

**CHARTER TOWNSHIP OF VAN BUREN  
BOARD OF ZONING APPEALS AGENDA  
JANUARY 14, 2020 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 Karen Pecsénye	_____
Director Matt Best	_____	Executive Assistant Elizabeth Renaud	_____
Director Dan Power	_____		

**ACCEPTANCE OF AGENDA**

**1. Agenda Revisions**

**APPROVAL OF MINUTES:** Approval of minutes from November 12, 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. 2020 Meeting Schedule**
- 2. Election of Officers for 2020**
- 3. Case Number: 19-039**

**Location:** 11511 Belleville Road (Mike's Kitchen Restaurant) Parcel ID# 83-086-99-0012-001.

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

**Section 3.112(E) Dimensional Regulations for C-2 Extensive Highway Business District:**

Side (South) Yard Setback:

- Required: 25.00 feet
- Existing: 5.00 feet
- Proposed (to addition): 5.00 feet
- Variance requested: 20.00 feet

- 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 – November 12, 2019**  
**DRAFT MINUTES**

The Meeting was called to order at 7:01pm in the Board of Trustees room by Chairperson Grissett.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

Present: Kelley, Haase, Grissett, Martin, Larocque

Absent Excused: Sellers, Senters, Stovall, McKenna

Staff: Krishnan, Renaud, Halstead

Audience: 3

**ACCEPTANCE OF AGENDA:** Motion to accept agenda Kelley, Seconded by Martin.  
Motion Carried

**APPROVAL OF MINUTES:** Motion to approve minutes from October 8, 2019 Kelley, Seconded by Haase. Motion Carried

**CORRESPONDENCE:** None

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

Motion to open Public hearing at 7:05pm Kelley, Seconded by Haase. Motion Carried.

No public comment

Motion to close Public Hearing at 7:06PM Kelley, Seconded by Haase. Motion Carried.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

Motion to open Public Hearing at 7:08pm Kelley, Seconded by Martin. Motion Carried

**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'.

Dhaval Patel, Son-in-law to the applicant, presented to the board the request for the variance at 9060 Walden Dr.

Mr. Patel told the board of the applicant's health condition and the reason for needing the variance to make the downstairs handicap accessible and to accommodate his daily living.

Krishnan presented to the board the letter of recommendation from McKenna. She also noted a few pieces of correspondence that were in the packet.

No Public Comment

Motion to close Public Hearing at 7:18pm Kelley, Seconded by Haase. Motion Carried.

Motion to approve variance request based off of McKenna Recommendation letter dated October 28, 2019 Martin, Seconded by Kelley. Motion Carried.

**ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION:** None

**Motion Kelley, seconded by Haase to adjourn at 7:21 p.m.**  
**Motion Carried**

Respectfully submitted,

Anna Halstead, Recording Secretary



Case number 19-039  
Dated submitted 12-6-19

## Board of Zoning Appeals Application

### APPLICANT INFORMATION

Applicant JOSEPH ACTMAN Phone (313) 522-3042  
Property Owner (if different than applicant) MARASH NUCILLAS Phone (586) 530-4078  
Address 11511 BELLEVILLE ROAD Fax N/A  
City, State VAN BUREN, MICHIGAN Zip 48111 E-Mail Address MARASHKN62@gmail.com

### SITE INFORMATION

Property Location: On the SOUTH Side of JEANETTE Road; Between BELLEVILLE Road and JEANETTE Road. Size of Lot Width \_\_\_\_\_ Depth \_\_\_\_\_ Acreage .78 ACRES  
Date Property Acquired and the Type of Ownership 1997 - MORTGAGE  
State all deed, subdivision improvement and property restrictions in effect at this time, together with dates of expiration:

### VARIANCE REQUEST

Variance to Zoning Ordinance Section (s) 3.112(E)  
Explanation of the Practical Difficulty of the Property as defined in Section 19.07 NEED ADDITIONAL STORAGE & IMPROVED TOILETROOM SPACES REQUIRING SIDEYARD VARIANCE  
Explanation of request for Administrative Review Interpretation \_\_\_\_\_

### 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

MARASH NUCILLAS  
Print Property Owners Name

[Signature]  
Signature of Property Owner

12/06/19  
Date

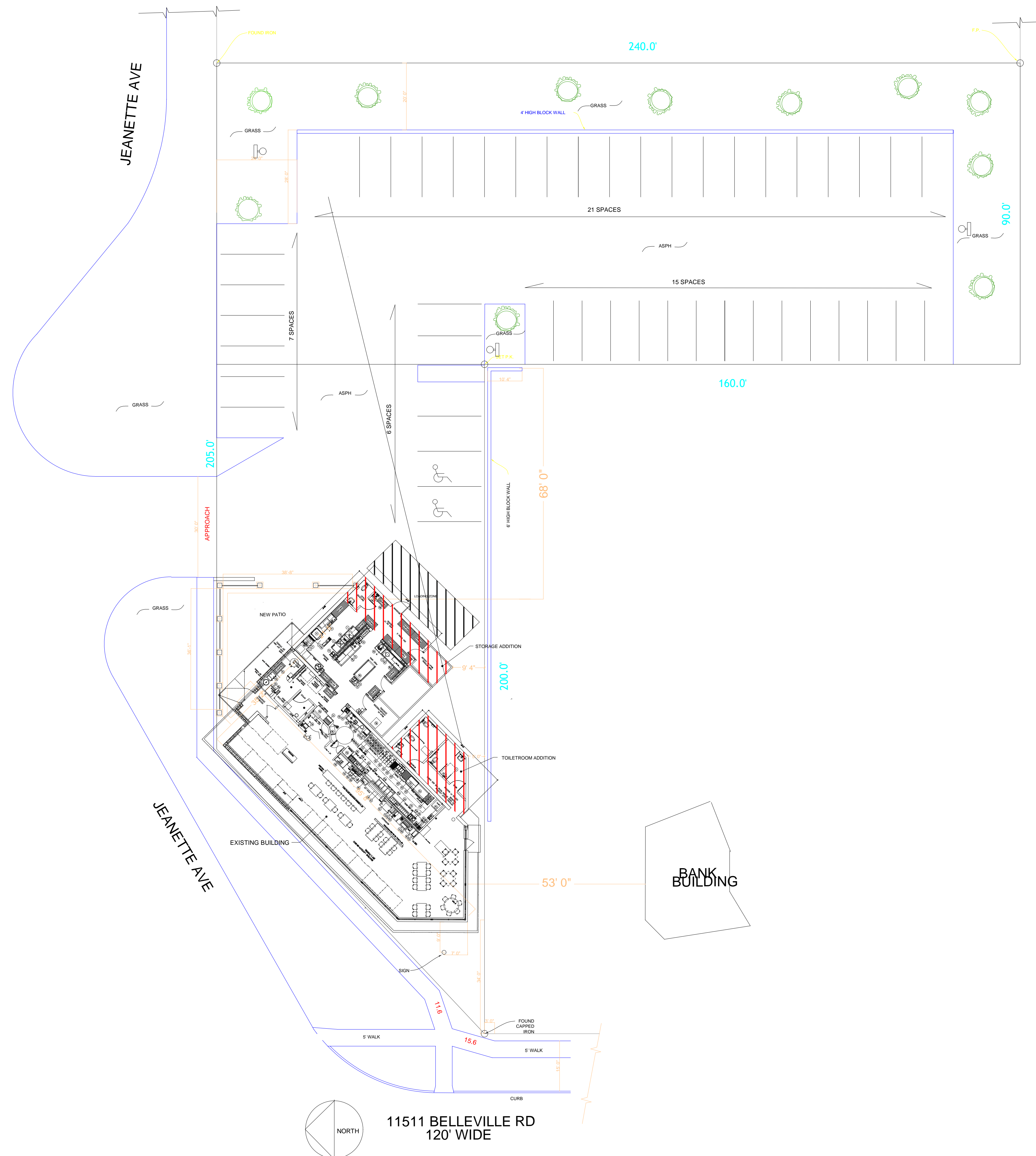
STATE OF MICHIGAN  
COUNTY OF WAYNE

The 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 6 day of December 2019

Jessica Notary Public, Wayne County, Michigan  
My Commission expires July 30, 2020

JESSICA M. SHEVROVICH  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF WAYNE  
MY COMMISSION EXPIRES Jul 30, 2020  
ACTING IN COUNTY OF Wayne



MIKE'S KITCHEN RESTAURANT  
11511 BELLEVILLE ROAD  
BELLEVILLE, MICHIGAN 48111

ALTMAN AND ASSOCIATES  
15633 HARPER AVENUE  
DETROIT, MICHIGAN 48224  
313 522-3042

PROPOSED SITE PLAN  
SCALE : 1/16" = 1' 0"  
11 22 19

**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, January 14, 2020 at 7:00 p.m.**, at the Van Buren Township Hall, 46425 Tyler Road, Van Buren Township, MI 48111 to consider the following variance request:

1. **Case # 19-039-** A request by Joseph Altman on behalf of Marash Nucullaj for 11511 Belleville Road (Mike's Kitchen Restaurant) Parcel ID# 83-086-99-0012-001 for a variance from Section 3.112 (E) for C-2 Extensive Highway Business District:

Side (South) Yard Setback:

- Required: 25.00 feet
- Existing: 5.00 feet
- Proposed (to addition): 5.00 feet
- Variance requested: 20.00 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](mailto: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.

Posted: 12/19/2019

Published: 12/26/2019





**MCKENNA**

December 29, 2019

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

**Subject: Mike's Kitchen Restaurant/11511 Belleville Road /Variance Review; Application dated recd. 12/6/2019.**

Dear Board Members:

We have reviewed the above referenced application submitted by Joseph Altman on behalf of Marash Nucullaj to construct additions to the existing Mike's Kitchen Restaurant. The proposal requires a variance from side yard setback standards. The following are our review comments based on the criteria in the Zoning Ordinance and the information provided:

**File Number:** VBT-19-039

**Parcel Size and Tax ID:** ≈0.78 Acres/Parcel ID# 83-086-99-0012-001

**Property Owner:** Marash Nucullaj

**Zoning and Existing Use:** C-2 Extensive Highway Business District. The parcel is currently occupied by a restaurant that is not operational.

**Project Description:** Applicant is proposing additions to the existing restaurant which necessitates a variance from the side yard setback.

**Notice:** Notice for the public hearing was published in the Belleville Independent on December 26, 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 December 20, 2019.

**Variance Request:**

Section 3.112 (E) Dimensional Regulations for C-2 District:

Side (South) Yard Setback:	Required: 25.00 feet
	Existing: 5.00 feet
	Proposed: 5.00 feet
	Variance requested: 20.00 feet

**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:

**HEADQUARTERS**  
235 East Main Street  
Suite 105  
Northville, Michigan 48167

○ 248.596.0920  
F 248.596.0930  
**MCKA.COM**

**Communities for real life.**



- 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 3.112 (D) of the Zoning Ordinance requires structures in the C-2 zoning district to have a minimum 25 rear yard setback. The subject site is a corner lot with frontage onto Belleville Road and I-94 S. Service Drive. The parcel is shaped like an inverted reverse "L", which poses a challenge for any structure located on it. The site has an existing building which was constructed in 1972 (per Assessor's records) and is currently non-conforming with a setback of 5 feet. It is our understanding that the structure suffered severe water damage in the last year or so, and the restaurant has been shut down since then.

The applicant is proposing to make major renovations to the interior, update the façade and build additions to accommodate additional storage area and restrooms which per the applicant are required for its functioning. Due to the shape of the existing structure and its non-conforming footprint, non-conforming location of the existing restaurant, any addition on the rear side is also likely to be non-conforming. The existing floor plan allows for a kitchen and dining area but has very limited storage and utility space. The proposed addition is intended to provide for the restaurant's storage needs and also restroom facilities which are code compliant.

Strict compliance with the side yard setback would likely allow for the construction of a very small storage space, but would not allow for the construction of the restroom addition. The existing restaurant is located in the Belleville Road Overlay District, which has specific design requirements. The existing restaurant is outdated and need of an upgrade. The proposed additions and interior renovations are intended to make the restaurant better, more viable and also comply with all applicable building codes. Not allowing for an additions with could be 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 build the additions proposed which they consider essential for the viability of the restaurant. The subject site is located at a corner with street frontage to the north and west. The proposed addition is on the south/southeast side of the structure, which abut the drive-through of a bank and the restaurant parking lot, respectively. The proposed additions are located 50'+ from the bank building to the south and are not likely to impact emergency access or safety.

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

As noted previously, the subject site is an odd shaped parcel which poses a challenge for placement of structures. While there may be other commercially zoned parcels in the Township with an unusual configuration, at this time we are aware of the applicant site only.

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

The need for the variance is not a self-created problem. As noted previously, the restaurant on the subject site was a long standing fixture in the community till it suffered severe water damage and had to shut down. At this time the applicant is attempting to fix the structure and make changes that would bring it up to compliance with code and make it a viable business again.

#### **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, the proposed addition is located more than 50 feet from the bank building on the abutting site to the south. There are no other structures within close proximity to the proposed additions.

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

The proposed additions are 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.**

Renovation and remodeling of the restaurant which has remained closed since the water damage, would enhance the value of the subject site 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 additions in the required side 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 additions are located in the rear of the building and are not visible from the public street frontages. The site is located on Belleville Road just off the I-94 freeway, in an area with other commercial operations. The proposed additions are not altering the character of the area in which they are located.

- 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 additions to facilitate the re-opening of the restaurant.

#### **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 11511 Belleville Road.

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

1. Strict compliance with the required side yard setback would likely prevent the construction of the addition to accommodate the bathroom and would greatly reduce the storage addition, 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 subject site is an unusual shaped parcel.
4. The existing non-conforming building footprint limits the placement of any additions.
5. The structure suffered severe water damage (not self-created) which resulted in the need for a full renovation and remodeling.
6. The proposed variance is related to the valid exercise of police power.
7. A variance is not likely to impair light and air to adjacent property or increase the congestion in the public streets.
8. A variance is not likely to increase the hazard of fire or flood or endanger the public safety.
9. A variance is not likely to diminish or impair established property values within the surrounding areas.
10. A variance is not likely to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.
11. A variance is not likely to alter the essential character of the neighborhood.
12. A variance allows for the re-establishment of a long standing business in the community.

Respectfully submitted,  
**McKENNA**

A handwritten signature in black ink, appearing to read "Vidya Krishnan", with a horizontal line drawn across the middle of the signature.

Vidya Krishnan  
Principal Planner

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



**CHARTER TOWNSHIP OF VAN BUREN  
BOARD OF ZONING APPEALS  
MEETING SCHEDULE 2020**

The Board of Zoning Appeals Meetings are held on the 2<sup>nd</sup> Tuesday of the month at 7:00 p.m. in the Board of Trustees Room at Township Hall, 46425 Tyler Road, Van Buren Township, MI 48111.

**January 14, 2020**

**February 11, 2020**

**April 14, 2020**

**May 12, 2020**

**June 9, 2020**

**July 14, 2020**

**August 11, 2020**

**September 8, 2020**

**October 13, 2020**

**November 10, 2020**

**December 8, 2020**

In Compliance with the Americans with Disabilities Act, reasonable accommodations will be made available with advance notice.



# Memo

**TO:** Board of Zoning Appeals

**FROM:** Dan Power, AICP  
Director of Planning and Economic Development

**RE:** Election of Officers

**DATE:** January 10, 2019

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Per the BZA rules of procedure, the BZA is required to select from its membership at the first meeting of the calendar year a Chairperson, Vice-Chairperson, and Secretary. The 2019 Officers are as follows:

Chairperson – Aaron Sellers  
Vice-Chairperson – Amos Grissett  
Secretary - Bryon Kelley

Typically the process for electing officers requires a nomination, a support of that nomination, and a vote on the nomination. I have attached the rules of procedure for your review. Please feel free to contact me with any additional questions.