

CITY OF SYLVAN LAKE  
ZONING BOARD OF APPEALS  
AUGUST 22, 2006

A Special Meeting of the Sylvan Lake City Council, sitting as the Zoning Board of Appeals, was held on Wednesday, August 22, 2006, opening at 7:04 p.m. at the Sylvan Lutheran Church, 2399 Figa, West Bloomfield Twp, with Mayor Lorenz presiding.

Present: Hunger, Hungerman, Lorenz, Conkey, Eriksen **Z-008-06**  
Absent: None  
Also Present: City Manager Martin, Clerk Clippert  
Petitioner: Larry Yaldoo  
Property: 2451 Orchard Lake Road  
Zoning Ordinance Sections: Sec 78-296 p. CD78:55

In accordance with the provisions of the Zoning Ordinance, a Public Hearing was held by the Zoning Board of Appeals at the request of the petitioners, to grant a variance from the zoning ordinance to allow the reconstruction and expansion of an existing nonconforming structure at the Citgo gas station, 2451 Orchard Lake Road. The petitioner is requesting approval to remove an existing storage building and convenience store and construct a new convenience store with canopy and underground storage tanks. The proposed construction is at the rear property line abutting the Clinton River Trail property.

All property owners within 300 feet of the parcel in question have been duly notified of the hearing; Mayor Lorenz opened the hearing.

Laith Yaldoo introduced Bill Stimpson, Traffic Engineer and Jim Kalabat, JSK Designs. Yaldoo noted they have a different layout which City Council requested. They have brought the building more to the front, closed one of the entrances to Orchard Lake Road and added a landscaped seating area to the trail. They have extended the sidewalks which creates more space on the property. They also proposed paving a portion of the trail. They are requesting setback variances.

Eriksen asked if the parking has been removed on the adjacent property for the access easement. Yaldoo stated it has not.

Kalabat explained the layout of the property. He provided copies of drawings for the proposed site plan. He stated, working with the triangular shape was difficult. There is a non-conforming above ground bulk fuel storage facility which the applicant has chosen to minimize and then phase out of the project. Their drawing shows what it will look like without this storage facility. The applicant is working to negotiate the lease. It will remain there with the tenant/operator of the bulk storage facility for 30 months after the certificate of occupancy.

Yaldoo clarified there is a lease in existence and they have been working with the tenant to reduce this and remove the tanks early. They will get an amendment to that affect if site plan is approved.

Lorenz asked if there are three or four tanks. Yaldoo stated the tenant wants four. They will be equally screened. Lorenz recalled three fuel tanks and they would be out by August 30, 2008. Yaldoo felt he could probably get him to agree to the end of 2008. He is not finished with this yet. He feels he can get more from him.

Hunger referred to McKenna's two documents and asked if they had a problem with anything on them. Kalabat stated the final site plans will have everything on them. The lease is the only thing they still are working on.

Lorenz remind Council they are only working on the setbacks now. Special Use approval will be a separate meeting and site plan approval is with Planning Commission. Lorenz asked the applicant why they are breaching the standard for setbacks. Kalabat explained the site is very challenging with the odd shape of the lot. Circulation had to be created for truck deliveries and fire trucks. This location of the building was discussed with the City Manager and Planner. The trail creates a buffer and they will landscape it if this is approved.

Lorenz reviewed, they asked them to move the building forward to fit in with the Orchard Lake Corridor Plan. In essence, Council has asked them to encroach into the front setback. Martin confirmed this and explained with the Orchard Corridor plan it is to get the downtown feel by having the buildings closer to the road.

Eriksen questioned if the Master Plan was going to be changed. Martin stated McKenna is working on this. Michelle Anoil, McKenna added road right-of-ways vary on Orchard Lake Road. The setback will most likely be a measurement from the centerline of Orchard Lake Road because of the varying width along the corridor. McKenna doesn't have a problem with the front yard variance because it meets the city's vision of the corridor plan. Anoil stated the rear yard has come a long way since they started. The variance is based on the size of the building. The shape of the property does need to be taken into consideration for a hardship. The question becomes is the size of the building and proposed number of fuel pumps the reason for requiring the variance? Or is it size and shape of the parcel?

Martin agrees with Anoil and feels they could reduce the size of the building. When looking at the impact on the adjacent properties that 50' buffer between their parcel and residential parcel behind there is a buffer.

Yaldoo stated there is minimal impact and even if they reduce the size of the building they will still require a variance.

Eriksen is not sure the minimal impact buffer is because of the trail and he is not sure that is a criteria.

Hunger feels the difficulty is the shape of lot. If they want to maintain the size because of what they need to operate, they have to move the building which is not workable and functional.

Eriksen is concerned that using an odd shape property as the criteria, is going to cause a lot of 5' setbacks.

Anoil explained because the Planning Commission site plan review didn't happen this month she would recommend postponing the decision so they don't have to anticipate Planning Commission's recommendation.

Kalabat discussed getting rid of the cross access. Eriksen stated he would be happy to see it go. Bill Stimpson stated the State of Michigan supports cross access. Anoil also recommended keeping it. The circulation would have to be looked at again if they eliminate it.

Conkey doesn't have a problem approving the setbacks only.

Lorenz suggested taking 10 feet off the front of the building towards the pumps. Stimpson argued this only adds more pavement to the site and is a disadvantage. He doesn't see where it helps.

Eriksen questioned if they get this approved and then the applicant changes how the business is run and it affects the parking requirements. What can they do? Martin stated they can't have more uses than they are proposing on the plan. Eriksen asked what happens if they sell it. Martin clarified if a new owner comes in and it remains as is, it is ok. If they change anything they have to go through site plan review.

Lorenz would like them to think about how they are back to six pumps from four. Kalabat responded there would be a stacking issue if they eliminate the number of pumps.

Hunger stated he doesn't have a problem with it if they can do what McKenna's recommendation letter states.

Eriksen questioned the displays on the sidewalk in front of the store. Yaldo stated he is not sure what they will display out there, probably ice melt, windshield cleaner and such things. Anoil stated council can not withhold this because their ordinance does allow it, but they can restrict what is displayed when approving the special use request.

Moved by Hungerman, seconded Conkey, to postpone the petitioner request until September 20, 2006, at 7:00 p.m. at which time they will have Planning Commission's recommendation.

Yes: All  
No: None

MOTION CARRIED

The meeting adjourned at 8:04 p.m.

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Dennise Clippert, City Clerk