MOTION APPROVED**

- 2. Adam Heisel, 28440 Dixboro Road, South Lyon, MI 48178. Sidwell #21-07-300-007. Applicant requests a variance from Section 19.02.JJ.3.a.ii of the Zoning Ordinance, which requires roof-mounted solar energy systems to be located in the rear only.**

Mr. Heisel explained that this project would not be seen from the roadway. The barn is 450 feet back from the road. The other option would be ground mounting, but it is more expensive.

Mr. Erwin explained that if there are other options on the property, those should be used before a variance is granted. The representative from Michigan Solar Solutions explained that if it was ground mounted, it would be more visible from the road and a much larger structure, approximately 14' tall and 12' feet wide. Mr. Heisel stated he has a lot of open space, and it is the optimal site.

Mr. Heisel explained that the panels will collect 8.1kw and annually cover the energy of his home. The representative from Michigan Solar Solutions also explained that it will support the grid and prevent brown outs and black outs.

Mr. Towne stated the location of the barn is a long way back and he thought because of the location and the applicant trying to do the right thing by putting up solar and going green and it being so far off the road, he would have no problem giving him a variance.

Mr. Erwin stated that he would too, but there are options. The representative from Michigan Solar systems stated it would not be an option that the Township would like, and the ground mounted solar panels actually go against the ordinance more. Mr. Erwin stated that a hardship has to be shown, and that got thrown out when another option was given.

**Motion by Hicks, second by Towne**

**To approve the request for a variance from Section 19.02.JJ.3.a.ii of the Zoning Ordinance which requires roof mounted solar systems to be mounted in the rear only due to the distance of the structure from the road. Sidwell # 21-07-300-007.**

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

**MOTION APPROVED**

- 3. Hadley Home Builders Inc. PO Box 328, New Hudson, MI 48165. Property located at 29631 Milford Road. Sidwell #21-04-477-010. Applicant requests variances from the following sections of the Zoning Ordinance: Section 41.303.A, 41.303.A, 41.303.B, 41.304.E.1, 41.304.H.3.c,**

**Representing: Mark Sweet, Hadley Home Builders, Inc.**

Mr. Sweet explained that the applicant's house burnt down and due to the new zoning regulations which were not in place when the original home was constructed.

He explained that strict compliance with the ordinance requirements will be unnecessarily burdensome, preventing use of an existing foundation. The unique circumstances are the presence of the existing foundation and septic field which the applicant will use.

Mr. Sweet explained that the Zoning Ordinance calls for premium grade vinyl siding having a thickness of 0.52 to 0.55 mils. Due to unavailability of vinyl siding of this thickness, 0.46 mil vinyl siding is proposed. Also, the ordinance calls for a roof pitch of between 6:12 to 12:12. A variance from this provision is required because a 5:12 pitch

is proposed.

Mr. Towne stated that the New Hudson Zoning Ordinance was enacted January 23, 2014 and the fire occurred on November 16, 2013. Mr. Towne stated the home is a 100% loss. He didn't think the foundation should be torn down due to a 5' variance, he felt that would be a tremendous hardship. Mr. Towne stated that he liked the idea of a 6:12 pitch on the garage and porch and a 5:12 pitch for the roof. He had no issue with allowing the vinyl either.

Mr. Erwin stated that Mr. Towne was right. Other variances have been given because the ordinance changed and he didn't think this request was any different.

Mr. Raney stated that the foundation, well and septic are there and will be used.

Mr. Towne stated that the property is secured but the shed needs to be secured. The property should also be maintained. He would like to see the fence ordinance visited. The fence should be no farther out then the side of the house.

**Motion by Towne, second by Raney**

**To approve the variance to Section 41.303.A Sidwell # 21-04-477-010 allowing a 25 foot' setback along Milford Road which would be a 5' variance**

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

**MOTION APPROVED**

**Motion by Towne, second by Radke**

**To Grant the variance of 32' from section 41.303.A where a maximum setback of 25' is required in the New Hudson Drive area due to the hardship.**

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

**MOTION APPROVED**

**Motion by Towne, second by Raney**

**To Grant the variance for the building Section 41.303.B which requires the minimum building frontage of 30% granting a 16% variance.**

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

**MOTION APPROVED**

**Motion by Towne, second by Radke**

**To Grant the variance from Section 41.304.E.1, for the use of .46 mil siding**

thickness because nothing else is available on the market as required. Therefore a .06 mils variance is granted.

Voice Vote: Ayes: Unanimous  
Nays: None

### **MOTION APPROVED**

**Motion by Towne, second by Radke**

To Grant the variance from Section 41.304.H.3.c. which requires gable roofs to have a roof pitch between 6.12 and 12.12. Upgrading to a 5.12 and putting a 6.12 on the garage and the porch are granted. The variance would be for a 5.12 roof pitch and a 6.12 on the remainder of the building.

Voice Vote: Ayes: Unanimous  
Nays: None

### **MOTION APPROVED**

**Sandy Perlaki, 8425 Turner, Fenton, MI.** Ms. Perlaki explained that she owns a home at 572353 Grand River that is for sale. Currently, there is a buyer for the home, but the buyer can't get a mortgage because it is non-conforming. She explained that Mr. Spencer suggested getting a survey. A survey was completed, and the survey showed that they are out of the setbacks, which makes it non-conforming. She stated that they can't apply for a variance because the house hasn't burned down.

Mr. Erwin stated that they can't do anything until they apply to the ZBA. The request has to be published 30 days ahead even before looking at it.

**Danny Couch, 50274 Grand River.** Mr. Couch asked if they could not label the property as non-conforming so he can get a loan.

**Cassie Pascoe, 57247 Grand River, New Hudson.** Ms. Pascoe commented that she is in the same position with her home.

The property owners were advised by the Township Attorney to contact the Township Supervisor regarding this issue.

### **ADJOURNMENT**

The Zoning Board of Appeals meeting was adjourned at 8:35p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary