

Charter Township of Lyon  
Zoning Board of Appeals  
Regular Meeting Minutes  
May 15, 2017

Approved: June 19, 2017

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

Roll Call: Lise Blades, Board Liaison  
Bill Erwin, Chairman  
Tony Raney, Vice-Chairman  
Carl Towne, Planning Commission Liaison

Absent: Mike Barber

Guests: 15

Also Present: Leann Kimberlin, Township Attorney

**APPROVAL OF MINUTES**

**Motion by Blades, second by Towne  
To approve the minutes from April 17, 2017 as presented.**

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

**MOTION APPROVED**

**PUBLIC HEARINGS**

1. Lakeview Drive, LLC, 29665 WK Smith Drive, New Hudson, MI 48165. Sidwell #21-12-451-015. Property located at the northeast corner of 12 Mile Road and Lakeview Drive (Unit 18, Quadrants Industrial Research Centre). Applicant requests the following variances from Section 36.02 (Schedule of Regulations) of the Zoning Ordinance (I-1, Light Industrial, District):
  - a. A variance of 40' to allow a 10' front yard parking setback on the south side of the building (50' minimum required)
  - b. A variance of 9' to allow a 1' side yard parking setback on the north side of the building (10' minimum required)
  - c. A variance of 22.5' to allow a 52.5' front yard setback on the south side of the building (75' minimum required)

David LeClair explained he is representing the developer for this site. They are looking to build a building for Stellux Management that will bring 25 jobs back from China to Lyon Township. They are looking at a 27,500 sq. feet building. The first variance is

being requested because it is a double frontage lot because it's on a corner. The second variance is a parking lot variance on the north side. The third variance is because of the double frontage lot. This is the smallest lot in the center. This is not part of the industrial park, and at 2.2 acres has the least amount of frontage. This parcel is landlocked on 3 sides. Trucking standards have changed and some safety regulations have changed, and the standard is now about 53' for a trailer. Ultimately, they believe the variances do not have a big significance on the site. The standard for industrial sites are 75% coverage for the lot. At the Planning Commission meeting, there were concerns regarding the architectural concerns regarding the building and changes were made to that.

Scott Bowers explained they developed two fronts, one on Lakeview Drive and one on 12 Mile. They feel that most of the clientele will be coming down Lakeview Drive. They also added a two story space in the front leaving the glass and architectural siding in the front.

Mr. Towne explained the scoring scale for the building was barely passing, which is why the changes were made to the building. Mr. Towne explained when the Planning Commission tabled this case, it was due to insufficient information. These proposed setbacks made perfect sense. With this constraints of the site, it's virtually impossible to meet the required setbacks. It's the last site for sale. The developer wanted to build a 30,000 sf building but settled on the 27,500 sq. ft. building. The Planning Commission agreed 100% on the variances. If the applicant is given the variances, it does not mean they get site plan approval. The project still must go back to the Planning Commission.

Ms. Kimberlin explained changes to the building architecture have been made, and Mr. Doozan's letter indicates the applicant has met all the requirements. Mr. Towne also noted in the future this building could be made into two separate buildings/businesses.

Ms. Blades asked if they could have eliminated the front parking along 12 Mile, as then they wouldn't have to ask for the variance in the setback. Mr. LeClair explained if in 2-3 years this user needs to move to a bigger building, one of the thoughts was to split the parking up so it could be used. They also spoke about splitting the truck wells up so each half of the building could use the truck well.

Ms. Blades felt it was important to have the building look attractive from both sides, and she liked that the building could be used differently.

Mr. Raney felt this is a very restrictive lot, and this will make a good use for the property. He felt it would be a good thing.

**Motion by Towne, second by Raney**

**To approve a variance of 40' to allow a 10' front yard parking setback on the south side of the building (50' minimum required) Sidwell #21-12-451-015 due to the reason there are two front yards and it is a landlocked property.**

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

**MOTION APPROVED**

**Motion by Towne, second by Raney**

**To approve a variance of 9' to allow a 1' side yard parking setback on the north side of the building Sidwell #21-12-451-015 (10' minimum required) due to the reason that the property is landlocked with a natural pond on the north side.**

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

**MOTION APPROVED**

**Motion by Towne, second by Raney**

**To approve a variance of 22.5' to allow a 52.5' front yard setback on the south side of the building (75' minimum required) Sidwell #21-12-451-015 as discussed due to the fact there are two front yards and the property is land locked on the east, south and north side.**

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

**MOTION APPROVED**

2. Kathleen Stempek, 25586 Johns Road, South Lyon, MI 48178. Sidwell #21-24-201-018. Request also involves Sidwell #21-24-201-012 (25572 Johns Road). Applicant requests the following variances from Section 36.02 (Schedule of Regulations) of the Zoning Ordinance (R-1.0, Residential- Agricultural District):

- a. A variance of 14.85' to allow a proposed lot width of 135.15' on Parcel -012 (150' minimum required)
- b. A variance of 115' to allow a proposed lot width of 35' on Parcel -018 (150' minimum required)
- c. A variance of 22,651.2 square feet (.52 acres) to allow a proposed lot area of 20,908.8 square feet (.48 acres) on Parcel -012 (43,560 square feet [1 acre] minimum required)

Applicant also requests the following variances from Section 12.09-B:

- d. A variance of 14.85' to allow a proposed road frontage of 135.15' on Parcel -012 (150' minimum required)
- e. A variance of 115' to allow a proposed road frontage of 35' on Parcel -018 (150' minimum required)

Ms. Kimberlin explained they have satisfied variance "b," so that is one less variance the applicant would need.

Ms. Stempek explained she wants to flip flop in order to give the front parcel back the 4'9" to even it up. She explained they have been using this driveway for 14 years.

Mr. Towne suggested tearing down the front house. Ms. Stempek explained she will probably end up selling both homes. Mr. Towne stated they bought the property the way it is and knew about it, so it's hard for him to allow the variances. There are all large acre properties around them.

Ms. Blades explained the house is existing and they have been using the driveway this whole time. She felt that flip flopping it makes the most sense. She felt that they could have made the same argument with the last applicant. She had more compassion for a longtime resident with an issue that, even though she purchased it, was not self-created. To tidy all of this up made sense.

**Viciki LaPlante, 2500 Johns Road** – Ms. LaPlante explained this all part of Leonard Farms, and she wondered if it is grandfathered in. Mr. Erwin explained it is already non-conforming. Mr. Towne stated they would have to make a motion that the driveway went in, as there are too many loose ends and make sure it's right for the next people.

Mr. Raney agreed with putting in a driveway for the front home, and that would be the easiest way to handle it. He can't see a need to tear the house down.

Mr. Towne felt the suggestions are good, but he didn't think the applicant would get a clean title. Provisions also needed to be placed, such as putting in the driveway in.

**Motion by Raney, second by Blades**

**To grant a variance of 115' to allow a proposed road frontage of 35' on parcel 21-24-201-018 due to the fact it was an existing flag lot. They are moving the lot line to the driveway where it currently exists and eliminating a non-conformity of the overlapping house from Sidwell 21-24-201-012.**

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

**MOTION APPROVED**

**Motion by Raney, second by Blades**

**To grant a variance of 14.85' on Sidwell 21-24-201-012 to allow a proposed lot width of 135.15' on Parcel 21-24-201-012 (150' minimum required) with the stipulation a driveway must be built within 6 months on parcel 21-24-201-012 and will exist as long as there is a house on that lot.**

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

**MOTION APPROVED**

**Motion by Raney, second by Blades**

To grant a variance of 22,651.2 square feet (.52 acres) to allow a proposed lot area of 20,908.8 square feet (.48 acres) on Parcel 21-24-201-012 (43,560 square feet [1 acre] minimum required) because it's already a non-conforming piece of property because it's less than the 1 acre minimum. There must be a driveway as long as there is a house on the lot within 6 months.

**Motion by Raney, second by Blades**

To approve a variance from Section 12.09-B a variance of 14.85' to allow a proposed road frontage of 135.15' on Parcel -21-24-201-012 (150' minimum required) due to the fact it's a non-conforming property already, with the stipulation a driveway will be put in within 6 months as long as there is a house on the lot.

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

**MOTION APPROVED**

## **ADJOURNMENT**

**Motion by Towne, second by Blades**

To adjourn the ZBA meeting at 8:19 p.m.

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

**MOTION APPROVED**

The Zoning Board of Appeals meeting was adjourned at 8:19 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary