

**CITY OF SOUTH LYON
ZONING BOARD OF APPEALS
October 18, 2012**

Chairman Weipert called the meeting to order at 7:07 p.m.

PRESENT: Chairman Phil Weipert and Commissioners T.J. Connolly, James Herman, Frank Fogarty, Joe Rzyzi and Steve Mosier. Also present Andy Gerecke; Building Inspector.

Chairman Weipert – Roll call shows all present except for one. We also have a new member with us tonight; Steve Mosier who is also on the Planning Commission. Keith Bradley has resigned due to his job schedule.

Recorder Jamison – Bill Rodman called and is unable to attend.

ZBA 10-18-12 APPROVAL OF ABSENCES

Motion by Weipert, supported by Herman

To excuse Bill Rodman's absence.

Chairman Weipert – Mr. O'Leary from Sun Steel was here before the board in August and it turns out that some of the residents did not see the notice in the paper or did not receive the notice that goes out to all within 300' of the proposed site asking for the variance. So, that is why we are here again. It had something to do with the Oakland County GIS computer program.

APPROVAL OF MINUTES:

ZBA 10-18-12 APPROVAL OF MINUTES – September 20, 2012

Motion by Herman, supported by Rzyzi

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To approve the minutes of September 20, 2012.

VOTE:

MOTION CARRIED UNANIMOUSLY

OLD BUSINESS

None

NEW BUSINESS

Sun Steel Treating, Inc. – 550 N. Mill Street

Mr. O’Leary – I am here representing Sun Steel. This is a unique situation and I am not sure what I need to do. Should I present again, is that what you are looking to do?

Chairman Weipert – Why don’t you refresh it for our board here and the members of the audience. Some citizens came to a City Council meeting and asked what the Sun Steel issue was. It was advertised in the paper, however you may or may not have received a notice. We also require that every property within 300’ of the project should get a notice. Some people in the 300’ range did not receive the notice. It was a software glitch with Oakland County. Their software did not program in all the properties that are 300’ from the project. Now you have received a notice and here we are.

Mr. O’Leary – Let me see if I can clarify this. We are here for 2 variance requests for an addition to the existing building. We are currently building a new facility that is on the adjacent north property and that building meets all the zoning requirements. We have gone through the whole municipality approval process on that building. That building will be a new facility for Sun Steel with 6,400 sq. ft and basically it is the same function. I did not bring any drawings to show what it is going to look like.

Chairman Weipert – We are here on the variance for the existing building. We are not here for anything to do with the building that is going up currently. They did not need to come to this board. The issue tonight is 2 variances; a height variance and a rear yard set-back variance. We are treating this as your presentation.

Mr. O’Leary – What we are here for is an addition to the existing building. We are proposing an addition of 52 sq. ft. and looking to build the addition on the east side of the existing building and we are requesting 2 variances in order to get this building built. The first variance is a height variance according to the ordinance, the maximum height of 25’ and we are going to build 29’ so we are requesting a 4’ variance. We are also requesting a 58’-6” rear set-back variance because the ordinance says that for every 1’ of height of the building you need 5’. Since we want to build 29’ in height we are required to add a 158’ set-back. Shows illustration of Mill Street, the existing facility, parking area, the berm that has 17’ tall trees on it. The current ordinance requires a set-back at this red line which is already more than half way through the existing building. Over the years a new ordinance had been put into place after this building was built. As it stands now the addition that we want to add is a small portion compared to the existing facility. The hardships that we have presented in order to obtain our variance is the change in the ordinance, the topography of the site as it steps down behind the building this adds to the grade and in order to build an area and have enough height we need to build it up higher (about 9’ in height) it is kind of a walk-out situation. (Shows

another drawing) there is a section that is cut through the existing building, the new addition that we want to build, parking lot grade here, the berm and vegetation that is on that berm. Our addition will reduce the amount of pavement we have back there but will still have 2-way circulation for traffic. Our building addition will only have half as many overhead doors as the current building does now and will help reduce any sound that may travel out of the building, plus the building materials are modern and have better insulation valves and sound insulation. The other issue that is part of our hardship is in a letter I wrote. I speak of several communities in the area I researched to see if it was typical to have 5' of distance from a property line for every foot of height. In surrounding communities they have a set-back of 50' from a property line that abuts residential. Also needed is a berm with vegetation on it. The appearance of the building will be very similar to the existing facility. The addition will also allow the owners to move their dumpster enclosure inside the building. We will also be able to take some of our outdoor storage and move that inside the building; eliminating the current storage shed that is out there. The building addition will only affect some of the existing pavement that is there. We are not touching the berm, we are not cutting down any trees for this. The planner for the City of South Lyon (Carmine Avantini) wrote a letter (copy included in minutes). He is in favor of granting these variances. If anyone has any questions I would be happy to answer them.

Chairman Weipert – Does any of the public want to come up and make a comment?

Inspector Gerecke - I would like to make a clarification now, the required set-back that they are supposed to have is 145' instead of 158'. The variance is for 58'-6" the actual required set-back is 145'.

Public Comments

Bill Wagner – Lyon Blvd. – You said you weren't going to cut any trees. Two months ago you went in with chainsaws and cut trees as much as 10" around. Are you going to replace the tree growth that you destroyed?

Chairman Weipert – Bill, we are not here for the building that has been built.

Mr. Wagner – This is part of the set-back and for the noise since they have already destroyed some of the buffer that was there.

Chairman Weipert – We are not here for the building they are now building. That meets code.

Mr. Wagner - I got a letter that said that there was going to be a hearing tonight on that. I did not receive an initial letter and neither did 5 of my neighbors and they did not get anything on the new construction, I did.

Chairman Weipert – We are not here to do with anything with new construction, they got a permit for that. The issue is the addition on the back of the building to the south at 550 N. Mill St. not 500 N. Mill.

Tom Purdue – 607 Lyon Blvd. – When you guys started building the new building and I know we are not here for that but I want an answer did you come to City Hall and get the map and look at everything that was written down on the books? When I spoke with Dave Murphy, he did not know anything. I told him to get the books out and check it and he said he does not know anything about it. You guys slid right over the people that live there.

Chairman Weipert – That sounds more like a council matter. You need to go to our building department.

Mr. Purdue – There is no sense in us even having this meeting. I don't like the variances.

Jim McGure (Owner Sun Steel Treating, Inc.) – I would like to address some of these concerns about this site. I believe I have some answers to those questions. We came before this City and obtained all the necessary permits to build this structure including all the site plan approvals. Unfortunately, the site plan approval process required us to take out a number of mature trees adjacent to the new building that we built. In order to put in a new 6' high berm and to bring back 72 new trees on that berm. Since there is a problem with the site line because we had to take those trees down, the site plan approval process calls for us to put a berm back and put evergreen trees on top of the berm. So we are in a 60 day time period here that you went from having trees in your back yard to a full view of the new construction site. The next 60 days you will see a berm back up there and approximately 72 new evergreen trees on top of that berm and I believe that we will be close to where you were before and in the long run even better off. This only relates to the new construction site. I share that to try to offset some of the frustration or misunderstanding.

Carl Richards – 399 Lenox St. – 550 N. Mill St. is the address of Green Industries so the address of the new building would be 549, I believe and 551.

Mr. McGure – The road commission has given us the address 550 N. Mill St. for Sun Steel, Inc. which has been there for 30 years and the new building is 600 N. Mill St. as given to us by the road commission.

Steven Pauster – 531 Lyon Blvd. – I live right on the very corner of the existing building where the berm turns and goes back toward Mill St. there. They just took some trees off the berm that was there are they planning on putting them back?

Mr. O'Leary – The landscape plan will include planting in that area.

Mr. Pauster – Okay.

Chairman Weipert – The City has City Council, the Planning Commission and Zoning Board of Appeals (ZBA). A person comes into City Hall to build a garage and they can go to the building department counter and if it meets all ordinances, they can just get a permit. They don't see anyone else. If they are going to work on a site, then they go to the Planning Commission. The Planning Commission has public hearings and they have to comply with ordinances and beyond, aesthetics, trees and sounds. Then if there is something in the ordinance that does not comply then they take it to the ZBA. We have the power to vary on an order if there is a hardship. That is what we are here for tonight a height variance of 4' and the set-back. The way the ordinance is written right now would make 190' of that property unusable. It would make half the building unusable. They are here to say those ordinances, as written, as to their property makes the need for some relief to utilize the property.

Commissioner Connolly – This letter is from our Zoning Board Minutes from our last meeting and it is a short paragraph from Mr. Avantini who is the planner. "This addition will allow the company to remove materials from outside of the building and to store them inside. The need for the variance is due to unique circumstances of the property. The set-back standard is unusual and excessive since a barrier is in place and the addition will minimize noise from the existing overhead door. There will be less door opening and better insulation on the newer building material. As a result of height and set-back requirements, they are unnecessarily burdensome to the site with unreasonable use of the property. The set-back requirements from other communities in the area within a range of 25' to 75'. The average set-back is 50'. The South Lyon ordinance requires a building set-back of 145'. This is an excessive standard compared to communities around them". So, that is what he said and this 3 page letter is titled CIB Planning (enclosed) that is basically what that summation of what that letter is. The other letter is from Sun Steel's architect (enclosed).

Mr. Wagner – I appreciate it and I applaud you for improving and finally using that property. I am glad to see it going to use and to bring more jobs in. I just wanted to make sure that as a residential neighborhood it is not going to interfere with our privacy and quietness when the new building goes up.

Mr. McGure – We appreciate your input. We are going to be good neighbors.

Mr. Wagner – I hope so.

Chairman Weipert – Our planner looked at a lot of other towns – Salem 50' set-back, Milford 50', Milford Village 50', Brighton 50', Fowlerville 50' and Green Oak 75'. Ours is at almost 150'.

Mr. Connolly – Wasn't something stated or said about getting a note that the Planning

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Commission was going to review. I think the Planning Commission will be looking at it so things like this don't come up.

ZBA 10-18-12– SUN STEEL TREATING, INC – 550 N. MILL STREET

Motion by Fogarty, supported by Connolly

I would like to grant both variances for Sun Steel Treating on 550 N. Mill St. based on Section 102-437 (a) granting a variance with a height requirement of 25' for an overall height of 29'. Also, the second variance for the rear yard set-back which will be 58'-6" based on the dimensional variances of the zoning ordinance per Section 102-85 exceptional circumstances of the property do not impair other properties.

Chairman Weipert – Any more discussion?

VOTE:

MOTION CARRIED UNANIMOUSLY

STAFF REPORTS:

Chairman Weipert – Anything coming up?

Recorder Jamison – Nothing as of now.

ZBA 10-18-12 – ADJOURNMENT

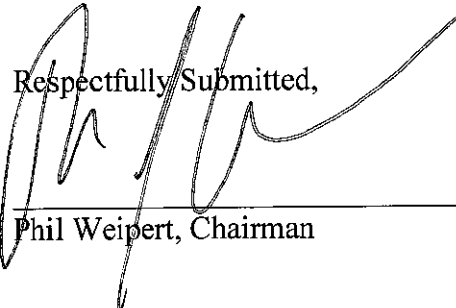
Motion by Connolly, supported by Rzyzi

To adjourn the meeting at 7:40 pm

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,



Phil Weipert, Chairman



Marianne Jamison, Recording Secretary

