

**CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS AGENDA
NOVEMBER 12, 2019 AT 7:00 PM
VAN BUREN TOWNSHIP HALL
46425 TYLER ROAD**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Chair Aaron Sellers	_____	Vice-Chair Amos Grissett	_____
Secretary Bryon Kelley	_____	Commissioner Robert McKenna	_____
Commissioner David Senters	_____	Trustee Kevin Martin	_____
Commissioner John Haase	_____	BZA Alternate Charles Larocque	_____
BZA Alternate Carmen Stovall	_____	Recording Secretary Anna Halstead	_____
Director Matt Best	_____	Executive Assistant Elizabeth Renaud	_____

ACCEPTANCE OF AGENDA

APPROVAL OF MINUTES: Approval of minutes from October 8, 2019

CORRESPONDENCE

PUBLIC HEARING (for non-new business items)

- A. Open Public Hearing.
- B. Public Comment.
- C. Close Public Hearing.

UNFINISHED BUSINESS

NEW BUSINESS

1. Case Number: 19-035

Location: Parcel ID # 83-040-02-0091-000 (9060 Walden Drive). The side is located on the west side of Walden Drive which is between Bellville and Morton Taylor Roads.

Request: The applicant is requesting a variance from the following section of the Charter Township of Van Buren Zoning Ordinance:

Section 3.106(D) Dimensional Regulations for R-1B District: Rear Yard Setback:
Required: 35'; Proposed: 22.76'; Variance requested: 12.24'.

- A. Open Public Hearing.
- B. Presentation by the Applicant.
- C. Presentation by Township Staff.
- D. Public Comment.
- E. Close Public Hearing.
- F. Board of Zoning Appeals Discussion.
- G. Board of Zoning Appeals Action.

ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION

ADJOURNMENT

CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS
Tuesday – October 8, 2019
DRAFT MINUTES

The Meeting was called to order at 7:00pm in the Board of Trustees room by Chairperson Grissett.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: Kelley, Haase, Grissett, McKenna, Martin, Larocque

Absent Excused: Senters, Stovall, Sellers

Staff: Best, Renaud, Halstead

Audience: 1

ACCEPTANCE OF AGENDA: Motion to accept agenda with addition of new business item #2 BZA

Start time Martin, Seconded by Kelley.

Motion Carried

APPROVAL OF MINUTES: Motion to approve minutes from March 12, 2019 Martin, Seconded by McKenna. Motion Carried

CORRESPONDENCE: None

PUBLIC HEARING (for non-new business items): None

UNFINISHED BUSINESS: None

NEW BUSINESS:

- 1.) **Practical Difficulty Training** – Director Best went over with BZA members the different responsibilities of the board and its job. He went over the rules of procedure and the different duties of the elected officers. Answered questions from board members. He mentioned some specialized BZA training in the future and that he would be sending out information to the BAZ board members accordingly.
- 2.) **BZA Start Time** – The board discussed the possibility of changing the start time from 7:00pm to 6:00pm. A few members stated they would find it hard to make the earlier time due to schedules.
Motion to change BZA start time from 7:00pm to 6:00pm Martin. No support.
Motion was withdrawn.

ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION: Elizabeth Renaud, Executive Assistant to the Director of Public Services, introduced herself to the board. She will be the staff representative for the board going forward if they have any questions regarding any BZA case.

Motion Martin, seconded by Kelley to adjourn at 7:43 p.m.

Motion Carried

Respectfully submitted,

Anna Halstead, Recording Secretary



RECEIVED

SEP 20 REC'D

Case number

19-035

Dated submitted

Board of Zoning Appeals Application

APPLICANT INFORMATION

Applicant SATINDER KAUR Phone 734-945-4244

Property Owner (if different than applicant) _____ Phone _____

Address 9060 WALDEN DR. Fax _____City, State BELLVILLE MI Zip 48111 E-Mail Address ~~RSANDHU~~
RAW.SANDHU@GMAIL.COM

SITE INFORMATION

Property Location: On the NORTH Side of WALDEN DR Road; Between Tyler Road
and Fobson Road. Size of Lot Width 81.21' Depth 76.15' Acreage .206Date Property Acquired and the Type of Ownership June 2007 solo owner with mortgage

State all deed, subdivision improvement and property restrictions in effect at this time, together with dates of expiration:

N/A

VARIANCE REQUEST

Variance to Zoning Ordinance Section (s) Section 3.106 (D)Explanation of the Practical Difficulty of the Property as defined in Section 19.07 owner requires first floor
bedroom and full bathroom on first floor due to medical conditionExplanation of request for Administrative Review Interpretation REQUESTING 13.56' OF
THE 35' REAR YARD SET BACK

REQUIRED INFORMATION

Photographs of the building and/or structures on site

Sketch plan or plot plan showing the dimensions of the lot and the existing and proposed setbacks

OWNER'S AFFIDAVIT

SATINDER KAUR
Print Property Owners NameSatinder Kaur
Signature of Property Owner9/19/2019
DateSTATE OF MICHIGAN
COUNTY OF WAYNEKAREN TYLER
NOTARY PUBLIC, STATE OF MI
COUNTY OF WASHTENAW
MY COMMISSION EXPIRES Jan 7, 2025
ACTING IN COUNTY OF WayneThe undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and
accompanied information and date are in all respects true and correct.Subscribed and sworn before me this 20th day of September 2019Karen Tyler Notary Public, Wayne County, MichiganMy Commission expires Jan. 7, 2025



HENRY FORD HEALTH SYSTEM

September 4, 2019

Van Buren Township City Council

Patient: **Ranjit Sandhu**

Date of Birth: **8/6/1950**

To Whom It May Concern,

I'm writing this letter for Ranjit Sandhu who is a 69 y.o. year old Progressive Supranuclear Palsy (PSP) patient of mine that has been symptomatic with disease since 2016. This is a very uncommon brain disorder that affects movement, control of walking (gait) and balance, speech, swallowing, vision, mood and behavior, and thinking. The disease results from damage to nerve cells in the brain. The disorder's long name indicates that the disease worsens (progressive) and causes weakness (palsy) by damaging certain parts of the brain above nerve cell clusters called nuclei (supranuclear). These nuclei particularly control eye movements. One of the classic signs of the disease is an inability to aim and move the eyes properly, which individuals may experience as blurring of vision.

I saw him in clinic today and there has been significant worsening in falls and freezing gait. These are common problems associated with PSP as mentioned along with resting tremor, slow gait, bradykinesias, falls, balance problems, generalized slowness, difficulty turning in bed and drooling. There have been multiple falls per day for Ranjit which is concerning. He plans on doing an extension to his home by adding a bedroom and full bathroom to his main floor, currently he has no bedroom on the main floor and only half bath. He is having difficulty climbing stairs to sleep and bath which is of concern particularly with falls. It is in my professional opinion as his Neurologist that he is in great need of a bedroom on his first floor with shower for health safety and security. I would be happy to speak with you if you have additional questions, please consider approval of his home addition in light of his chronic disease that has progressed.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Lewitt", written over a horizontal line.

PETER LEWITT, MD

Henry Ford Hospital
Movement Disorders Neurology
6777 West Maple Road
West Bloomfield, MI 48322
248-325-2452
248-325-3115 Fax

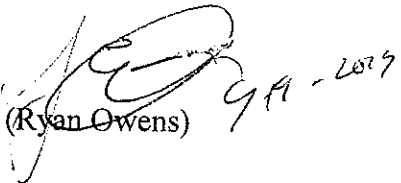
Ryan Owens and Carolyn Owens
9084 West Walden Wood Dr.
Belleville, MI 48111

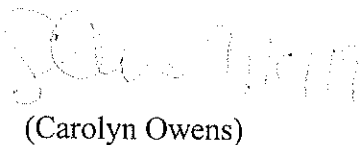
September 8, 2019

To Township of Van Buren City Council:

We have been neighbors with Mr. Ranjit Sandhu and his family for approximately 12 years. Over the last several years we have seen Ranjit's health decline significantly. Before his diagnosis of Parkinson's disease we used to see him working in his yard and walking to the mailbox on a regular basis. Since his diagnosis, over the past two years Ranjit has fallen while walking several times and experienced several bone fractures. Most recently we have seen him become dependent on a wheelchair and require assistance to perform all activities outside of his house. His family has discussed the necessity for a first floor bedroom and full bathroom given Ranjit's deteriorating health. We understand this would require an addition of approximately 225 square feet or 16 x 14 feet to his current house structure and reduce his backyard, as well as leave approximately 22 feet and not the city minimum of 35 feet from the house foundation to end of the backyard. Given Ranjit's current health status and rate of decline in his medical condition, we support the idea of adding a room to this current house plan. We understand this will require a variation from the Township of Van Buren given the dimension of his current lot and requirements of the extension. We hope the city will approve Ranjit's request. Please consider this letter as our support for his request.

Sincerely,


(Ryan Owens)


(Carolyn Owens)

Ranjit Sandhu & Satinder Kaur
9060 West Walden Dr.
Belleville, MI 48111

September 10, 2019

Dear Sir or Madam,

We live at 9060 West Walden Wood Drive in a 4 bedroom house with no bedrooms or full bathroom on first floor. My father was diagnosed two years ago with Parkinson with Progressive Supranuclear Palsy (PSP), which is an aggressive form of Parkinson's disease. In the past two years he has gone from walking miles daily as a United States Postal Office Mail Carrier to walking with assistant of a walker to his current state of being wheel chair bound and unable to walk up steps. During the same time he has also sustained numerous falls and experienced fractures in numerous ribs and hand. Due to my father's deteriorating health we would like to convert one of the first floor rooms into an ADA compliant bedroom and full bathroom. Currently we do not have enough space to accommodate this in our current floor plan. In order to do this we would have to build an addition to our current house of approximately 17 x 14 feet. We are working with Matt Jeshurun from Future Home and Design on this project. While preparing the architectural design we discovered that after the new addition we would be left with approximately 23 feet of yard space from the rear of yard to the new addition. We understand this is less than the minimum required by the city of Van Buren. Given my father's declining health and necessity for bedroom and full bathroom on first floor, we are hoping the city will honor our request for a variance in order to build the addition to our current house.

Sincerely,


Sukhreet Sandhu

CHARTER TOWNSHIP OF VAN BUREN

BOARD OF ZONING APPEALS

PUBLIC HEARING

Notice is hereby given that the Charter Township of Van Buren Board of Zoning Appeals will hold a public hearing on **Tuesday, November 12, 2019 at 7:00 p.m.**, at the Van Buren Township Hall, 46425 Tyler Road, Van Buren Township, MI 48111 to consider the following variance requests:

1. **Case # 19-035-** A request by Satinder Kaur, 9060 Walden Drive (Parcel ID# 83-040-02-0091-000) for a variance from Section 3.106 (D) for R-1B Single Family Residential District:

Rear Yard Setback:

- Required: 35 feet
- Proposed: 22.76 feet
- Variance requested: 12.24 feet

Please address any written comments to the Van Buren Township Board of Zoning Appeals, at 46425 Tyler Road, Van Buren Township, MI 48111 or via email at mbest@vanburen-mi.org. Written comments will be accepted until 4:00 p.m. on the hearing date and all materials relating to this request are available for public inspection at the Van Buren Township Hall prior to the hearing.

Van Buren Township will provide necessary reasonable auxiliary aides and services to individuals with disabilities who are planning to attend. Please contact the Van Buren Township Planning and Economic Development Department at 734-699-8913 at least seven (7) days in advance of the meeting if you require assistance.

Published: 10/24/2019



October 28, 2019

Board of Zoning Appeals
Van Buren Township
46425 Tyler Rd
Van Buren Charter Township, MI 48111

Subject: 9060 Walden Drive/Variance Review; Application dated recd. 9/20/2019.

Dear Board Members:

We have reviewed the above referenced application submitted by Satinder Kaur requesting a variance from the required rear yard setback for a proposed addition to a single-family dwelling. The following are our review comments based on the criteria in the Zoning Ordinance and the information provided:

File Number: VBT-19-035

Parcel Size and Tax ID: ≈0.206 Acres/Parcel ID# 83-040-02-0091-000

Property Owner: Satinder Kaur

Zoning and Existing Use: R-1B- The parcel is currently occupied by a single-family dwelling.

Project Description: Applicant is proposing an addition to the existing dwelling which necessitates a variance from the rear yard setback.

Notice: Notice for the public hearing was published in the Belleville Independent on October 24, 2019 in accordance with the Michigan Zoning Enabling Act and notices were mailed to the owners of real property within 300' of the subject property on October 24, 2019.

Variance Request:

Section 3.106(D) Dimensional Regulations for R-1B District:

Rear Yard Setback:	Required: 35'
	Proposed: 22.76'
	Variance requested: 12.24'

COMMENTS

Per Section 12.403.C of the Township Zoning Ordinance and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, the Board must, prior to acting on a proposed variance, consider and make findings regarding several factors. The Board may grant a dimensional or non-use variance upon a finding that practical difficulties exist. To meet the test of practical difficulty, the applicant must demonstrate compliance with the following:



- 1) **That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose and would thereby render the conformity unnecessarily burdensome for other than financial reasons.**

Section 3.106 (D) of the Zoning Ordinance requires the R-1B zoning district to have a minimum 35 rear yard setback of 35 feet. The applicant's justification in requesting the variance is to address a debilitating medical condition of one of the occupants of the dwelling. Per the applicant, the occupant's rare medical condition, Progressive Supranuclear Palsy (PSP), affects movement, control of walking, balance, speech, swallowing, vision, thinking, mood and behavior. The condition results in difficulty climbing stairs to access the bedrooms and bathrooms which are located on the upper floor. The proposed approx.. 265 sq. ft addition is intended to provide a bedroom and a full bath in the ground level which would be accessible to the occupant and provide for safe living conditions.

Strict compliance with the rear yard setback would limit the applicant's ability to build an addition that would provide a reasonable living area. The existing dwelling is built in compliance to the setbacks and any proposed expansion of the footprint would not meet the required setbacks. Not allowing for an addition to serve the basic living needs of the occupant, can be considered as being unnecessarily burdensome.

- 2) **That a variance would do substantial justice to the applicant, as well as to other property owners in the district, (the BZA, however, may determine that a reduced relaxation would give substantial relief and be more consistent with justice to others).**

A variance would do substantial justice to the applicant by enabling them to provide an ADA compliant bedroom and bathroom on the ground floor to serve the needs of an occupant. Per the applicant, without the addition, the occupant's condition would not permit his continuance of living in the dwelling. Approval of the variance is also not averse to the interest of other property owners. The applicant has no neighbor to the rear of the parcel, which is a vacant piece of land. Per the plot plan, approximately 190 square feet of floor space is located within the setback area and the addition still maintains all of the required side yard setbacks, adjacent to the neighboring property.

- 3) **That plight of the owner is due to the unique circumstances of the property.**

There are no unique circumstances associated with the property; the need for the variance is due to unique circumstances generated by the occupant's medical condition.

- 4) **That the problem is not self-created.**

The occupant's medical condition is not a self-created problem.

Section 12.403 (D) Standards of approval.

- 1) **That the proposed appeal or variance is related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.**

Zoning is a valid exercise of the police power bestowed by the State of Michigan in the Michigan Zoning Enabling Act (PA 110 of 2006). The Zoning Enabling Act specifically gives local municipalities the authority to have a Board of Zoning Appeals and to grant dimensional variances when practical difficulty is demonstrated.



2) The proposed appeal or variance will not impair an adequate supply of light and air to adjacent property or increase the congestion in public streets.

Approving the variance will not impair an adequate supply of light and air to adjacent property or increase the congestion in the public streets. As previously noted, approximately 190 square feet of the proposed addition is located within the setback area. The addition still maintains the required side yard setback, and there are no neighbors to the rear.

3) Will not increase the hazard of fire or flood or endanger the public safety.

The proposed addition is not likely to increase the hazard of fire or flood or endanger the public safety. The addition will be required to comply with all applicable building codes.

4) Will not unreasonably diminish or impair established property values within the surrounding area.

The proposed addition to the dwelling is in keeping with the architectural style of the structure and is not likely to diminish or impair established property values within the surrounding areas.

5) Will not in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

Allowing the proposed building addition in the required rear yard setback is not likely to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

6) Will not alter the essential character of the neighborhood.

The proposed addition is a living space addition to an existing dwelling and in keeping with the use of the district. With no immediate neighbors to the south, the reduced rear yard setback is not likely to make a major impression or change in the character of the neighborhood. Further, the neighbors of occupant have submitted written a letter of support for the request.

7) Is necessary to meet the intent and purpose of the zoning regulations; is related to the standards established in the Ordinance for the land use or activity under consideration, and is necessary to ensure compliance with those standards.

The purpose of zoning regulations is to provide for orderly and planned use of land. The request at this time does not alter the use of the land and is intended to accommodate the living needs of the occupant of the dwelling which cannot be accomplished under existing circumstances. In this case, a variance is necessary for the occupant to adequately use this dwelling as a functional home.

Recommendation

Subject to any additional information presented and discussed by the applicant, Board, and/or the public during the public hearing and incorporated into the record prior to any findings being made, we recommend that the Board of Zoning Appeals approve the requested variance for the property located at 9060 Walden Drive.

The above recommendation is based on the following findings of fact:

1. Strict compliance with the required rear yard setback would prevent the construction of the addition to accommodate the medical needs of the occupant, which can be construed as being unnecessarily burdensome.



2. A variance would provide substantial justice to the applicant and is not averse to the interests of other property owners in the district.
3. The request for variance is based on the uncommon medical condition of the occupant.
4. The occupant's medical condition is not self-created.
5. The proposed variance is related to the valid exercise of police power.
6. A variance is not likely to impair light and air to adjacent property or increase the congestion in the public streets.
7. A variance is not likely to increase the hazard of fire or flood or endanger the public safety.
8. A variance is not likely to diminish or impair established property values within the surrounding areas.
9. A variance is not likely to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.
10. A variance is not likely to alter the essential character of the neighborhood.
11. A variance is necessary to allow for an ADA compliant living addition to meet the daily living needs of the occupant.

Respectfully submitted,
McKENNA

Vidya Krishnan
Principal Planner

Cc: Matthew Best, Director of Public Services, Van Buren Township