

Charter Township of Lyon
Zoning Board of Appeals
Regular Meeting Minutes
October 17, 2016

Approved: November 21, 2016

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

Roll Call: Mike Barber
Bill Erwin, Chairman
John Hicks, Board Liaison
Carl Towne, Planning Commission Liaison

Absent: Tony Raney, Vice-Chairman

Guests: 6

Also Present: Leann Kimberlin, Township Attorney

APPROVAL OF MINUTES

**Motion by Hicks, second by Barber
To approve the minutes from September 19, 2016 as presented.**

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

MOTION APPROVED

PUBLIC HEARINGS

- 1. Liberty Group Holdings, LLC (Tim Horton's) 3100 Northwestern Highway, Suite 100, Farmington Hills, MI 48334, Sidwell #21-31-200-040. Property located at 21725 Pontiac Trail. Applicant requests a variance from Section 36.02, which requires the maximum lot coverage in the B-2 (Community Business District) zoning classification to not exceed 60%. A lot coverage is 74% is proposed. Therefore, a variance of 14% is being requested.**

Representing Liberty Group Holdings: Burt Kassab

Mr. Kassab explained that they are requesting a variance for the lot coverage, and they already received site plan approval from the Planning Commission. The reason is that this parcel is part of a 3 part development. Because of the different owners, it was suggested by the Township Engineer to use a one joint detention pond and put it closer to the county drain instead of having 3 separate ponds. He explained if they were to do this, it would require shifting the property lines. Then they won't be able to meet the lot coverage requirement. When it's all said and done, it will look the same just more unified. Our improvements have not changed from the site plan that was approved in May.

Mr. Barber asked how the water run-off is going to get to the rear detention pond. Mr. Kassab stated there is a 24" underground pipe; nothing will be exposed.

Mr. Towne stated the applicant has a site plan approval. If the Planning Commission approves a site plan, the applicant has to come back to the Planning Commission if there are changes to that plan. He questioned who authorized them to come to the ZBA before the Planning Commission. Mr. Kassab stated that he was told to file a ZBA request. Mr. Towne stated that they also don't have the plan with the retention pond on it. Mr. Towne stated that he didn't see anything in here saying it was approved by the Township Engineer. Mr. Towne stated there is nothing in the package that states Ms. Zawada approves this change.

Mr. Towne stated that this site plan has been changed, the Planning Commission has to approve it. If it's a minor change it can go to administrative approval; he didn't know if they would do that. In his opinion, it needs to go back to the Planning Commission.

Mr. Kassab stated without a variance, the other 2 developments would not want to go through with the engineering.

Ms. Kimberlin reviewed the minor modification definition from the Ordinance.

Mr. Erwin stated it was his inclination to send it back to the Planning Commission and do it right.

Mr. Kassab confirmed that the plans were sent by PDF and in hard copy.

Mr. Hicks questioned if they can just decide how big their property can be. Mr. Kassab stated they are shifting the property lines; there is no lot split. The credit union will be part of the detention pond as well as the residential parcel.

**Motion by Towne, second by Barber
To open the public hearing at 7:23 p.m.**

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

MOTION APPROVED

Mark Guidobono – Mr. Guidobono felt it would benefit the Township to have one detention pond versus 3 detention ponds. He is one of the potential land owners, and he would support this. His only concern is the timing that Tim Horton's has on this project, that we could lose this opportunity.

**Motion by Towne, second by Barber
To close the public hearing at 7:25 p.m.**

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

MOTION APPROVED

Mr. Kassab asked if there was support for this. They were really hoping to start this month, and the timing now starts to become more sensitive. Mr. Towne stated he would not speak to it.

Motion by Towne, second by Hicks

To table Liberty Group Holdings, LLC (Tim Horton's) 3100 Northwestern Highway, Suite 100, Farmington Hills, MI 48334, Sidwell #21-31-200-040. Property located at 21725 Pontiac Trail. Applicant requested a 14% variance and the ZBA does not have enough information due to a change on the approved site plan and no engineering report that changed the detention ponds on the approved site plan, more information is needed.

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

MOTION APPROVED

ADJOURNMENT

**Motion by Towne, second by
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