

Charter Township of Lyon
Zoning Board of Appeals
Regular Meeting Minutes
March 21, 2016

Approved: June 20, 2016

The meeting was called to order by Mr. Raney at 7:00 p.m.

Roll Call: Mark Barber
Patrick Qarana, Alternate
John Hicks, Board Liaison
Tony Raney, Vice-Chairman
Carl Towne

Absent: Bill Erwin, Chairman

Guests: 1

Also Present: Leann Kimberlin, Township Attorney

APPROVAL OF MINUTES

**Motion by Towne, second by Hicks
To approve the minutes from November 16, 2015 as presented.**

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

MOTION APPROVED

PUBLIC HEARINGS

- 1. Lamar Advertising Company, 6405 N. Hix Road, Westland, MI 48185. Sidwell #21-02-451-008. Property located at 29700 WK Smith Drive. Applicant requests a variance from Section 16.05-D-2 of the Zoning Ordinance, which requires a billboard's maximum height to not exceed 35'. The height requested is 45'. Therefore, a variance of 10' is being requested.**

Mr. Shopshear explained the request is to raise an existing billboard. The billboard was built at 32' and the ordinance allows 35'. It wouldn't make a lot of sense to only raise it up a few feet. The problem they have is the vegetation that grows up and blocks the sign. Economically it is not desirable to cut it down every year. They have cut the trees and the brush and it continues to grow. They own an existing permanent easement there. They would like to raise the sign up 10 feet which will allow them to put a digital face on the other side. 60-80% of small businesses depend on advertising. The dollars come directly back into Lyon Township from the businesses that advertise. It will allow businesses more advertising space to drive their business growth. They don't feel that they have a self-created hardship due to the brush that continues to grow. He

explained I-96 is higher in elevation compared to the sign. If the sign is raised up it will still be lower than the adjacent buildings and there is no residential anywhere near this sign. He didn't see how it would hurt to allow them to have the additional 10'.

**Motion by Towne, second by Hicks
To open the public hearing at 7:04 p.m.**

**Voice Vote: Aye: Unanimous
Nays: None**

MOTION APPROVED

Rob Heidrich, Richard Tool and Die, 29700 WK Smith Drive, New Hudson. He commented that he was curious if the sign would be larger in square feet. Currently, the sign is about 32-33' feet so going to 45' is about a 50% increase in height. He understood the problem with the vegetation on the back side, but it seems the height difference is extreme to them. It will block the Richard Tool and Die sign on the west side.

Mr. Shopshear stated that they have cut the trees the past four years, and it is very expensive to continue to do. MDOT does not allow them to get all the vegetation out of it.

**Motion by Hicks, second by Towne
To close the public hearing at 7:08 p.m. due to no further comments.**

**Voice Vote: Aye: Unanimous
Nays: None**

MOTION APPROVED

Mr. Shopshear explained the actual sign is 14' tall, exact same as all the others on I-96.

Mr. Towne stated there are 5 other signs in Lyon Township and all others are owned up front, and he believed two of the signs are below 35'. The only one that exceeds the 35' is the one by the Chevy Dealer. This sign falls in line with 35'. They would be opening up Pandora's Box to allow 10 more feet. None of the criteria has been met to issue a variance from the Zoning Ordinance.

Mr. Shopshear explained the topography is lower from I-96 in that area. It was built in 2004-05, they acquired the sign from someone else. They did know what the ordinance was when they bought the sign. Mr. Towne stated that there is no need for a variance.

Mr. Shopshear stated that the sign is not at the same grade as I-96. When Lyon Township looked at building a sign they wanted to build it on top of the landfill, and that would be way up high compared to I-96. The Township itself considered a billboard at 45'.

Mr. Hicks stated that they cannot consider an economic hardship for a variance. Mr.

Shopshear stated the brush was not self-created.

Mr. Qarana confirmed when running down mile marker 155, heading westbound, the land does go low over there as far as the elevation, but there is another billboard sign at Sherwin Williams and it is the same thing, when going low there is trouble seeing the sign as well. As far as Mr. Shopshear's sign, it can be seen clear as day going east and west bound, and the applicant has 3 more feet. Even in regards to the vegetation, the applicant was aware of that when they bought the sign and knew there would be maintenance. Mr. Shopshear stated the vegetation wasn't present when they purchased the sign; it just grew up over the years. He asked if 10 extra feet is a huge difference, why take the proposal for a 45' sign? The Township would have come in and asked for the same variance. He can't understand why the township would ask for a 45'.

Mr. Towne explained there is no precedence for this, and there are 5 other signs there, one just east of the applicant's sign that is 35' and the ones closer to Milford Road are even less than that.

Mr. Shopshear stated the variance will do substantial justice because they have a permanent easement that they spent hundreds of thousands of dollars on, and this will allow them to recoup their investment and put a digital face on it. Ms. Kimberlin stated that they are able to use the property for the purpose which is to have the billboard, and the ZBA has said they can see the sign so the applicant is not being prevented from using the property. Mr. Shopshear stated that they have advertisers that complain about the height. Ms. Kimberlin stated an economic factor cannot be considered. Mr. Shopshear stated that they go hand in hand. Mr. Shopshear referenced Section 16.04 Enforcements, the Zoning Board shall study the sign proposal and give consideration to any extraordinary circumstances. The brush cannot be practically removed when a permit is required. Their sign is conforming in its current state.

Mr. Qarana stated that the sign to the west also has 30' pines surrounding it; those are not going to be allowed to be cut down or removed. As far as cutting down or removing underbrush every year or every other year is a lot different than cutting down or removing 30' pines.

Ms. Kimberlin stated that Section E does also say the presence of any circumstances listed may be sufficient to justify granting a variance however, the Zoning Board of Appeals may decline to grant a variance even if certain of the circumstances is present.

Motion by Towne, second by Barber

To deny Lamar Advertising request for a 10' variance, Sidwell #21-02-451-008, property located at 29700 WK Smith Drive, on the grounds that it meets none of the practical difficulties to offer a variance of 10'. There are pictures showing the sign is visible both sides. Barber second.

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

MOTION APPROVED

ADJOURNMENT

**Motion by Towne, second by Barber
To adjourn the ZBA meeting at 7:30 p.m.**

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

MOTION APPROVED

The Zoning Board of Appeals meeting was adjourned at 7:30 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary