

CHARTER TOWNSHIP OF VAN BUREN  
BOARD OF ZONING APPEALS  
Tuesday July 14, 2020  
MINUTES

The meeting was called to order at 7:03 pm via Zoom by Chairperson Aaron Sellers.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

Present: Herman, Martin, Haase, Larocque, Boynton, Kelley, Grissett, Sellers

Absent Excused: 0

Staff: Best, Power, Renaud, Dohring

Audience: 1

**ACCEPTANCE OF AGENDA:** Herman motioned; Grissett seconded to approve the agenda.

**ROLL CALL:**

Yeas: Herman, Haas, Martin, Larocque, Boynton, Grissett, Sellers

Nays: None

Absent: None

Motion Carried

**APPROVAL OF MINUTES:** Haase motioned; Martin seconded to approve the minutes from the February 11, 2020 meeting.

**ROLL CALL:**

Yeas: Herman, Haas, Martin, Larocque, Boynton, Grissett, Sellers

Nays: None

Absent: None

Motion Carried

**CORRESPONDENCE:** None

**PUBLIC HEARING (for non-new business items):**

Open Public Hearing

Public Comment: None

Close Public Hearing

**UNFINISHED BUSINESS:**

**1. Election of Officers for 2020**

Boynton moved to nominate Sellers for Chairperson, Grissett for Vice-chairperson, and Boynton for Secretary.

Herman motioned, Grissett seconded to close nominations.

**ROLL CALL:**

Yeas: Herman, Haas, Martin, Larocque, Boynton, Grissett, Sellers

Nays: None

Absent: None

Motion Carried

Sellers motioned, Haas seconded to elect Sellers for Chairperson, Grissett for vice-chairperson, and Boynton for Secretary.

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**ROLL CALL:**

Yeas: Herman, Haas, Martin, Larocque, Boynton, Grissett, Sellers  
Nays: None  
Absent: None  
Motion Carried

**NEW BUSINESS:**

**1. Case Number: 20-011 – Nicole Butzin**

**Location:** 17160 Renton Road. Parcel ID# 83 140 99 0047 000.

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

- **Accessory building requirements** of 7.202(a) (Accessory Structures and Buildings – All Districts) of the Zoning Ordinance, which regulates the location of detached accessory buildings:
  - o **Required:** The detached accessory building shall be located in the rear or side yard.
  - o **Proposed:** The 30' x 40' detached accessory building is proposed in the front yard.

Grissett motioned, Herman seconded to open public hearing.

**ROLL CALL:**

Yeas: Herman, Haas, Martin, Larocque, Boynton, Grissett, Sellers  
Nays: None  
Absent: None  
Motion Carried

Nicole Butzin residing at 17160 Renton Rd., introduced herself.

Director Power stated that Case Number 20-009 Clover Communities, that was originally on the agenda under New Business has been postponed and removed from the agenda.

Director Power explained that this request was for a flag lot on Renton Rd. It is zoned AG, with set back standards specifically for accessory buildings, similar to residential districts where accessory buildings are to be placed in the side or rear yard. They are proposing a 30x40 detached accessory building, in the front, slightly to the side of the principle building.

Public Comments: None

Martin motioned, Haas seconded to close public hearing.

**ROLL CALL:**

Yeas: Herman, Haas, Martin, Larocque, Boynton, Grissett, Sellers  
Nays: None  
Absent: None  
Motion Carried

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**Discussion:**

Director Power referenced the narrative letter, plot plan, and preliminary construction drawings submitted by the homeowner. The BZA request is that the proposed building is in what was interpreted as the front yard, which is not permitted under the zoning ordinance. After reviewing and discussing with staff, looking at the request vs the zoning ordinance, led to the definition of yards. Traditionally on a rectangular lot, the front yard is defined as the area between the base of the principle building and the front lot line. The width of the lot is not the average width, or the width of the right of way, it is a specific definition that is the horizontal distance between the side lot lines, measured at the two points where the front yard setback intersects the side lot lines. Based on the definitions of the front yard and side yard spelled out in the zoning ordinance, when the yard is not rectangular, the side lot lines are actually everything except for the front lot line and the rear lot line. This would put the accessory building in the side yard, as opposed to the front yard, which is following the zoning ordinance. Therefore, the Township is requesting the BZA to remove this request from consideration as a variance request, and referring back to staff to review administratively.

**Accessory building requirements** of 7.202(a) Accessory Structures and buildings-All Districts) of the Zoning Ordinance, which regulates the location of detached accessory buildings:

**Required:** The detached accessory building shall be located in the rear or side yard.

**(123) LOT WIDTH:** the horizontal distance between the side lot lines, measured at the two points where the front yard setback intersects the side lot lines.

**(243) YARD:** An open space on the same lot with a principle building or group of buildings which lies between the principle building or a group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, unless otherwise provided in this Ordinance, subject to the following:

- (a) FRONT YARD:** A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building
- (b) REAR YARD:** A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
- (c) SIDE YARD:** A yard between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

Board asked for confirmation that there is no non- conformity with the request.

Director Power responded, there are no non-conformities on the site.

Director Best reiterated that without the specific definitions of yard areas and lot width laid out in the zoning ordinance, it would be very difficult to develop these unique flag lots with an accessory structure. Director Powers and the staff's interpretation, after extensive review, is right on the money. Affirmation from the BZA on this interpretation is the clarification needed to give the applicant the ability to move forward on her project without a variance.

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Boynton motioned, Grissett seconded to remove case # 20-011 Nicole Butzin at 17160 Renton Rd from the agenda and turn over to staff for review.

**ROLL CALL:**

Yeas: Herman, Haas, Martin, Larocque, Boynton, Grissett, Sellers

Nays: None

Absent: None

Motion Carried

Boynton moved, Haas seconded to adjourn meeting at 7:33pm

**ROLL CALL:**

Yeas: Herman, Haas, Martin, Larocque, Boynton, Grissett, Sellers

Nays: None

Absent: None

Motion Carried

Respectfully submitted,

Tammy Dohring, Recording Secretary