

CHARTER TOWNSHIP OF VAN BUREN  
BOARD OF ZONING APPEALS AGENDA  
JULY 14, 2020 AT 7:00 PM  
VAN BUREN TOWNSHIP HALL  
46425 TYLER ROAD

REMOTE MEETING

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to Van Buren Township residents; Van Buren Township's scheduled regular Planning Commission meetings beginning May 27<sup>th</sup>, 2020 will be conducted remotely in compliance with the State of Michigan Governor's Executive Orders regarding remote public meetings until further notice.

For this agenda:

- Join by weblink: <https://zoom.us/j/93435932674>
- Or dial in by phone: US: +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833
- Webinar ID: 934 3593 2674

For instructions on [how to join a Zoom meeting, make a public comment, ADA information, and virtual meeting compliance from the State please click here.](#)

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

BZA Chair Aaron Sellers	_____
BZA Vice-Chair Amos Grissett	_____
BZA Secretary / Planning Commission Representative Bryon Kelley	_____
BZA Member / Trustee Kevin Martin	_____
BZA Member John Haase	_____
BZAA Member John Herman	_____
BZA Alternate Member Charles Larocque	_____
Planning Commission Alternate Representative Donald Boynton, Jr.	_____
Recording Secretary _____	_____
Director Dan Power	_____
Executive Assistant Elizabeth Renaud	_____
Director Matthew Best	_____

ACCEPTANCE OF AGENDA

APPROVAL OF MINUTES: Approval of minutes from February 11, 2020

## **CORRESPONDENCE**

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

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

## **UNFINISHED BUSINESS**

### **1. Election of Officers for 2020**

- **ITEM #1: CHAIRPERSON**
- **ITEM #2: VICE-CHAIRPERSON**
- **ITEM #3: SECRETARY**

## **NEW BUSINESS**

### **1. (CANCELLED / POSTPONED) Case Number: 20-009 – Clover Communities Van Buren LLC**

**Location:** 8740 Belleville Road. Parcel ID# ~~83-140-99-0047-000~~ 83 036 99 0002 702.

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

- **Architectural standards** of section 6.309(C) (Belleville Road Overlay District - Architectural and Site Design Standards) of the Van Buren Township Zoning Ordinance and relatedly section 5.143(I)(5), which requires that senior housing buildings located within the BROD shall comply with the architectural standards set forth in Section 6.309:
  - **Required:** Use of use of unpainted red brick, brown brick, natural stone, or similar high-quality materials as the primary building material.
  - **Proposed:** Application of hardieplank siding to approximately 70% of the building façade.
- **Accessory building requirements** of 7.202(a) (Accessory Structures and Buildings – All Districts) of the Zoning Ordinance, which limits the size of detached accessory buildings:
  - **Required:** The maximum lot coverage of all detached accessory buildings on any lot shall be 4,800 square feet.
  - **Proposed:** 9,600 square feet of total detached accessory garage building area.

**CANCELLED / POSTPONED. This item will be re-noticed for a later meeting date.**

### **2. 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.
- 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 February 11, 2020

**DRAFT MINUTES**

The meeting was called to order at 7:01pm in the Board of Trustees room by Planning Commission Alternate Representative Donald Boynton, Jr.

The first order of business was to appoint a temporary chairperson for the evening's meeting.

Martin Motioned; Larocque seconded to appoint Planning Commission Alternate Representative Byron Kelley acting Chair for the evening. Motion carried

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

Present: Martin, Haase, Larocque, Boynton, Jr.

Absent Excused: Sellers, Grissett, Kelley, Stovall

Staff: Best, Power, Renaud, Pecsénye

Audience: 3

**ACCEPTANCE OF AGENDA:** MARTIN motioned; Haase seconded to approve the agenda with the correction to remove 1<sup>st</sup> listing of Election of officers. Motion carried.

**APPROVAL OF MINUTES:** Haase motioned; Martin seconded to approve the minutes from the November 12, 2019 meeting. Motion carried.

**CORRESPONDENCE:** None

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

No action necessary since there were no items, per Director Power

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**1. 2020 Meeting Schedule**

Director Power provided the board with a schedule indicating meeting are the Second Tuesday of each month except March, there is no meeting due to Elections.

**2. Election of Officers for 2020**

Haase motioned to put elections off to next meeting, no second came, discussion followed.

Director Power stated that per the by-laws the election should take place by the 1<sup>st</sup> meeting of year.

Planner Krishnan indicated that it is acceptable to defer the vote to next meeting.

Martin indicated that he felt this was a tough spot with attendance track record.

Larocque requested a job description for the 3 positions, director Power indicated they are outlined in the by-laws. Martin raised the concern that the next meeting is not until April which is four months into the year and will there still be attendance issues then.

Planner Krishnan suggested they could appoint people in Absentia.

Boynton questioned if there are any issues with having the current board maintain their positions. Director Power feels as if there may be a conflict for the current BZA Secretary given

CHARTER TOWNSHIP OF VAN BUREN

BOARD OF ZONING APPEALS

Tuesday February 11, 2020

**DRAFT MINUTES**

his position on the planning commission otherwise he felt all others would be fine. Director Power mentioned the Planning Commission was having elections at their meeting on the following evening and thus would Impact the BZA board. Martin felt putting off the election was a good Idea.

Director Best stated that some if not all of the vacancies should be filled by the April meeting.

Election of Officers was postponed to the next scheduled BZA meeting on April 14, 2020.

Motion to open Public Hearing Martin, Seconded by Larocque. Motion Carried

**3. Case Number: 19-039**

**Location:** 11511 Belleville Road (Mike's Kitchen) 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 ' ; Existing: 5' ; Proposed (to addition):5' ; Variance requested: 20'.

Joseph Altman, of Altman& Associates, on behalf of Marash Nucullaj property owner, presented to the board the request for the variance at 11511 Belleville Road.

Mr. Autman explained to the board the need for handicapped restrooms and additional storage which resulted in the need for side yard variance.

Krishnan presented to the board the letter of recommendation from McKenna. There was also an email sent by neighbors Michelle Traskos, stating they were in favor of the variance, that was submitted to Director Dan Power.

Motion to close public hearing Haase, Seconded by Larocque. Motion Carried

Motion to approve variance based on McKenna Recommendation letter dated December 29, 2019 Martin, Seconded by Haase. Motion Carried

**ANNOUNCEMENTS, COMMENTS AND OPEN DISCUSSION:**

Director Power announced upcoming training opportunity; Planning and Zoning essentials class that will be held in Taylor and in Jackson in March. He will send out more information via Email. Motion to adjourn at 7:35p.m. Haase, seconded by Larocque. Motion Carried

Respectfully submitted,

Karen E. Pecsénye, Recording Secretary



# 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.



Case number \_\_\_\_\_  
Dated submitted \_\_\_\_\_

## Board of Zoning Appeals Application

### APPLICANT INFORMATION

Applicant Nicole Butzin Phone (734) 834-7097  
Property Owner (if different than applicant) \_\_\_\_\_ Phone \_\_\_\_\_  
Address 17160 Renton Road Fax none  
City, State Belleville, MI Zip 48111 E-Mail Address nmbutzin@yahoo.com

### SITE INFORMATION

Property Location: On the West Side of Renton Road; Between Bemis Road  
and Riggs Road. Size of Lot Width X Depth X Acreage 4.87  
Date Property Acquired and the Type of Ownership Dec. 12, 2019  
State all deed, subdivision improvement and property restrictions in effect at this time, together with dates of expiration:  
none

### VARIANCE REQUEST

Variance to Zoning Ordinance Section (s) 7.202 A  
Explanation of the Practical Difficulty of the Property as defined in Section 19.07 Requesting for  
front yard placement of accessory building  
Explanation of request for Administrative Review Interpretation Requesting front yard placement  
of accessory building due to mature trees, wild life, and low areas.

### 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

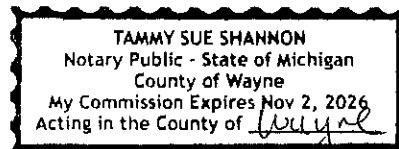
Nicole Butzin Nicole Butzin 5-18-2020  
Print Property Owners Name Signature of Property Owner Date

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 18 day of May, 200-2020  
Tammy S. Shannon Notary Public, Wayne County, Michigan

My Commission expires NOV. 2, 200-2026



Rev 9/8/08



MEMO

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TO:	Van Buren Township Board of Zoning Appeals (BZA)
FROM:	Dan Power, AICP – Director of Planning and Economic Development
RE:	Variance request for front yard 30' x 40' detached accessory building at 17160 Renton Road
APPLICATION DATED:	May 18, 2020
DATE:	July 8, 2020

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Dear Board Members:

I have reviewed the above referenced application submitted by Nicole Butzin. The proposal requires a variance from dimensional placement requirements for detached accessory buildings. The following are my review comments based on the criteria in the Zoning Ordinance and the information provided:

**File Number:** VBT-20-011

**Parcel Size and Tax ID:** 4.87 acres/Parcel ID# 83 140 99 0047 000

**Property Owner:** Nicole Butzin

**Zoning and Existing Use:** AG, Agricultural and Estate District. The parcel is currently improved with a 1,080-sq. ft. home that was built in 1968.

**Project Description:** The applicant is proposing to construct a 30' x 40' detached accessory building that is 14'11" tall as measured at the center point between the eave and the peak of the roof.

**Notice:** Notice for the public hearing was published in the Belleville Independent on June 25, 2020 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 June 19, 2020.

**Variance Request:**

- **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 detached accessory building is proposed in the front yard.

The details of the request are clarified in application materials provided by the applicant on the following pages, including a narrative letter, construction drawings, and a plot plan that shows the



building would be situated +/- 50-60' from the side lot line to the east and +/- 120-150' from the side lot line to the south. The exact dimensions would be required at the time of submitting a building permit application.

On a typical residentially zoned lot, the applicant would be required to build the accessory structure in a location to the west of a line set at the front (east) edge of the dwelling, extending from the north side lot line to the south side lot line. See Exhibit A for a more in-depth explanation of the zoning ordinance regulations for detached accessory building placement specific to the subject lot.

## 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.**

The use of buildings for storage and other purposes incidental to single family dwelling is a permitted and widely accepted accessory use in residential zoning districts. The Van Buren Township zoning ordinance allows these buildings to be up to 4,800-square feet in aggregate area on lots larger than 3.75 acres in area. Strict compliance with setback and placement requirements to build up to 4,800 square feet of accessory buildings in the rear or side yard setback of a suitably sized lot may be considered unnecessarily burdensome if there are significant physical site constraints that limit construction to the side or rear of the dwelling. See the *unique circumstances* standard below (point 3).

- 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).**

I find that the approval of this variance would do substantial justice to the applicant and would not be adverse to the interest of other property owners in the specific context that the variance addresses a specific set of physical constraints this applicant and other property owners may face in side or rear yards that are encumbered by mature woodlands, wetlands and drains. See the *unique circumstances* standard below (point 3). The majority of residential property owners in the Township are able to enjoy the use of accessory buildings in compliant side and rear setback locations without these constraints. It is also worth noting that *scenic* lots, defined as those having frontage directly upon a scenic area such as a natural or manmade lake, river, pond, or other artificial impoundment of water, a park, or a golf course, are permitted to have detached

accessory buildings within the front yard to within 35' of the front lot line. The request in this case leaves the proposed detached accessory building setback roughly 375' – 385' from the front lot line. The *substantial justice* criterion is met.

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

The applicant cites the side and rear yard areas within her property as being low, wet, split by a drain (on the north side) and heavily forested and indicates they are not suitable for building. To the extent the BZA can agree with this rationale, the claim that compliance with accessory building placement is unnecessarily burdensome is met. See Exhibit B for a raw aerial view of the property.

Additionally, the property is a long parcel with a longstanding building that has a significant front yard setback. The front yard area, defined by the space between the front lot line and the front of the dwelling, occupies roughly 540' of the lot's roughly 750' depth (72%). This can be compared with seven nearby properties on Renton Road, whose front yards occupy an average of 37% of the lot depth. See Exhibit C.

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

The dwelling associated with the proposed detached accessory building was constructed in 1968 according to Township assessing records, prior to the passage of the current Zoning Ordinance. It is reasonable to assume that if the applicant purchased the same lot today in a vacant state, she would be encouraged to design and build the home and accessory building in a manner that leaves ample side and rear yard area in which to build the accessory building. Choosing not to do so would be a self-created problem. In this case, the BZA may consider that the problem is not self-created because the applicant was not involved in the original creation of the condition that makes zoning compliance difficult.

**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/design standard 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 appear to impair an adequate supply of light and air to adjacent property or increase the congestion in the public streets. The proposed building is setback significantly from the public right-of-way (365'-375') and from the adjacent side lot lines (50-60' from the east and 120-150' from the south lot lines).

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

The proposed variances are not likely to increase the hazard of fire or flood or endanger the public safety. The accessory building 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 accessory building will not diminish or impair established property values within the surrounding area as long as zoning standards specific to the aesthetics and construction quality are met and the building is sufficiently distant from adjacent properties. See Exhibit D.

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

The front yard placement of this detached accessory building is unlikely 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 accessory building will not alter the essential character of the neighborhood as long as zoning standards specific to the aesthetics and construction quality are met and the building is sufficiently distant from adjacent properties.

**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. Within this framework, accessory buildings should generally be placed in side and rear yard areas so they do not engulf front yard visual character of a lot in place of the lot's dwelling or other principal building. Doing so maintains an orderly development aesthetic. Exceptions have been identified for *scenic lots* in the Van Buren Township Zoning Ordinance to allow accessory buildings in front yards where such lots often have significant front yards along roadsides. Based on this lot's unique character and constraints, and the unique depth of its front yard, the BZA may reasonably isolate the request and act on it favorably without impairing the intent of the zoning regulations.

**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, I recommend that the Board of Zoning Appeals closely evaluate the criteria for establishing practical difficulty, and particularly on the *unique circumstances* criterion, as well as the standards for approval. If they agree that practical difficulty is established and standards for approval are met, the BZA should *approve* the requested variance to allow a 30' x 40' detached accessory building

to be placed in the front yard, with the following condition which is codified in Section 7.202(B) of the Zoning Ordinance:

- The accessory building shall be designed and constructed to be compatible with the design and construction of the principal building on the site, with respect to roof pitch, windows, facades, and building material appearance.

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

1. Strict compliance with the accessory building placement would require significant clearing mitigation of low-lying or wetland areas, which would be unnecessarily burdensome.
2. A variance from accessory structure would provide substantial justice to the applicant and is not averse to the interests of other property owners in the district.
3. The property is uniquely configured based on its significant front yard area and the significant presence of woodlands, low areas, and a drain.
4. Granting a variance from the side and rear yard placement requirement is not likely to set a precedent based on the above findings.
5. The proposed variance is related to the valid exercise of police power.
6. The variance is not likely to impair light and air to adjacent property or increase the congestion in the public streets.
7. The variance is not likely to increase the hazard of fire or flood or endanger the public safety.
8. Approval of the variance will not likely diminish or impair established property values within the surrounding areas by setting a precedent.
9. The variance is not likely to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.
10. The variance is not likely to alter the essential character of the neighborhood.
11. Variance from architectural standards is not likely to undermine the application of rear or side yard placement restrictions for detached accessory buildings in the future.

Thank you for your consideration.

Sincerely,



Dan Power, AICP - Planning and Economic Development Director, Charter Township of Van Buren

Cc: Matthew Best, Director of Public Services, Van Buren Township  
Vidya Krishnan, Van Buren Township Principal Planner / Planning Consultant – McKenna Associates

To whom it may concern:

I am writing this letter to ask permission of the township to allow us to build our barn. The reason we want to build in the spot we chose was for many reasons. Our back and side pieces of our property is heavy wooded with many mature trees and is home to a lot of wild life that we enjoy watching. Those parts of the property are very low as well and stay wet. If we brought in dirt and sand to build it up, we could be pushing water on to other people's property. The other side of our property is also low and is split by the Brook drain. Our property is not a traditional piece of land where our house sits up by the road. Most of our property is not visible from the road, also where we want to build it would give privacy to us and our neighbors since our house and property sits back behind theirs. With none of this begin visible to the community it won't be an awkward eye sore to the community.

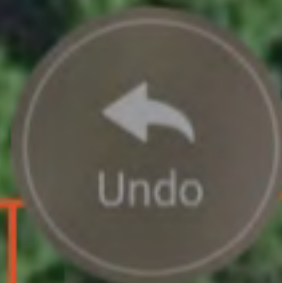
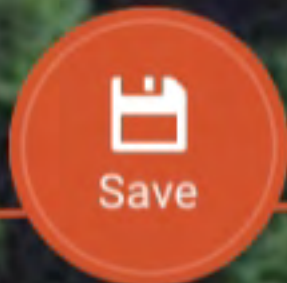
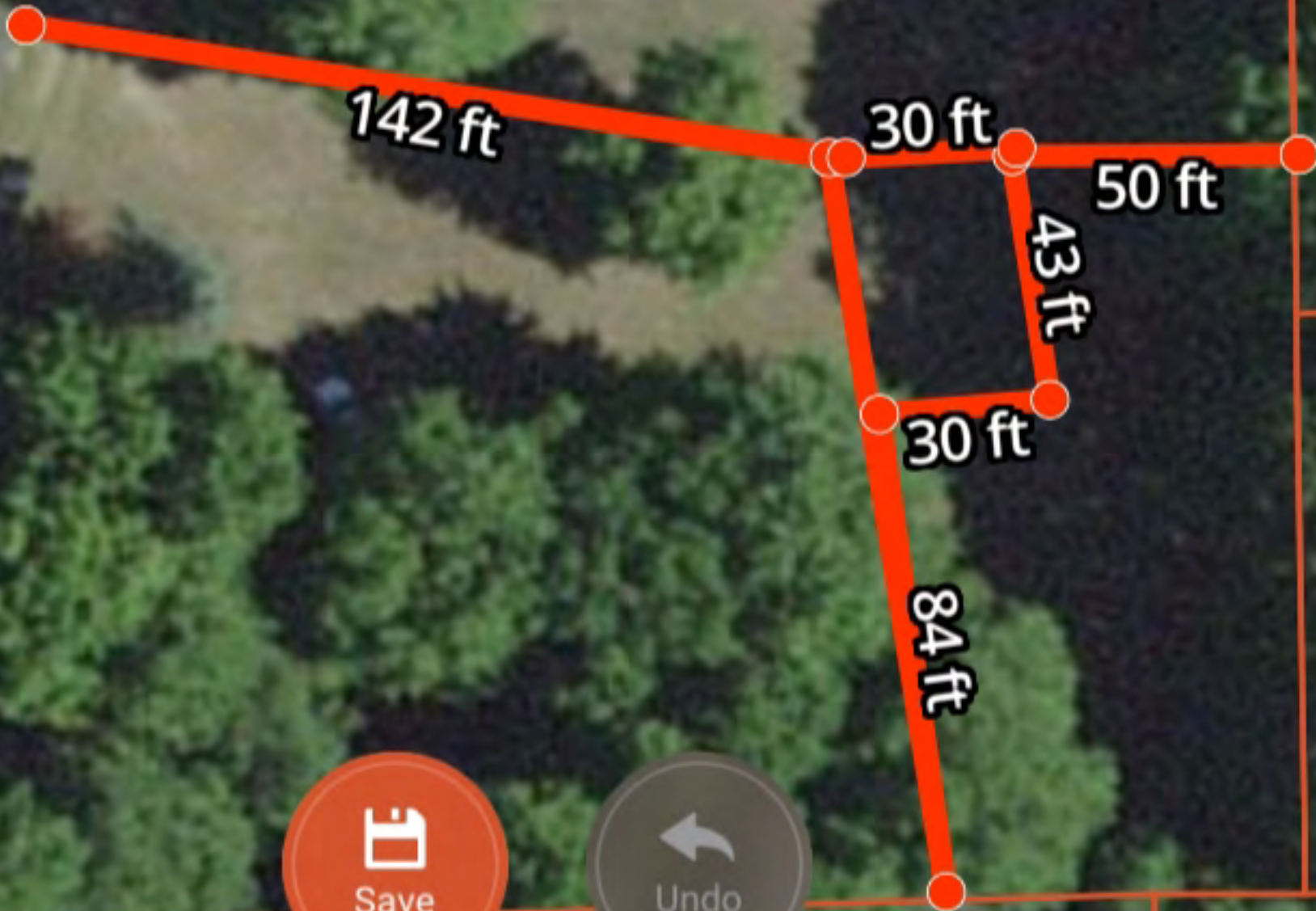
In our opinion with the way our property is layed out, when you do see the barn and house it will look good and make sense.

Thank you





PALNAU  
LEROY



50 ft

42.17743, -83.44533  
Elevation

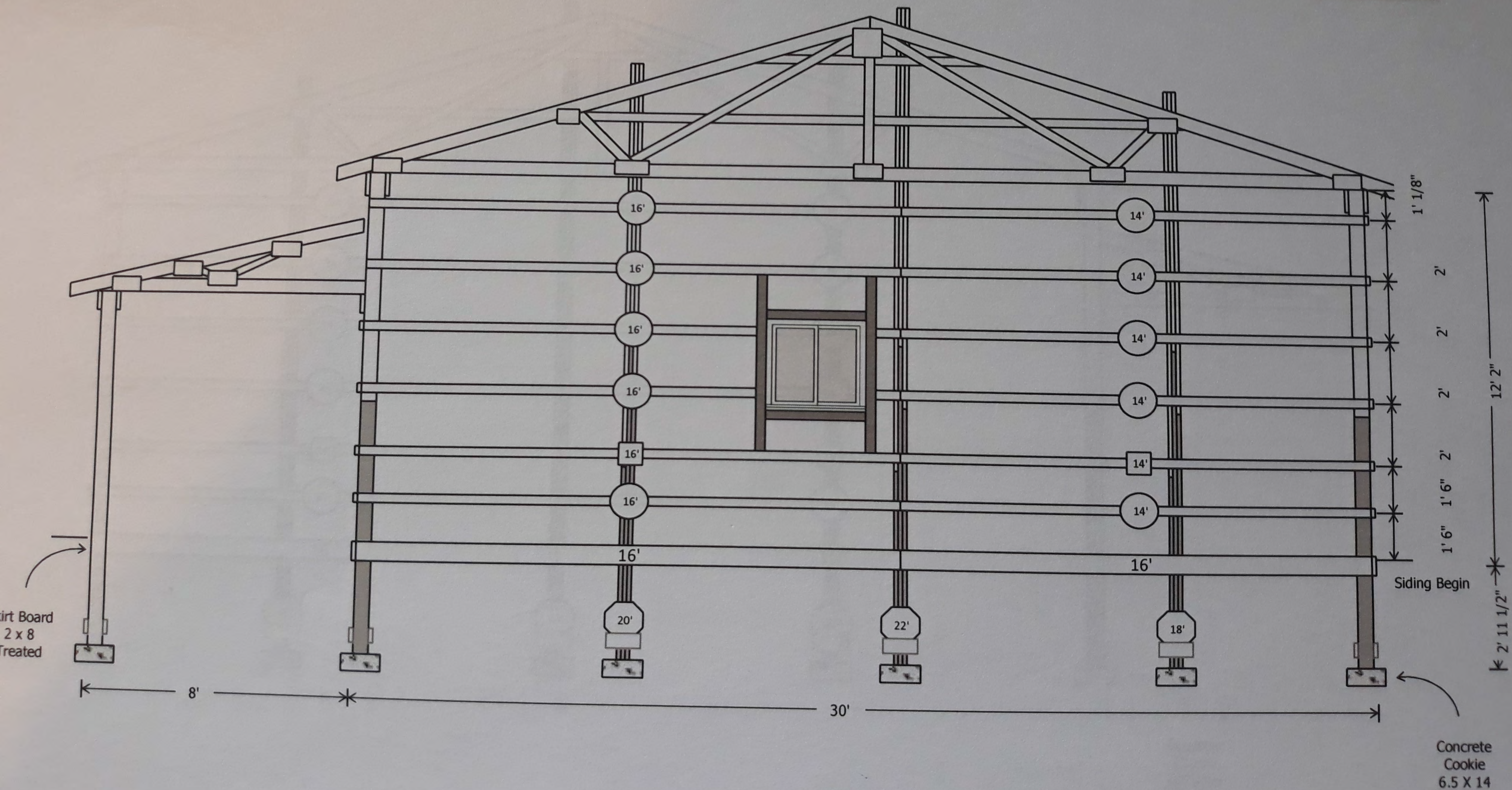


D & L Metal Sales

SERVING  
Southern Michigan \* Western Ohio \* Indiana  
260-463-6425

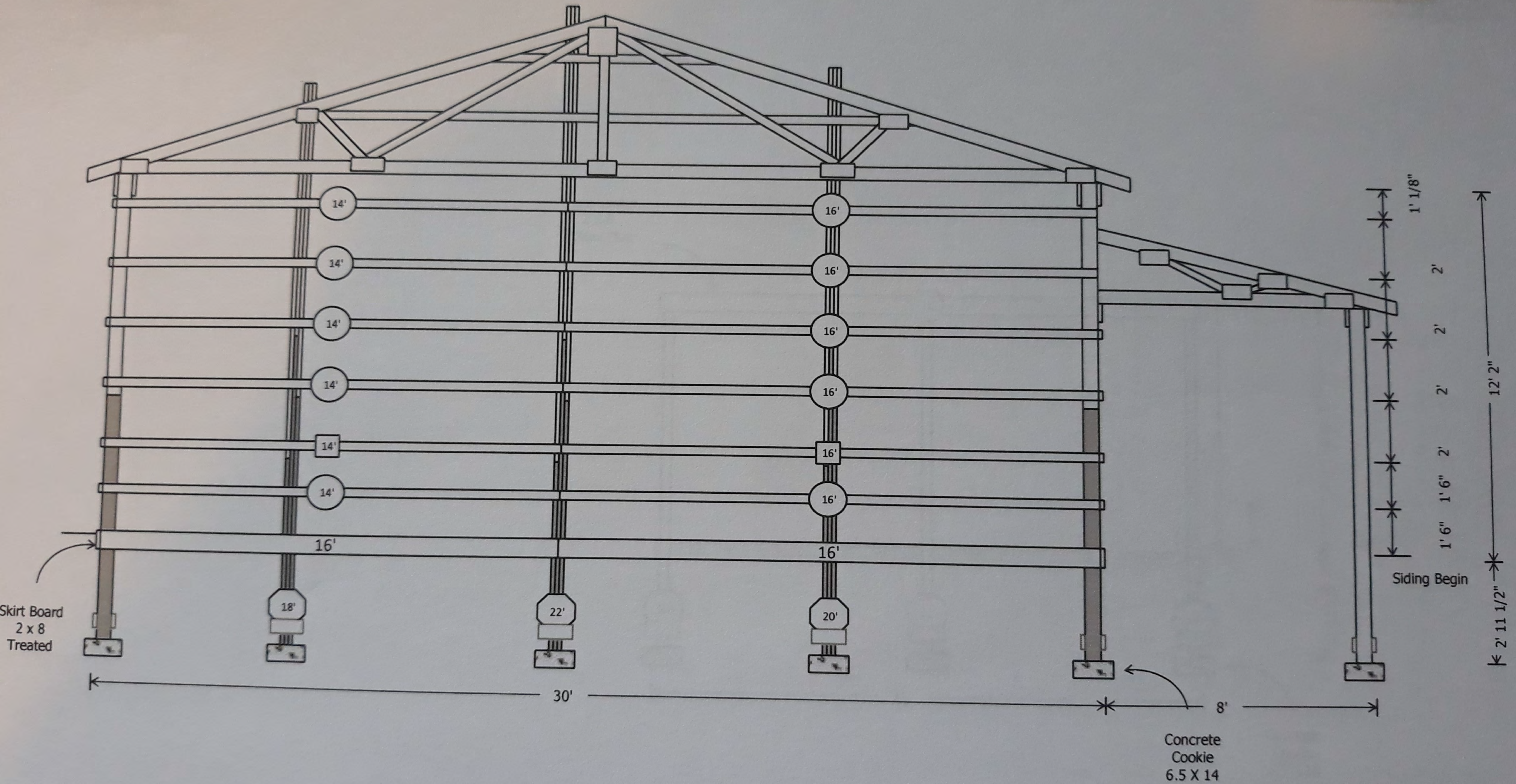
## EAST SIDE-GABLE SIDE 1 WALL GIRT VIEW

Construction  
**Maestro**<sup>®</sup>  
Estimating Software  
Pole Barns, Garages & Decks



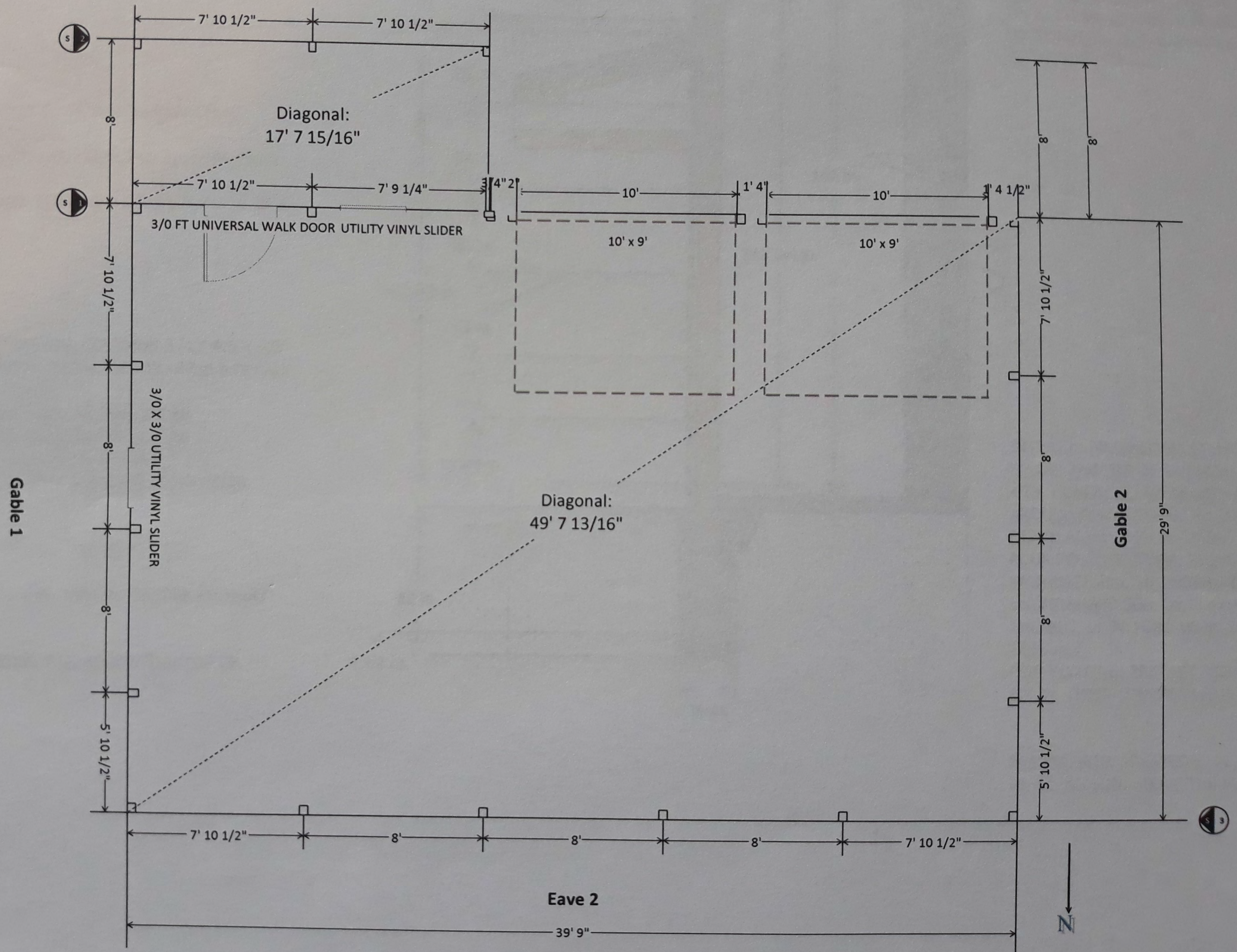


# WEST SIDE-GABLE SIDE 2 WALL GIRT VIEW





Eave 1



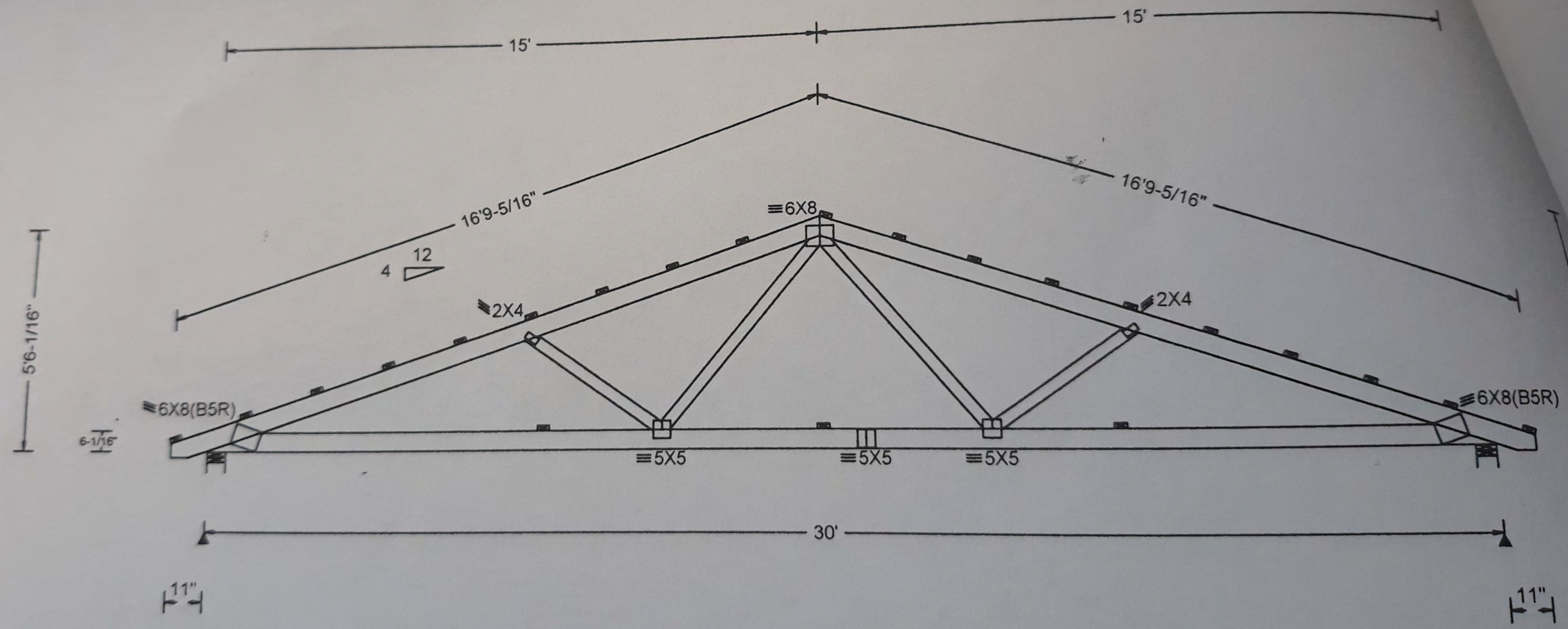


SEQN: 23784 / T58 / COMN  
FROM:

Ply: 1  
Qty: 9  
Wgt: 166.6 lbs

Job Number: Q200053  
NICOLE  
Truss Label: C304GSL30

DRW:  
... / ...



OH LEFT RAKE = 5-15/16"

OH RIGHT RAKE = 5-15/16"

Loading Criteria (psf)		Wind Criteria	Snow Criteria (Pg,Pf in PSF)		Defl/CSI Criteria			▲ Maximum Reactions (lbs)							
TCLL:	20.00	Wind Std: ASCE 7-05	Pg: 30.0	Ct: 1.1	CAT: I	PP Deflection in	loc L/defl	L/#	Gravity						
TCDL:	5.00	Speed: 90 mph	Pf: 18.5		Ce: 1.0	VERT(LL):	0.220	H	999	240	Non				
BCLL:	0.00	Enclosure: Closed	Lu: -	Cs: 1.00		VERT(CL):	0.332	H	999	240	Loc	R+	/ R-	/ Rh	/ Rw
BCDL:	5.00	Category: I	Snow Duration: 1.15								K	1917	/-	/-	/130



## Exhibit A - Background Explanatory Memo



### MEMO

TO: Nicole Butzin  
17160 Renton Road  
Van Buren Township, MI 48111

FROM: Dan Power – Planning and Economic  
Development Director

RE: 17160 Renton Road (parcel 83 140 99  
0047 000) Accessory Building Proposal

DATE: April 30, 2020

Ms. Butzin:

Thank you for reaching out to me regarding your interest in building a 30' x 40' pole barn-style accessory building with a rat wall and footings on your property.

The Van Buren Township Zoning Ordinance is a set of regulations that guide how you and others in the community can build on and develop property. Your property is zoned AG – Agricultural. In AG zoning and other zoning districts, detached accessory buildings are required to be in side or rear yards unless otherwise explicitly permitted elsewhere in the Zoning Ordinance. Article 7, Chapter 2 of the Zoning Ordinance, attached, describes accessory building regulations in greater detail. There are no other permissions with regard to placement of a detached accessory building, except that on scenic lots - those with frontage on a scenic area such as a natural or manmade lake, river, pond, or other artificial impoundment of water, a park, or a golf course - such buildings can be built in front yards 35' setback from the road right-of-way. Front yard placement is therefore not permitted. Note that front, side and rear yards are defined in the following manner per Sec. 2.102 (243) of the Zoning Ordinance:

**(243) YARD:** An open space on the same lot with a principal building or group of buildings which lies between the principal building or 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 (see [Figure 4](#) below).
- (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 (see [Figure 4](#) below).
- (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 (see [Figure 4](#) below).

Figure 4. Yard Terms



## Exhibit A - Background Explanatory Memo

In your case, this means that the accessory building cannot be built between the front lot line on Renton Road and the nearest point of the main building (house). See the graphic on the following page for a display of permissible accessory building locations.



Based on the above analysis, you have three options:

**Find a suitable location in the permitted area.** Work with your design professional / contractor to evaluate the property and investigate land available to the north, south, and west of your dwelling on which you may be able to build the accessory building. Take measurements and photos to evaluate your options thoroughly.

**Apply for a variance from the Board of Zoning Appeals.** If desired, you may apply for a variance from the regulation requiring side or rear yard placement for accessory buildings (Sec. 7.202(A)). The BZA meets on the second Tuesday of each month under normal circumstances. Meetings of the BZA also require public hearings and public notification to neighboring properties. There is also a lead time required for variance applications in order to ensure this notification is done properly according to State law. Due to the COVID-19 pandemic, in-person meetings of the BZA have been put on hold. We will work with you to have your application reviewed under the best and most practical available timeframe that allows for adequate public input given the current circumstances.

As part of a variance application you will need to do the following:

## Exhibit A - Background Explanatory Memo

- Complete and submit the BZA application form included in this packet.
- Submit the required \$200 variance review fee.
- Familiarize yourself with the criteria required to be met for the BZA to grant a variance. These criteria are attached in this packet. See Section 12.403.
- You are recommended to answer write statements indicating how the standards of Section 12.403 are met with respect to your variance application:
  - o "Practical difficulty" is met because:
    - (1) 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 **because** \_\_\_\_\_;
    - (2) 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 just to others) **because** \_\_\_\_\_;
    - (3) That plight of the owner is due to the unique circumstances of the property **because** \_\_\_\_\_; and
    - (4) That the problem is not self-created **because** \_\_\_\_\_.
  - o 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 **because** \_\_\_\_\_;
  - o The requested variance will not increase the hazard of fire or flood or endanger the public safety **because** \_\_\_\_\_;
  - o The requested variance will not unreasonably diminish or impair established property values within the surrounding area **because** \_\_\_\_\_;
  - o The requested variance will not in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township **because** \_\_\_\_\_;
  - o The requested variance will not alter the essential character of the neighborhood **because** \_\_\_\_\_; and
  - o The requested 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 **because** \_\_\_\_\_;

The third and final option would be for you to initiate the Township's consideration of a **Zoning Ordinance text amendment** to alter regulations for accessory building placement. This is a process that is intended to gather significant analysis and public consideration, including a public hearing with the Van Buren Township Planning Commission and two readings by the Van Buren Township Board of Trustees. The application for a Zoning Ordinance text amendment costs \$1,500.

## Exhibit A - Background Explanatory Memo

I will look forward to hearing back from you once you have evaluated the various options. Please feel free to reach out with questions as you consider these options.

Thank you,

Dan Power, AICP  
Planning and Economic Development Director  
Department of Public Services  
Charter Township of Van Buren  
734.328.4958.

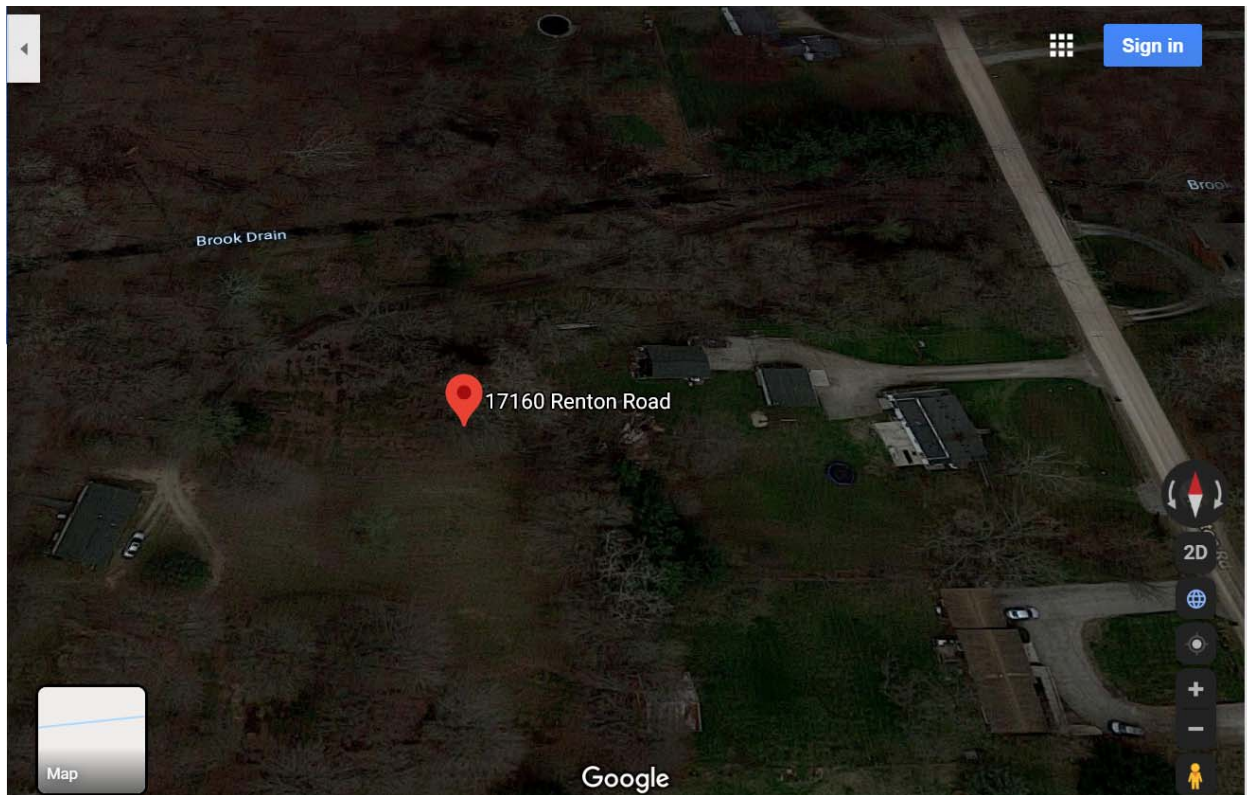
CC: Judy Fields - Van Buren Township Building Official (email only)  
Vidya Krishnan, McKenna Associates, Inc. - Van Buren Township Planning Consultant (email only)  
Matthew Best, M.S. – Van Buren Township Public Services Director (email only)



## Exhibit B – Aerial Imagery



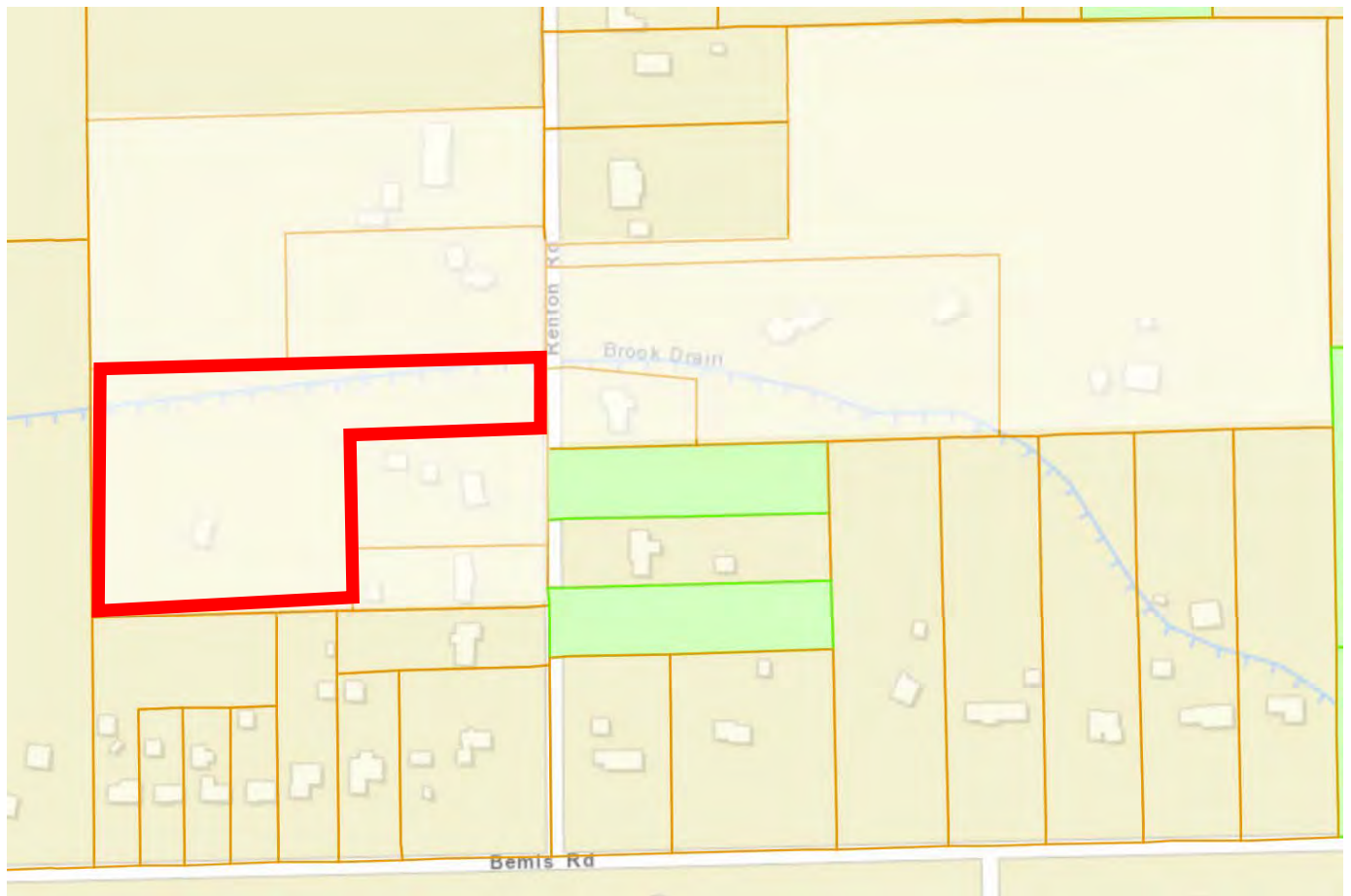
This image is courtesy of ESRI / Arc GIS Online, 2020



This image is courtesy of Google, 2020

## Exhibit C – Comparable Vicinity Dwelling Setbacks

Address	Dwelling Setback from Front Lot Line / Lot Depth (Appx.)	% of Lot Depth Occupied by Front Yard Setback (Appx.)
17000 Renton Road	167' / 760'	22%
17033	900' / 1276'	71%
17040	78' / 421'	19%
17155	346' / 731'	47%
<b>17160</b>	<b>540' / 750'</b>	<b>72%</b>
17164	93' / 320'	29%
17177	78' / 234'	33%
17200	120' / 322'	37%





## Chapter 2 Accessory Structures and Uses

Accessory structures and uses shall comply with the following regulations:

### Section 7.201 General Requirements

All accessory structures, buildings and uses shall be subject to the following regulations except as otherwise permitted in this Ordinance:

- (A) **Timing of Construction.** No accessory structure, building, or use shall be constructed or established on a parcel unless there is a principal building, structure or use being legally constructed or already established on the same zoning lot.
- (B) **Site Plan Approval.** If site plan approval is required for the principal use, then site plan approval shall also be required for accessory structures, buildings, and uses. The site plan shall indicate the location of all proposed accessory structures and uses, the existing grade and proposed finished grade, and all other information necessary to review the plan for conformance to the regulations of this Section.
- (C) **Nuisances.** Accessory buildings, structures and uses such as household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical equipment that could produce noise, odors, or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area or public area where windows and/or doors would be exposed to the nuisance.
- (D) **Act 347.** When applicable, all accessory buildings shall be constructed entirely in accordance with the Soil Erosion and Sedimentation Control Act, Act 347 of the Public Acts of 1972, as amended.
- (E) **Sanitary Code.** When applicable, all accessory buildings shall be built in accordance with the County sanitary code and be located so as not to infringe on an existing septic tank filter field or preclude the adequate area which may be required for a replacement septic tank filter field in the future.
- (F) **Located on the Same Lot as the Principal Building.** Accessory buildings and structures must be located on the same lot as a principal building and occupied by or devoted exclusively to an accessory use, including, but not limited to, a private garage. Agricultural buildings located on a farm are exempt from this requirement.

### Section 7.202 Accessory Structures and Buildings – All Districts

Unless otherwise specifically provided in this Ordinance, the following regulations shall apply to accessory structures or buildings in all zoning districts:

- (A) **Dimensional Regulations.** Unless explicitly permitted elsewhere in this Ordinance, accessory buildings and structures shall meet the following requirements:

# Exhibit D

## Article 7: General Provisions Chapter 2: Accessory Structures and Uses

**Table 3: Dimensional Regulations of Accessory Buildings and Structures**

	Attached Accessory Buildings	Detached Accessory Buildings	Detached Accessory Structures (Non-Building)
<b>Location</b>	Same as principal building.	Permitted in side or rear yard only, unless explicitly permitted elsewhere in this Ordinance.	Permitted in side or rear yard only, unless explicitly permitted elsewhere in this Ordinance.
<b>Minimum Setbacks</b>	Same as principal building.	<ol style="list-style-type: none"> <li>Zoning District Regulations: <ol style="list-style-type: none"> <li><b>In the AG, R-1A, R-2A, R-1B, R-1C, RMH and RM districts and for residential uses in non-residential districts:</b> 5 ft. setback from side or rear lot line. On double frontage or corner lots, detached accessory buildings shall comply with front yard setbacks on all street frontages.</li> <li><b>In all other districts, except as otherwise specified:</b> A detached accessory building shall meet the same setbacks required for principal buildings in the district.</li> </ol> </li> <li>Detached accessory buildings (≤768 sq. ft. floor area): 10 ft. from the principal structure.</li> <li>Detached accessory buildings (&gt;768 sq. ft. floor area): 24 ft. from the principal structure.</li> </ol>	
<b>Maximum Height</b>	Maximum height permitted for a principal building, or height of the principal building, whichever is less.	<ol style="list-style-type: none"> <li>R-1A, R-2A, R-1B, R-1C, RM, Districts: See Footnote <a href="#">(1)</a> below. The maximum height may be increased by 2 feet on lots 1 acre in area or larger.</li> <li>AG District: 20 ft. The maximum height may be increased by 2 feet on lots 1 acre in area or larger.</li> <li>All other districts: Maximum height permitted by <a href="#">Article 4</a>.</li> </ol>	<ol style="list-style-type: none"> <li>R-1A, R-2A, R-1B, R-1C, RM Districts: 14 ft.</li> <li>AG District: 20 ft.</li> <li>All other districts: Max. height permitted by <a href="#">Article 4</a>.</li> </ol>
<b>Maximum Lot Coverage</b>	Same as principal building.	<ol style="list-style-type: none"> <li>Shall be included in computations to determine compliance with maximum permitted lot coverage for the zoning district.</li> <li>The maximum lot coverage of all detached accessory buildings on any lot shall be the lesser of the following (see shed exceptions in <a href="#">Section 7.202(D)(3)</a>): <ol style="list-style-type: none"> <li>4,800 sq. ft.; or</li> <li>the maximum area permitted by the lot coverage standards in <a href="#">Article 4</a>; or</li> <li>the area of the parcel (in acres) multiplied by 1,280, subject to <a href="#">Section 7.202(D)(2)</a>.</li> </ol> </li> <li>For agricultural buildings located on a farm of at least 10 acres in the AG district, the lot coverage of all agricultural buildings may exceed the lot coverage limits above, provided the lot complies with the lot coverage standards of the zoning district.</li> <li>For non-residential uses in a non-residential zoning district, the Planning Commission may permit the lot coverage of all detached accessory buildings to exceed the lot coverage limits above, provided the lot complies with the lot coverage standards of the zoning district. The approval process for a detached</li> </ol>	If 30 inches or higher above grade, shall be included in computations to determine compliance with maximum permitted lot coverage for the zoning district.

## Exhibit D

### Article 7: General Provisions

#### Chapter 2: Accessory Structures and Uses

		accessory building that exceeds the lot coverage limits shall be the same as the approval process for the principal use to which the detached building is accessory.  <u>Example:</u> Detached accessory buildings on a 1.5 acre lot would be permitted to cover no more than $(1.5 \times 1,280) = 1,920$ sq. ft., subject to the maximum permitted lot coverage for the zoning district.	
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#### Table 3 Footnotes:

- (1) Except as otherwise permitted in this Ordinance, the maximum permitted height of detached accessory buildings in single-family and multiple-family residential districts shall be as listed in the following table:

Roof Pitch	Maximum Height
4/12 – 6/12	14 feet
6.01/12 – 8/12	16 feet
>8/12	17 feet

- (2) All detached accessory buildings shall have a roof with a minimum pitch of 4/12. Flat roofs and roofs with a pitch less than 4/12 are prohibited; however, a shallower roof pitch may be permitted to exactly match the roof pitch of the principal structure.

- (B) **Appearance and Materials.** Accessory structures and buildings shall meet the following standards:

- (1) **Appearance.** Accessory structures and buildings shall be designed and constructed to be compatible with the design and construction of the principal building on the site. Compatibility includes similarity of architectural features including, but not limited to, roof pitch, windows, facades, and building material appearance. Accessory buildings attached to a single family dwelling shall also comply with the Single Family Residential Architectural Design Standards included in [Section 5.115](#) of this Zoning Ordinance.

- (2) **Concrete Floor and Rat Wall.** Any accessory building located on a single family residential zoned lot with a lot area less than 2.5 acres with a residential principal use shall have a concrete floor or pad and a rat wall.

- (C) **Specific Requirements for Attached Accessory Structures and Buildings.** Accessory structures and buildings which are attached to the principal building or structure via a completely enclosed area with a finished floor or via shared wall construction (an unenclosed breezeway is not a sufficient attachment) shall be considered part of the principal building or structure, and shall meet all requirements of this Ordinance for the principal building or structure, except to the extent the requirements are inconsistent with [Section 7.202\(A\)](#).

- (D) **Specific Requirements for Detached Accessory Buildings.** Detached accessory buildings shall comply with the following:

- (1) **Scenic Lots.** On a scenic lot, a detached accessory building may be erected on the street frontage of the lot except that the required setback from the street frontage shall be a minimum of 35 feet.

## Exhibit D

### Article 7: General Provisions

#### Chapter 2: Accessory Structures and Uses

- (2) **Detached Garages on Smaller than 18,000 Square Foot Lots.** It is the intent of this Ordinance to permit each single family residential dwelling unit to have a detached garage. The detached accessory building lot coverage regulations in [Section 7.202\(A\)](#) limit the floor area of detached accessory buildings, including detached garages.

In order to permit detached garages on lots smaller than 18,000 square feet, a principal single family residential dwelling unit without a garage (either attached or detached) may be permitted to construct a detached garage up to 528 square feet in floor area, provided that all other requirements of this Ordinance are met.

- (3) **Detached Shed Exemptions.** In residential and agricultural districts, one (1) detached accessory building of up to one hundred twenty (120) square feet may be permitted in addition to the permitted lot coverage as described in [Section 7.202\(A\)](#). No permit shall be required for an accessory building of one hundred twenty (120) square feet or less, but the accessory building will still be required to meet the setback, height, and location standards in [Section 7.202\(A\)](#) and all other applicable standards of this ordinance.
- (4) **Lot Coverage.** All detached buildings, except as otherwise specified, shall be considered when calculating compliance with the permitted lot coverage as described in [Section 7.202\(A\)](#).

### Section 7.203 Accessory Structures or Buildings - Residential and Agricultural Districts

The following regulations shall apply to accessory structures or buildings located in Residential and Agricultural zoning districts (including R-1A, R-2A, R-1B, R-1C, RM, and AG Districts).

- (A) **Use of Accessory Structures.** Attached and detached accessory structures in Residential Districts shall not be used as dwelling units or for any business, trade, profession, or occupation.
- (B) **Prohibited Accessory Structures.** The following accessory structures and buildings are prohibited in Residential and Agricultural Zoning Districts:
- (1) Accessory buildings and structures which are principally constructed of clear plastic, glass, or membrane type materials shall be prohibited in Residential Districts, except as specifically permitted under [Section 7.203\(E\)](#).
- (2) Temporary carports.
- (C) **Permitted Yard Encroachments.** The following accessory structures and buildings may be constructed in yard setbacks in Residential Districts, subject to the following requirements:
- (1) **Open Decks, Paved Terraces and Patios in the Rear Yard Setback.** Open decks, paved terraces and patios which have no roof or other projections above any required railing and which are at or below the finished first floor level of the building may encroach up to ten (10) feet into the required rear yard setback area on any lot, provided that in no case may any paved terrace, patio, deck, or other similar structure be located closer than 25