

**CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS AGENDA
Wednesday, February 9, 2021 – 7:00 PM
REMOTE MEETING –AGENDA**

To reduce the spread of COVID-19, protect the public health, and provide essential protections to Van Buren Township residents; this Van Buren Township's scheduled regular Board of Zoning Appeals meeting will be conducted remotely.

- Join by weblink: <https://zoom.us/j/97142980009>
- Or dial in by phone: 1 929 436 2866
- Webinar ID: 971 4298 0009

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

BZA Chair Aaron Sellers	—	BZA Alternate Member Charles Larocque	—
BZA Vice-Chair Amos Grissett	—	Planning Commission Alternate Representative	—
BZA Secretary / Planning Commission	—	Medina Atchinson	—
Representative Jeffrey S. Jahr	—	Recording Secretary Tammy Dohring	—
BZA Member / Trustee Kevin Martin	—	Director Dan Power	—
BZA Member John Haase	—	Executive Assistant Elizabeth Renaud	—
BZAA Member John Herman	—	Director Matthew Best	—

ACCEPTANCE OF AGENDA

1. Agenda Revisions

APPROVAL OF MINUTES: Approval of minutes from December 8, 2020

CORRESPONDENCE

PUBLIC HEARING (for non-new business items)

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

UNFINISHED BUSINESS

NEW BUSINESS

1. Election of Officers for 2021

2. Case Number: 21-006 – Neapco Drivelines on behalf of owner Van Buren Ind. Investors, LLC

Location: 6735 Haggerty Road (tax parcel ID 83 002 99 0026 704), zoned M-1, Light Industrial:

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

Maximum lot coverage limits of Section 4.102 (Schedule of Regulations) of the Zoning Ordinance, which limits the total lot coverage, or part of a lot occupied by buildings or roofed structures including accessory buildings or structures in the M-1 Zoning District:

- **Required:** The maximum lot coverage shall be 35%.
- **Proposed:** 35.92% lot coverage with +/- 711,179-sq. ft. of building area on a +/- 45.44 acre lot including a proposed canopy addition.

- 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.

3. Case Number: 21-005 – Clover Communities Van Buren LLC

Location: 8740 Belleville Road. Parcel ID# 83 036 99 0002 702, zoned C-2 – Extensive Highway Business District.

Request: Interpretations by the Board of Zoning Appeals (BZA) of the definition of “Usable Floor Area” as described in the following Section of the Charter Township of Van Buren Zoning Ordinance:

- Section 5.143 Senior Housing
- (D) Required Minimum Usable Floor Area in Square Feet Per Dwelling Unit.
 - (1) Independent Living Units: Efficiency/studio and one-bedroom dwelling units: 650 square feet; Two-bedroom dwelling units: 850 square feet.

Interpretations for which appeals are sought:

- **Balconies** are not intended to be credited toward usable floor areas of dwelling units for purposes of meeting minimum usable floor area requirements.
- **Communal living spaces** are not intended to be credited toward usable floor areas of dwelling units for purposes of meeting minimum usable floor area requirements.

- 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 December 8, 2020
DRAFT MINUTES

Prior to the start of the meeting, the public was given instructions on how to take part in the meeting.

The meeting was called to order at 7:02 pm via Zoom by Vice Chairperson Amos Grissett.

PLEDGE OF ALLEGIANCE

ROLL CALL:

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

Absent Excused: Martin, Sellers

Staff: Power, Dohring

Audience: 0

REVISION OF AGENDA: Haase motioned; Herman seconded to remove the New Business item #2 Election of Officers to the January 2021 meeting.

Director Power clarified that with Donald Boynton being elected to the Township Board of Trustees, Bryon Kelley will assume the role of the Planning Commission Representative for membership and voting purposes.

ROLL CALL:

Yeas: Herman, Haase, Larocque, Kelley, Grissett

Nays: None

Absent: None

Motion Carried

ACCEPTANCE OF AMENDED AGENDA: Haase motioned, Herman seconded to accept the amended agenda.

ROLL CALL:

Yeas: Herman, Haase, Larocque, Kelley, Grissett

Nays: None

Absent: None

Motion Carried

APPROVAL OF MINUTES:

Herman motioned; Haase seconded to approve the minutes from the August 11, 2020 meeting.

ROLL CALL:

Yeas: Herman, Haase, Larocque, Boynton, Kelley, Grissett, Sellers

Nays: None

Absent: None

Motion Carried

CORRESPONDENCE: None

NEW BUSINESS:

Sellers motioned, Haas seconded to open New Business.

CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS
Tuesday December 8, 2020
DRAFT MINUTES

ROLL CALL:

Yeas: Herman, Haase, Larocque, Kelley, Grissett, Sellers

Nays: None

Absent: None

Motion Carried

NEW BUSINESS

1. 2021 Meeting Schedule

Herman motioned to accept the 2021 Meeting Schedule as presented, Sellers seconded.

ROLL CALL:

Yeas: Herman, Haase, Larocque, Kelley, Grissett, Sellers

Nays: None

Absent: None

Motion Carried

BOARD DISCUSSION

Director Power covered a few highpoints of the BZA's roles, listed in the packet provided. He also mentioned that fewer trainings for the members were offered this past year due to the Pandemic, but in 2021 that will improve. Commission inquired whether further training would be different from previous training. Director Power responded that the MAP tries to keep the training up to date and changing based on current trends. Commission asked if training was available for distance learning, Director Power stated that most of them are available online. Commission asked about re-appointments, Director Power stated that was handled thru the Supervisors office.

Commission inquired about status of the senior housing project, Director Power responded that the BZA's role for that project has been completed, and currently it has been tabled thru the Planning Commission for review at a future Planning Commission meeting.

Herman motioned to open public hearing, Haase seconded.

ROLL CALL:

Yeas: Herman, Haase, Larocque, Kelley, Grissett, Sellers

Nays: None

Absent: None

Motion Carried

No Comments

Haase motioned to close public hearing, Sellers seconded

ROLL CALL:

Yeas: Herman, Haase, Larocque, Kelley, Grissett, Sellers

Nays: None

Absent: None

Motion Carried

CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS
Tuesday December 8, 2020
DRAFT MINUTES

Sellers motioned, Haase seconded to adjourn meeting 7:33 pm.

ROLL CALL:

Yeas: Herman, Haase, Larocque, Kelley, Grissett, Sellers

Nays: None

Absent: None

Motion Carried

Respectfully submitted,

Tammy Dohring, Recording Secretary



MEMO

TO: Van Buren Township Board of Zoning Appeals

FROM: Dan Power– Director of Planning and Economic Development

RE: Election of Officers

DATE: February 4, 2021

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 2020 Officers are as follows:

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

Subsequently, the Planning Commission voted to nominate Medina Atchinson and Jeffrey Jahr as the primary and alternate liasons to the BZA. This will require accounting for the vacancy in Bryon Kelley's role as Secretary. A new Secretary will need to be nominated.

Typically the process for electing officers requires a nomination, a support of that nomination, and a vote on the nomination. These positions will be filled through 2021. Please feel free to contact me with any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Power', with a stylized flourish at the end.

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



Case number _____
Dated submitted _____

Board of Zoning Appeals Application

APPLICANT INFORMATION

Applicant Neapco Drivelines (Alan Siemasz) **Phone** 734-447-1317
Property Owner (if different than applicant) Van Buren Industrial Investors, LLC **Phone** 248-644-7600
Address 6735 Haggerty Road **Fax** _____
City, State Van Buren Twp. MI **Zip** 48111 **E-Mail Address** asiemasz@neapco.com

SITE INFORMATION

Property Location: On the East Side of Haggerty Road; Between Van Born Road and Ecorse Road. **Size of Lot** Width 1630'± Depth 1290'± Acreage 45.44
Date Property Acquired and the Type of Ownership 1998 - LLC
State all deed, subdivision improvement and property restrictions in effect at this time, together with dates of expiration:
NA

VARIANCE REQUEST

Variance to Zoning Ordinance Section (s) 4.102 Sch. Regs. Max. Lot Coverage 35%
Explanation of the Practical Difficulty of the Property as defined in Section 19.07 Per Section 12.403
See Attached Narrative
Explanation of request for Administrative Review Interpretation See Attached Narrative

VAN BUREN INDUSTRIAL INVESTORS, L.L.C.,
a Delaware limited liability company
By: VBI INVESTORS, L.L.C.,
a Michigan limited liability company
Its: Regular Managing Member
By: VAN BUREN INDUSTRIAL INVESTORS-MM, INC.,
a Michigan corporation
Its: Manager
By: Anthony G. Antone, Esq.
Its: Vice President

ON

g and proposed setbacks

1/15/21
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 15 day of January 2021
Grace Millard Notary Public, Macomb County, Michigan

My Commission expires 3/11, 2025



Rev 9/8/08



MEMO

TO: Van Buren Township Board of Zoning Appeals (BZA)
FROM: Dan Power– Director of Planning and Economic Development
RE: Neapco Drivelines Dimensional Variance Request
DATE: February 3, 2021

Neapco Drivelines is requesting to have up to +/- 35.9% of the parcel located at 6735 Haggerty Road (parcel ID number 83 002 99 0026 704) covered by roofed structures. This is contrary to the 35% lot coverage limit in the M-1 – Light Industrial zoning district. The source of this request is a site plan which includes a proposed +/- 20,379 square feet (-sq. ft.) roofed canopy addition onto a building at a site which contains two (2) existing buildings with a combined footprint of 690,000-sq. ft. for a total combined footprint of +/- 711,179 sq. ft. on the 45.44-acre parcel.

The intent of the lot coverage limits under Section 4.102 of the Zoning Ordinance is to limit the over-building of sites, with respect to preservation of open space, stormwater runoff, and overall use intensity. The applicant's materials speak to the fact that the proposed roofed structure will cover spaces that are currently used for outdoor storage. The BZA may consider as part of their review whether covering such spaces with a roofed structure contributes to a significant increase in use intensity. Regardless of this finding, lot coverage, as defined in Section 2.102(119) of the Van Buren Township Zoning Ordinance, refers specifically to *the part of a lot occupied by buildings or roofed structures*, and roofed structures are therefore limited under the Zoning Ordinance in a way that open storage is not. The addition of a roofed structure in this case therefore warrants a variance or an alternate land use solutions that are otherwise unwarranted by the site's existing open storage area.

As part of their decision, the BZA should consider the full set of factors contributing to establishing *practical difficulty* and *standards for approval for granting a variance*. The BZA should carefully review the Principal Planner's letter dated January 27, 2021, along with application materials including a completed application form, narrative, and site plan drawings from the applicant and any preliminary comments received from Planning Commissioners regarding this request. I strongly recommend that the BZA should state findings related to their decision which refer to *practical difficulty* criteria and *standards for approval for granting a variance* as part of their motion for approval or denial.

I look forward to assisting with this review.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dan Power".

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

CC: Vidya Krishnan – Van Buren Charter Township Principal Planner / Planning Consultant –
McKenna Associates
Matthew Best, M.S. - Public Services Director, Van Buren Charter Township
Alan Siemasz – Neapco Drivelines
Kris Benson – James S. Jacobs Architects, PLLC



MCKENNA

January 27, 2021

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

Subject: NEAPCO Drivelines/6735 Haggerty Road/Variance Review; Application dated 1/15/2021.

Dear Board Members:

We have reviewed the above referenced application submitted by Alan Siemasz on behalf of NEAPCO Drivelines for the construction of an addition for outdoor storage at their existing facility located at 6735 Haggerty Road. The proposed addition requires a variance from lot coverage standards for the district. The following are our review comments based on the criteria in the Zoning Ordinance and the information provided:

File Number: VBT-21-006

Parcel Size and Tax ID: 45.44 acres/Parcel ID# 83 002 99 0026 704

Property Owner: Van Buren Industrial Investors LLC.

Zoning and Existing Use: M-1, Light Industrial District.

Project Description: The applicant is proposing to construct a 20,379 square foot addition to a site with an existing combined building footprint of 690,800 square feet, for a total combined proposed building footprint of 711,179 square feet.

Notice: Notice for the public hearing was published in the Belleville Independent on January 21, 2021 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 January 19, 2021.

Variance Request:

Section 4.02. Schedule of Regulations. M-1 (Light Industrial) Zoning District:

Permitted: Maximum Lot Coverage of 35%

Existing: Lot coverage of 34.90%

Proposed: Lot Coverage of 35.92%

Variance: To exceed lot coverage by 0.92% or 18,401 square feet.

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM

Communities for real life.



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 site is currently zoned M-1 and allows for a lot coverage of 35%, which is consistent with lot coverage for industrial districts in most communities. At the time the site was built on, the applicant maximized the lot coverage to almost the maximum permitted amount, resulting in the construction of a 711,179 square foot building. The applicant was granted approval for outdoor storage in 2008. At this time, the applicant proposes the construction of a canopy addition to protect the containers and outdoor storage from the weather.

The applicant's justification in requesting the variance is that the addition is essential for their business, and is concealed behind the building and not within any sightlines. The applicant contends that not allowing for the variance will prevent 'reasonable' use of the property. While we understand the applicant's desire to have an addition, the applicant was never denied the right to use the property as desired. The applicant maximized their lot coverage and subsequently got approved for outdoor addition too, as noted above. The entity that owns the subject site also owns the large vacant parcel to the west of the subject site with frontage onto Haggerty Road. We had previously suggested that compliance to Ordinance standards can be accomplished through acquisition of a small/narrow piece of that parcel. The applicant/property owner would not consider that option for financial reasons. Therefore, the request does not meet this standard set by State Law. The lack of compliance at this time results from the applicant's desire to have covered storage and for purely financial reasons.

- 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).**

Approval of the variance will provide substantial justice to the applicant and is not adverse to the interest of other property owners with regard to light, air view and other quality of life elements. However, approval of a variance for lot coverage without adequate justification is contrary to the interest of the Zoning Ordinance and is likely to set a precedent for similar requests from other property owners.

- 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 applicant states that the parcel is constrained by the Bell Drain to the north and a developed property to the south. The Bell Drain existed prior to any construction on this site and there are similar drains all over the Township traversing various residential, commercial and industrial areas. This is not a unique situation. The possibility of expansion still lies to the west, through the acquisition of a relatively small piece of land, which the applicant/property owner has objected to for financial reasons.



4) That the problem is not self-created.

The need for the variance from lot coverage requirements is entirely self-created by the applicant's desire to have a 'cover' over approved outdoor storage to meet their operational needs. While we acknowledge that uses have changing needs and frequently make business decisions to accommodate growth, the site **was** originally built to maximize coverage. The applicant's desire to have a larger covered area on the site at this time is a self-created hardship.

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 impair an adequate supply of light and air to adjacent property or increase the congestion in the public streets. The proposed addition is located on the rear of the building and is concealed from view on the east side by another building. The number of spaces or traffic to and from the site will not be impacted by the variance requested.

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

The proposed variance is not likely to increase the hazard of fire or flood or endanger the public safety. The proposed 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.

Approval of a variance from lot coverage requirements is not likely to have a detrimental effect on the quality of development and property values of the surrounding industrial parcels.

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

Granting of the variance is not likely to adversely impact public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

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

The requested variance will essentially increase the intensity of development on the site by allowing for lot coverage that exceeds long established standards. Granting of the variance without due reason, will set a precedent for similar request in the future which can, over time, alter the character of the neighborhood.

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 lot coverage requirements are essential to prevent over-building on a site. Expansion in the operations of a business that necessitates additional square footage should also involve and increase in land area. Seeking a deviation from an ordinance standard to support business expansion is not proper planning and is contrary to the intent of the Zoning Ordinance.

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 **deny** the variance requested by NEAPCO Drivelines for the property located at 6735 Haggerty Road.

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

1. Strict compliance with the ordinance standards will result in a much smaller addition.
2. Compliance with Ordinance standards can be achieved through acquisition of a small portion of land from the abutting property to the west which the applicant is not desirous of for financial reasons.
3. The applicant previously received approval for outdoor storage. The need for variance solely arises due to the applicant's need to provide weather protection for the storage.
4. The variance would provide substantial justice to the applicant but is adverse to the intent of the Zoning Ordinance.
5. There are no unique circumstances associated with the parcel that would justify a deviation from lot coverage standards.
6. The problem necessitating the variance is self-created.
7. Granting of the variance is likely to set a precedent for similar requests from other industrial parcels.
8. The proposed variance is related to the valid exercise of police power.
9. The variance is not likely to impair light and air to adjacent property or increase the congestion in the public streets.
10. The variance is not likely to increase the hazard of fire or flood or endanger the public safety.
11. The variance is not likely to diminish property values.
12. The variance is not likely to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.
13. The variance could possibly alter the character of the neighborhood by setting a precedent for over-built parcels.
14. Approval of the variance without adequate justification is contrary to sound planning principles.

Respectfully submitted,

McKENNA

Vidya Krishnan
Principal Planner

Cc: Dan Power, Director of Planning and Economic Development
Matthew Best, Director of Public Services

Exhibit “A” - Variance Narrative

Explanation of the Practical Difficulty of the Property as defined in Section 12.403:

NEAPCO, to comply with safety standards, outside influenced production demands, and growth of their business at this location are proposing an unoccupied, open-air, roofed canopy addition to the structure to provide shelter over the outdoor storage/truck dock area. Approval of the outdoor storage in the truck dock area was granted in 2008. For Safety and screening purposes an open air, covered canopy is proposed over a portion of this area that, by ordinance definition, contributes to total lot coverage. With the proposed area necessary for the facility operations the lot coverage would be 35.9%. A variance of .9% is therefore being requested.

1. Strict Compliance with density in this case unreasonably prevents NEAPCO from using the property to provide adequate protection of the outdoor storage/truck dock area as noted above. These reasons are not financially driven as the costs involved in constructing this addition are quite substantial. They are driven by concern for safety of the end user, protection of the stored materials, and industry demands.
2. Granting of this variance would do substantial justice to NEAPCO by rendering this location continued viability for their business needs to continue operations at this location. Consequently, this provides justice to the other property owners in the district by keeping the site occupied and maintaining or increasing the property value for the area.
3. The plight of the applicant is due to the unique circumstances of the property. It is bordered by a public storm drain to the north (Bell Drain) and a developed property to the south and cannot expand to acquire the additional property required to fully comply with the 35% lot coverage required by section 4.102 Schedule of Regulations Maximum Lot Coverage. Approval of the outdoor storage in the truck dock area was granted in 2008.
4. The problem is not self-created in the sense that the business needs have expanded to comply with industry demands. To keep this facility and viable for production needs, safety of the user, and protection of personal property at this location it has become necessary for this expansion. The ordinance defined lot coverage as a roofed structure. If this was an open air but sided structure for the same purpose it would be permitted as a screened outdoor storage area and would have more impact on density than the open sided roofed canopy proposed. These are factors beyond NEAPCO's control. They are seeking the minimum variance required to meet their operational needs.

Explanation of request for Administrative Review Interpretation:

The purpose of the proposed structure is to semi-screen and protect the stored material containers from weather. The addition does not reduce or disturb any green space on the site. Its unique placement between two prominent structures screened from public view has little to no impact on the open feel of the developed site. This is not intended to be an occupied structure and would be otherwise permitted if the sides were to be enclosed with no roof.

The current lot coverage is 34.9 percent which would limit the permitted expansion of 1,978 square feet. The proposed area is 20,379 square feet required to provide adequate shelter of the storage/truck dock area needed to maintain NEAPCO's operations at this location.

This relatively minor variance will:

1. Allow the business valid exercise of the police power and purpose of the current and proposed use or activity at this location without relocation.
2. The proposed location of the roofed canopy structure will not impair an adequate supply of light and air to adjacent property or increase congestion in public streets.
3. All fire lanes, traffic lanes, and landscape features are to be maintained and the materials stored under the proposed structure are non-hazardous, non-combustible materials and pose no increased hazard of fire or flood or endanger the public safety.
4. The proposed addition is anticipated to increase the property value and therefore would not unreasonably diminish or impair established property values within the surrounding area.
5. The proposed canopy addition to screen the outdoor storage and dock area within this portion of the site will provide added safety to the occupants, protection of the stored materials, and will not in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.
6. The proposed structure is in character with the existing construction and in concert with, and will not alter, the essential character of the neighborhood. Further, we believe it will;
 - a. Positively impact the environment by minimizing the use of natural resources by extending the usable life of racks made of steel and plastic, thus reducing the demand for new racks.
 - b. Allow the business to continue to conduct onsite activities in a manner protective of the environment by further inhibiting storm water contact with exterior storage and loading and unloading areas.
 - c. Reduce the area of the site exposed to snow and ice, thereby reducing the area that needs to be plowed and salted in winter months. Road salt usage and runoff of salt into the storm water catch basins and onsite detention pond will be reduced.
 - d. Reduce the risk of serious employee injury and machinery damage in the facility from slip and falls, forklifts slipping and sliding due to water on the floor from rainwater and

snow and ice that accumulate on the racking that is stored outside. Which then the racking has to be brought inside to be used in our manufacturing process.

7. This variance, if approved, is necessary to meet the intent and purpose of the zoning regulations; is related to the standards established in the ordinance for land use or activity under consideration, and is necessary to ensure compliance with those standards.

ZONING INFORMATION

ZONED: M-1 LIGHT INDUSTRIAL

M-1 ZONING REQUIREMENTS

MIN. LOT AREA = NONE
ACTUAL = 45.44± ACRES (GROSS & NET)
MIN. LOT WIDTH = NONE
ACTUAL = 1632.0'±
MIN. LOT DEPTH = NONE
ACTUAL = 1242.0'±
MAX. BUILDING HEIGHT = STORIES 2.5' HEIGHT = 30.0' (FOOT NOTE 5)
ACTUAL = TWO STORY, 36.5' HT.
MIN. FRONT YARD SETBACK = 50.0'
ACTUAL = 319.0'± TO HAGGERTY ROAD
82.0'± TO PROPERTY
MIN. SIDE YARD SETBACK = 40.0' FOR ONE, 80.0' TOTAL FOR TWO
ACTUAL = 387.0'± (NORTH SIDE)
154.0'± (SOUTH SIDE)
MIN. REAR YARD SETBACK = 40.0'
ACTUAL = 109.0'±
MIN. FLOOR AREA = NONE
PROPOSED = 711,714 S.F.
MAX. LOT COVERAGE = 35%
PROPOSED = 35.4%

PRINCIPAL PERMITTED USES

ZONED: M-1

PER SECTION 3.115

EXISTING USE - MANUFACTURING AND PROCESSING (LIGHT)
PROPOSED USE - SAME (PERMITTED USE)

PER SECTION 5.101 ACCESSORY OUTDOOR INDUSTRIAL STORAGE
OUTDOOR STORAGE MAXIMUM HEIGHT = 24.0'

FLOOD ZONE INFORMATION

INFORMATION FROM:
FLOOD INSURANCE RATE MAP
MAP NUMBER: 2616SC0215E
DATED: OCTOBER 02, 2012
ZONE: X - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

WETLAND NOTE

PER RESEARCHING THE NATIONAL WETLANDS INVENTORY MAP THE ONLY WETLANDS SHOWN ON OR NEAR THIS SITE ARE CONTAINED WITHIN THE BANKS OF BELL DRAIN. NO OTHER WETLANDS HAVE BEEN IDENTIFIED ON THIS SITE.

BUSINESS INFORMATION

SEVERAL BUSINESSES ARE LOCATED ON THIS SITE.

NO CHANGES ARE BEING PROPOSED TO ANY OF THE BUSINESS HOURS OF OPERATIONS OR EMPLOYEE COUNTS.

UTILITY NOTE

ALL EXISTING UTILITIES (SANITARY SEWER, MUNICIPAL WATER, GAS, ELECTRIC, CABLE, PHONE, ETC.) SHALL REMAIN AS IS. NO CHANGES TO THESE UTILITIES IS PROPOSED.

ANY UTILITY PROPOSED FOR THE PROPOSED TRUCK WELL CANOPY WILL BE SERVICED FROM THE ADJACENT BUILDING.

NO NEW ON-SITE UTILITIES ARE PROPOSED.

SIGNAGE NOTE

NO NEW SITE SIGNAGE IS BEING PROPOSED WITH THIS SITE PLAN SUBMITTAL.

ALL EXISTING SIGNAGE SHALL REMAIN AS IS.

SOIL CHARACTERISTICS

PER ON-LINE WEB SOILS SURVEY WEB SITE
THE MAJORITY OF THE SITE IS:
PE - PENNAMO LOAM

WITH SMALL AREAS OF:
MaA - METAMORA SANDY LOAM, 0 TO 3% SLOPES
BFA - BLOUNT LOAM, ERIE-HURON LAKE PLAIN 0 TO 2% SLOPES
Co - CORUNNA FINE SANDY LOAM
Ma - METAMORA SANDY LOAM, 0 TO 3% SLOPES

REFUSE / DUMPSTER

4 EXISTING ENCLOSED TRASH ENCLOSURES REMAIN WITH NO CHANGES.

ALL CONSTRUCTION DEBRIS TO BE PICKED UP WEEKLY OR AS NEEDED.

CONSTRUCTION SCHEDULE

PROPOSED WORK FOR TRUCK WELL CANOPY TO BE COMPLETED IN A SINGLE PHASE OF WORK.

NO CHANGES ARE PROPOSED TO THE EXISTING TOPOGRAPHY. A PARTIAL SURVEY OF THE AREA OF DEVELOPMENT HAS BEEN INCLUDED FOR REFERENCE.

LANDSCAPING NOTE

PROPERTY OWNER AGREES TO SEASONAL MAINTENANCE PROGRAM AND WILL REPLACE ALL DISEASED, DEAD OR DAMAGED PLANTS, REPLENISH MULCH, CONTROL WEEDS, FERTILIZE AND PRUNE BEGINNING UPON COMPLETION OF CONSTRUCTION OF LANDSCAPING.

HAZARDOUS MATERIAL NOTE

THE ARCHITECT'S SCOPE OF SERVICES DOES NOT INCLUDE ANY SERVICES RELATED TO ASBESTOS, LEAD, HAZARDOUS, OR TOXIC MATERIALS. IN THE EVENT THE CONTRACTOR OR ANY OTHER PARTY ENCOUNTERS ASBESTOS, HAZARDOUS, OR TOXIC MATERIALS AT THE JOB SITE, OR SHOULD IT BECOME KNOWN IN ANY SUCH WAY THAT MATERIALS MAY BE PRESENT AT THE JOB SITE OR ANY ADJACENT AREAS THAT MAY AFFECT THE PERFORMANCE OF THE CONTRACTOR'S SERVICES, THE CONTRACTOR SHALL NOTIFY THE OWNER WHO SHALL RETAIN APPROPRIATE SPECIALIST CONSULTANTS OR CONTRACTORS TO IDENTIFY, ABATE AND/OR REMOVE THE ASBESTOS, HAZARDOUS, OR TOXIC MATERIALS AND WARRANT THAT THE JOB SITE IS IN FULL COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS.

ALL NEW MATERIAL PROVIDED SHALL BE FREE OF ASBESTOS, LEAD, HAZARDOUS, OR TOXIC MATERIALS. UPON COMPLETION OF THE PROJECT THE CONTRACTOR SHALL PROVIDE THE OWNER WITH A WRITTEN AFFIDAVIT AS PROOF OF COMPLIANCE.

PARKING REQUIREMENTS

INDUSTRIAL
(1) INDUSTRIAL ESTABLISHMENTS, LIGHT MANUFACTURING, ASSEMBLY, PRODUCTION, AND PROCESSING, AND RELATED ACCESSORY OFFICES.

FIVE (5), PLUS EITHER ONE (1) PER EACH 550 SQ. FT. GROSS FLOOR AREA OR ONE PER EACH EMPLOYEE AT PEAK SHIFT, WHICHEVER IS GREATER.

NO PROPOSED CHANGES TO EMPLOYEE COUNTS WITH THE PROPOSED CANOPY ADDITION

EXISTING 603 PARKING SPACES INCLUDING 14 HANDI-CAP SPACES.

LOADING / UNLOADING

OVER 50,000 S.F. REQUIRE THREE (3) LOADING SPACES PLUS ONE (1) SPACE FOR EACH 50,000 S.F. IN EXCESS OF 50,000 S.F.

EACH SPACE = 10.0' x 50.0'

EACH MAIN BUILDING = 345,400 S.F.
345,400 / 50,000 = 245,400
245,400 / 50,000 = 5.8 ~ 6 SFA

3 + 6 = 9 SFA PER BUILDING

EACH BUILDING HAS A MINIMUM OF 50 TRUCK DOCKS FOR LOADING AND UNLOADING.

OUTDOOR STORAGE NOTE

PER LETTER DATED SEPTEMBER 3, 2008 FROM: DANIEL E. SWALLOW, DIRECTOR OF PLANNING TO: RAY ADAMCZYK, NEAPCO
PER THE SITE PLANS DATED: 8-04-08
OUTDOOR STORAGE FOR THIS SITE IS PERMITTED

TRUCK WELL CANOPY ADDITION FOR:
NEAPCO DRIVELINES, LLC
6735 HAGGERTY ROAD • VAN BUREN TOWNSHIP • MICHIGAN 48111



LEGAL DESCRIPTION

PROPERTY ID #83-002-44-0026-104

COMMON ADDRESS: 6735 HAGGERTY ROAD
VAN BUREN TOWNSHIP, MI 48111

REAL PROPERTY LOCATED IN THE TOWNSHIP OF VAN BUREN, COUNTY OF WAYNE, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

LAND IN THE PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 SECTION 1, AND PART OF THE SOUTHWEST 1/4 OF SECTION 1, TOWN 3 SOUTH, RANGE 8 EAST, VAN BUREN TOWNSHIP, WAYNE COUNTY, MICHIGAN, COMMENCING AT THE WEST 1/4 POST OF SAID SECTION 1; THENCE ALONG THE WEST LINE OF SECTION 1 AND CENTERLINE OF HAGGERTY ROAD, SOUTH 01°31'58" EAST 667.45 FEET; THENCE SOUTH 84°34'33" EAST 60.02 FEET TO THE POINT OF BEGINNING.

THENCE ALONG THE EAST LINE OF HAGGERTY ROAD, PARALLEL TO AND 60 FEET EAST OF THE WEST SECTION LINE, NORTH 1°31'58" WEST 314.72 FEET;
THENCE SOUTH 84°34'41" EAST 230.38 FEET;
THENCE NORTH 01°31'58" WEST 234.46 FEET;
THENCE SOUTH 84°34'41" EAST 0.15 FEET;
THENCE NORTH 01°31'58" WEST 118.27 FEET;
THENCE NORTH 84°34'41" WEST 0.15 FEET;
THENCE NORTH 01°30'41" WEST 424.75 FEET;
THENCE NORTH 84°34'41" WEST 230.38 FEET TO THE EAST LINE OF HAGGERTY ROAD; THENCE ALONG THE EAST LINE OF HAGGERTY ROAD, NORTH 01°30'41" WEST 540.43 FEET;
THENCE NORTH 84°46'03" EAST 1242.36 FEET;
THENCE SOUTH 01°55'43" EAST 1023.45 FEET;
THENCE SOUTH 84°34'41" EAST 6.26 FEET TO THE WEST LINE OF INTERSTATE I-275 HIGHWAY;
THENCE SOUTH 01°54'06" EAST 315.55 FEET;
THENCE SOUTH 01°03'54" WEST 351.87 FEET;
THENCE NORTH 84°34'33" WEST 1242.44 FEET BACK TO THE POINT OF BEGINNING.

PARCEL CONTAINING 45.440 ACRES OF LAND MORE OR LESS



PROPOSED CANOPY LOCATION

GENERAL NOTES

1. DRAWINGS ARE SCHEMATIC. ACTUAL CONDITIONS AFFECTING THIS WORK ARE TO BE VERIFIED IN THE FIELD. DO NOT SCALE DRAWINGS, EXISTING AND PROPOSED LAYOUTS BASED ON OWNER PROVIDED SKETCHES AND CAD DRAWING.
2. THE ARCHITECT IS NOT RESPONSIBLE FOR MEANS AND METHODS UTILIZED IN THE EXECUTION OF THE WORK.
3. SECURE AND PAY FOR ALL PERMITS, INSPECTIONS, TESTS, ETC., AS REQUIRED FOR THE WORK UNDER THIS CONTRACT.
4. CONTACT PUBLIC UTILITIES AND COORDINATE WORK WITH PUBLIC REQUIREMENTS AND INSTALLATIONS. CONTACT "MISS DIG" (811) PRIOR TO START OF OPERATIONS.
5. PROVIDE ANY MEANS NECESSARY TO ENSURE SAFETY TO EMPLOYEES, VISITORS TO THE SITE, AND THE GENERAL PUBLIC.
6. WORK RELATING TO DISTURBANCE OF EXISTING HAZARDOUS MATERIALS, SUCH AS ASBESTOS, PCB, LEAD, ETC., IS NOT WITHIN THE SCOPE OF THIS WORK. IF CONTRACTOR ENCOUNTERS MATERIALS KNOWN OR SUSPECTED TO CONTAIN A HAZARDOUS PRODUCT, HE/SHE SHALL ADVISE THE OWNER OF THE FINDINGS FOR DETERMINATION OF PROPER DISPOSITION. ANY SUCH HAZARDOUS MATERIALS SHALL NOT BE INCORPORATED IN THIS WORK.
7. UNLESS OTHERWISE APPROVED BY OWNER, FURNISH ONLY NEW MATERIALS OF GOOD QUALITY FOR INCORPORATION INTO THIS WORK.
8. EQUIPMENT AND FINISH MATERIAL COLOR SELECTION BY THE OWNER.
9. CONTRACTOR SHALL BE RESPONSIBLE TO REPAIR ALL SURFACES AND COMPONENTS DAMAGED DURING CONSTRUCTION.
10. VERIFY FINAL LAYOUT WITH OWNER AND ARCHITECT.

DRAWING INDEX

T-1 TITLE SHEET, LOCATION MAP & GENERAL NOTES

C-1 SITE PLAN

PROJECT NARRATIVE:

NEAPCO DRIVELINE, LLC, A TENANT OF THE PROPERTY OWNER (VAN BUREN INDUSTRIAL INVESTORS, LLC), IS PROPOSING TO CONSTRUCT A TRUCK WELL CANOPY OF APPROXIMATELY 14,871 FEET BY 212.82 FEET OR 20,971 GROSS SQUARE FEET OVER 16 TRUCK WELLS AT THE SOUTH END OF THE EAST SIDE OF THE WEST BUILDING FRONTING HAGGERTY ROAD (WELLS E34 TO E44).

THIS CANOPY IS INTENDED TO BE CONSTRUCTED WITH NO PROPOSED ADDITIONAL HARD SURFACE IMPROVEMENTS OR GRADE CHANGES AND IS FOR WEATHER PROTECTION OVER THE DESIGNATED WELL AREA ONLY. CONCRETE PIERS WILL BE INSTALLED WITHIN THE EXISTING PAVED WELL AREA TO SUPPORT THE STEEL COLUMNS AND ROOF OF THE OPEN AIR STRUCTURE.

THE SITE HAS BEEN PREVIOUSLY DEVELOPED WITH TWO 345,400 G.S.F. CONCRETE LIGHT INDUSTRIAL BUILDINGS, ONE FRONTING HAGGERTY ROAD AND THE OTHER FACING INTERSTATE I-275. THE SITE IS ACCESSED BY TWO CURB CUTS OFF HAGGERTY ROAD WITH NO CHANGE PROPOSED. FURTHER, NO CHANGE IS PROPOSED TO PARKING, TRAFFIC FLOW, OR SITE CIRCULATION.

THERE IS AN EXISTING DETENTION BASIN FOR THE PREVIOUSLY DEVELOPED SITE. NO CHANGES ARE PROPOSED OR ANTICIPATED.

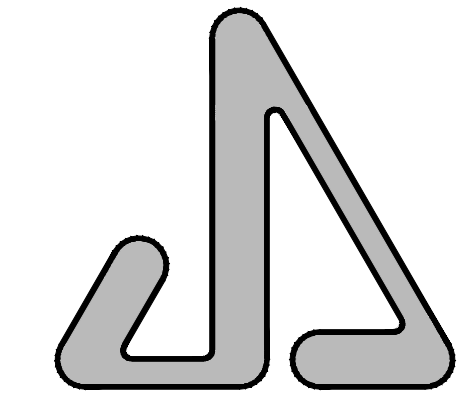
ALL EXISTING LANDSCAPING SHALL REMAIN IN PLACE. NO NEW LANDSCAPING IS PROPOSED

ALL EXISTING UTILITIES (SANITARY SEWER, WATER, GAS, ELECTRICAL, ETC.) SHALL REMAIN AND UTILIZED AS IS.

NO CHANGE TO HOURS OF OPERATION ARE PROPOSED.

NO CHANGE TO BUILDING SIGNAGE IS PROPOSED.

NO CHANGE TO BUILDING OR SITE USE IS PROPOSED.



JAMES S. JACOBS ARCHITECTS, PLLC

25 WASHINGTON STREET
MONROE, MICHIGAN 48161
TEL: (734) 241-7933
FAX: (734) 241-1181
EMAIL: jim@sjacobsarch.com

TRUCK WELL CANOPY
ADDITION FOR:



NEAPCO
DRIVELINES, LLC

ATTN.: ALAN SIEMASZ
6735 HAGGERTY ROAD
VAN BUREN TOWNSHIP, MI 48111
PHONE: 734-447-1317
EMAIL: asiemasz@neapco.com

PROPERTY OWNER CONTACT:
CONTACT NAME: PETE PETRELLA
6735 HAGGERTY ROAD
VAN BUREN TOWNSHIP, MI 48111
TELEPHONE: 248-765-0940
EMAIL: ppetrella@synergygroup.biz

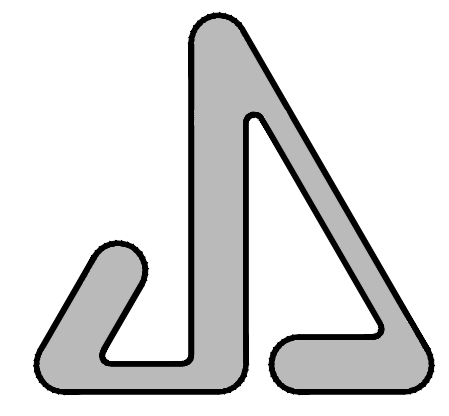
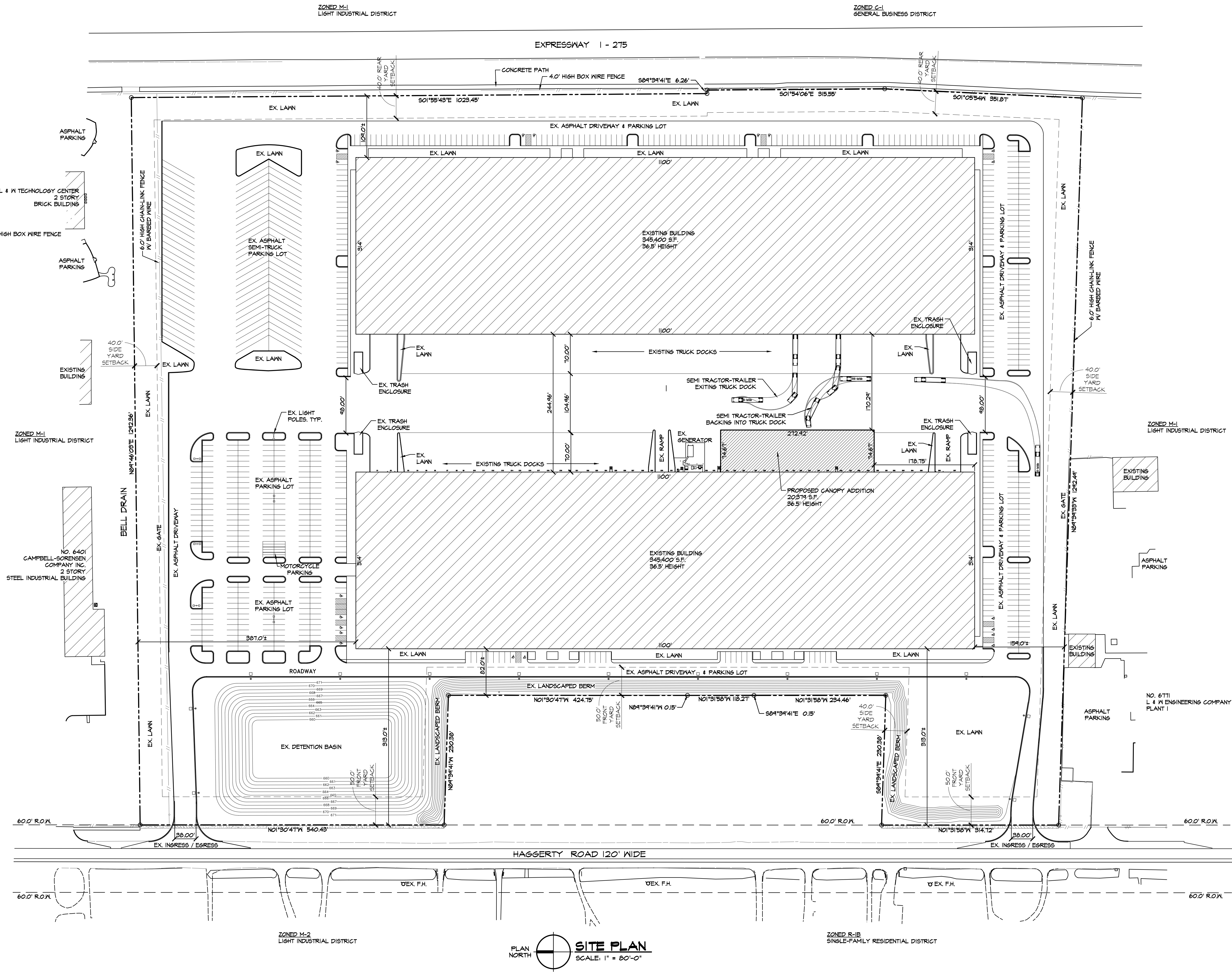
TITLE SHEET,
LOCATION MAP, &
GENERAL NOTES

01-18-2021	BZA VARIANCE REQUEST
01-11-2021	VARIANCE REQUEST
11-13-2020	PER TWP. PLANNER
11-09-2020	TOWNSHIP STAFF REVIEW
DATE:	ISSUED FOR:
DRAWN	KMB
REVIEW'D	JSJ

202012

T-1

1 OF 1



JAMES S. JACOBS ARCHITECTS, PLLC
 25 WASHINGTON STREET
 MONROE, MICHIGAN 48161
 TEL: (734) 241-7933
 FAX: (734) 241-1181
 EMAIL: jim@jsjacobsarch.com

TRUCK WELL CANOPY
 ADDITION FOR:



NEAPCO
 DRIVELINES, LLC
 ATTN: ALAN SIEMASZ
 6735 HAGGERTY ROAD
 VAN BUREN TOWNSHIP, MI 48111
 PHONE: 734-447-1317
 EMAIL: asiemasz@neapco.com
 PROPERTY OWNER CONTACT:
 CONTACT NAME: PETE PETRELLA
 6735 HAGGERTY ROAD
 VAN BUREN TOWNSHIP, MI 48111
 TELEPHONE: 248-765-0940
 EMAIL: ppetrella@synergysgroup.biz

SITE PLAN

01-18-2021	BZA VARIANCE REQUEST
11-13-2020	PER TOWNSHIP PLANNER
11-09-2020	TOWNSHIP STAFF REVIEW
DATE:	ISSUED FOR:
DRAWN	KMB
REVIEW'D	JSJ
202012	

C-1

Power, Dan

From: Power, Dan
Sent: Friday, January 29, 2021 7:08 AM
To: 'Carol Thompson'; 'vfranzoi@sbcglobal.net'; 'kelley@kelawpc.com'; 'Medina Atchinson (atchinson05@comcast.net)'; Budd, Sharry; 'bcullin@comcast.net'; 'Carol Thompson'; 'Jeff Jahr'; 'Jeff Jahr'
Cc: Best, Matthew; 'Vidya Krishnan'; Renaud, Elizabeth
Subject: Upcoming BZA Actions: Planning Commission feedback opportunity
Attachments: VBT 21-006 - Neapco BZA Combined App Materials.pdf; VBT 21-005 - Clover BZA Combined App Materials.pdf

Good morning, Planning Commissioners:

Thank you for a good meeting on Wednesday.

As you may recall, the Board of Zoning Appeals (BZA) reviews applications for appeals on interpretations of the Zoning Ordinance and applications for variance requests. In cases where these applications are linked to a Planning Commission-administered site plan review, the Planning Commission is typically given the opportunity to provide review and comment prior to the BZA's decision.

At their regular meeting on Tuesday, February 9th, the BZA will review and decide on two requests as described in this email and in their affiliated attachments:

Request 1: Case VBT 21-006. Neapco Drivelines Maximum Lot Coverage Variance.

- **Description:** A request by applicant Neapco Drivelines on behalf of owner Van Buren Ind. Investors, LLC, for a variance from the following section of the Van Buren Township Zoning Ordinance:
 - o Maximum lot coverage limits of Section 4.102 (Schedule of Regulations) of the Zoning Ordinance, which limits the total lot coverage, or part of a lot occupied by buildings or roofed structures including accessory buildings or structures in the M-1 Zoning District.
 - o **Required:** The maximum lot coverage shall be 35%.
 - o **Proposed:** 35.92% lot coverage with +/- 711,179-sq. ft. of building area on a +/- 45.44 acre lot including a proposed canopy addition.
- **Application:** Please see the first attachment to this email.

Request 2: Case VBT 21-005. Clover Development Interpretation of Usable Floor Area (UFA) in Senior Housing Developments.

- **Description:** Requests by applicant Clover Communities Van Buren LLC, representing a independent senior housing development proposed to be located at 8470 Belleville Road (Parcel ID# 83 036 99 0002 702), zoned C-2 – Extensive Highway Business District, for an interpretation by the Board of Zoning Appeals (BZA) of the definition of “Usable Floor Area” as described in the following Section of the Van Buren Charter Township Zoning Ordinance:
 - o Section 5.143 Senior Housing
 - o (D) Required Minimum Usable Floor Area in Square Feet Per Dwelling Unit.
 - o (1.) Independent Living Units: Efficiency/studio and one-bedroom dwelling units: 650 square feet; Two-bedroom dwelling units: 850 square feet.

- The applicant seeks to appeal the interpretations that balconies and communal living spaces cannot be credited toward usable floor areas of individual units in independent senior housing developments for purposes of meeting minimum usable floor area requirements.
- **Application information:** Please see the second attachment to this email.

For either of these requests, you are encouraged to provide your comments. Please send me any comments by next Thursday, February 4th at 12:00 p.m. for inclusion in the BZA's packet for their consideration at their upcoming meeting on the 9th.

I am glad to print hard copy packets of this information for any interested Planning Commissioners. Please let me know if you are interested in receiving a hard copy.

Please also reach out to me directly if you have questions.

Thank you in advance.

Dan Power, AICP
Director of Planning and Economic Development
Department of Public Services
Charter Township of Van Buren
dpower@vanburen-mi.org. 734.699.8913

Power, Dan

From: Victor Franzoi <vfranzoi@sbcglobal.net>
Sent: Wednesday, February 3, 2021 5:52 PM
To: Power, Dan
Subject: Re: (Reminder) RE: Upcoming BZA Actions: Planning Commission feedback opportunity

Joan sees no problem with the variance with the canopy for Neapco

On Wednesday, February 3, 2021, 02:28:07 PM EST, Power, Dan <dpower@vanburen-mi.org> wrote:

Good afternoon Planning Commissioners:

As a reminder, please send me any comments you have on the two listed BZA cases by 12:00 tomorrow. Please feel free to reach out with any questions. Thank you.

Dan Power, AICP

Director of Planning and Economic Development

Department of Public Services

Charter Township of Van Buren

dpower@vanburen-mi.org.

Office: 734.699.8913

Mobile: 734.328.4958

From: Power, Dan
Sent: Friday, January 29, 2021 7:08 AM
To: 'Carol Thompson' <dda@belleville.mi.us>; 'vfranzoi@sbcglobal.net' <vfranzoi@sbcglobal.net>; 'kelley@kelawpc.com' <kelley@kelawpc.com>; 'Medina Atchinson (atchinson05@comcast.net)' <atchinson05@comcast.net>; Budd, Sharry <SBudd@vanburen-mi.org>; 'bcullin@comcast.net' <bcullin@comcast.net>; 'Carol Thompson' <dda@BellevilleOnTheLake.com>; 'Jeff Jahr' <jjahr@jeffrika.com>; 'Jeff Jahr' <malakai@jeffrika.com>
Cc: Best, Matthew <mbest@vanburen-mi.org>; 'Vidya Krishnan' <VKrishnan@mcka.com>; Renaud, Elizabeth <erenaud@vanburen-mi.org>
Subject: Upcoming BZA Actions: Planning Commission feedback opportunity

Dan Power
Director of Planning and Economic Development
Department of Public Services
Charter Township of Van Buren

February 3, 2021

Dear Director Power,

Thank you for the opportunity to review and comment on Neapco's Board of Zoning Appeals Application.

I have reviewed the application by Neapco Drivelines at 6735 Haggerty Road for a variance on maximum lot coverage, and I support their request.

My reasons for support are as follows:

1. They are proposing expanding maximum lot coverage by less than 1%;
2. Without this minimum expansion Neapco is unable to protect materials in the approved outdoor storage area; a detriment to their business;
3. This request is not self-created, but rather is due to unique site circumstances;
4. The proposed open structure meets other standards in the zoning ordinance, and does not adversely affect neighboring properties.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Carol Thompson", with a long horizontal flourish extending to the right.

Carol Thompson
Planning Commission, Chair
Van Buren Township

CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS
REMOTE PUBLIC HEARING

Notice is hereby given that the Charter Township of Van Buren Board of Zoning Appeals (BZA) will hold a public hearing on **Tuesday, February 9, 2021 at 7:00 p.m.** This meeting will take place electronically due to health concerns associated with COVID-19. The BZA will consider the following variance request related to 6735 Haggerty Road (tax parcel ID 83 002 99 0026 704), zoned M-1 – Light Industrial:

Case # 21-006- A request by applicant Neapco Drivelines on behalf of owner Van Buren Ind. Investors, LLC, for a variance from the following section of the Van Buren Township Zoning Ordinance:

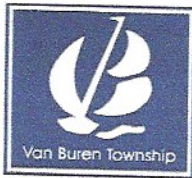
- **Maximum lot coverage limits** of Section 4.102 (Schedule of Regulations) of the Zoning Ordinance, which limits the total lot coverage, or part of a lot occupied by buildings or roofed structures including accessory buildings or structures in the M-1 Zoning District:
 - o **Required:** The maximum lot coverage shall be 35%.
 - o **Proposed:** 35.92% lot coverage with +/- 711,179-sq. ft. of building area on a +/- 45.44 acre lot including a proposed canopy addition.

Members of the public may access the agenda materials via the Township website – www.vanburen-mi.org beginning **February 5, 2021**. On this website, members of the public will also gain access to **means of participating in the electronic meeting**, including a unique Zoom weblink and dial-in phone number with a meeting ID for meeting videoconference or teleconference access. The meeting will be available to view live on the Van Buren Township YouTube Channel which can be reached from the live meeting link located on the Van Buren Township website home page (www.vanburen-mi.org). Closed captioning will be available after YouTube fully renders meeting video.

A complete **procedure for public comment by electronic means** is provided on a guide which is accessible on the Van Buren Township website (www.vanburen-mi.org). Participants may also choose to submit written comments that will be read into record during public comment by the Chairperson. Submit any written comments via e-mail to dpower@vanburen-mi.org. Members of the public may also contact dpower@vanburen-mi.org to be connected with members of the Board of Zoning Appeals (BZA) prior to the meeting by e-mail.

To comply with the Americans with Disabilities Act (ADA), any citizen requesting accommodation to attend a meeting, and/or to obtain this notice in alternate formats, please contact the Clerk's Office at 734.699.8900 extension 9205.

Posted: 1/19/2021
Published: 1/21/2021



Case number _____
Dated submitted _____

Board of Zoning Appeals Application

APPLICANT INFORMATION

Applicant Clover Communities Van Buren LLC Phone 734-346-0246
Property Owner (if different than applicant) William Carr Estate Phone 810-599-1459
Address 348 Harris Hill Rd Fax _____
City, State Williamsville, NY Zip 14221 E-Mail Address bernateclovergroupinc.com

SITE INFORMATION

Property Location: On the west Side of Bellenille Road; Between E course Road and Tyler Road. Size of Lot Width 667 Depth 1216 Acreage 17.76

Date Property Acquired and the Type of Ownership Individual Estate

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) _____

Explanation of the Practical Difficulty of the Property as defined in Section 19.07 _____

Explanation of request for Administrative Review Interpretation Section 5.143-Senior Housing Developments
definition of useable floor area

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

Frances Carr Tapp, Executrix;

Print Property Owners Name
Estate of Wm. Carr

Frances Carr Tapp
Signature of Property Owner

4-16-2020
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 16th day of April 2020

Anna Rogers

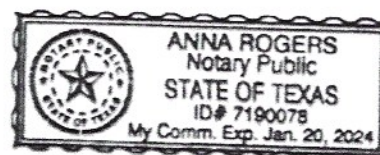
Notary Public,

Nueces

County, Michigan

Texas

My Commission expires Jan. 20 2024





MEMO

TO: Van Buren Township Board of Zoning Appeals (BZA)
FROM: Dan Power– Director of Planning and Economic Development
RE: Clover Communities Zoning Ordinance Interpretation Request
DATE: February 3, 2021

Applicant Clover Communities Van Buren LLC, representing an independent senior housing development proposed to be located at 8470 Belleville Road (Parcel ID # 83 036 99 0002 702), has applied for an interpretation by the Board of Zoning Appeals (BZA) of the definition of “Usable Floor Area” (UFA) as described within Senior Housing regulations under Section 5.143(D)(1) of the Van Buren Township Zoning Ordinance.

The BZA may hear and decide appeals for the interpretation of the provisions of the Zoning Ordinance per Section 12.403(B) of the Township Zoning Ordinance. This type of *interpretation* differs from a variance. Whereas a Zoning Ordinance *interpretation* application calls for an analysis and clarification of ordinance regulations, a *variance* application calls for the BZA to consider an outright deviation from established regulations. The present application seeks the interpretation of the Zoning Ordinance’s requirement of a minimum UFA in square feet per dwelling unit in independent senior housing developments, specifically regarding how *balconies* and *communal living areas* apply toward this requirement. The applicant seeks to appeal the interpretations that balconies and communal living spaces cannot be credited toward UFA’s of individual units in independent senior housing developments for purposes of meeting minimum UFA requirements.

Regarding **balconies**, staff have interpreted, based on the exclusion of decks and similar features from minimum dwelling area calculations under the Zoning Ordinance, that balconies cannot be credited toward UFA requirements in senior housing apartment developments. This stance is reiterated in the Township Principal Planner’s letter dated January 27, 2021.

The applicant has cited that balconies are an extension of the self-sufficient living space for all two-bedroom units as grounds for allowing balconies as a credit toward *minimum UFA per dwelling unit* requirements for independent senior housing developments.

Regarding **communal living space**, understanding the interpretation of the *minimum UFA per dwelling unit* standard can perhaps be aided by a graphic explanation. Staff initially interpreted the *minimum UFA per dwelling unit* standard as meaning that each unit must account for the stated minimum UFA within its discrete space (see Figure 1 on the following page).

The applicant has alternatively proposed that the total UFA in a given senior housing development or building, as opposed to only the UFA within each dwelling unit, may credit toward the *minimum UFA per dwelling unit* standard (see Figure 2). There is merit to this interpretation based on the acknowledgement that independent living seniors are more likely to use such common areas frequently, as described in the Principal Planner's letter. The applicant has provided support for this alternative interpretation by citing various amenities available for exclusive use by residents and providing a detailed breakdown of typical communal room sizes as part of their application.

As part of the basis for the BZA's decisions, I strongly recommend that they include or reference findings of fact in their motions which clarify *why* they are accepting one or the other requested interpretation. The Principal Planner's letter provides findings of fact for both interpretations which can be referenced as part of their decision. As part of this interpretation, the BZA should consider the definition of usable floor area in the Zoning Ordinance, per Section 2.102(231) of the Zoning Ordinance, which is referenced in both the applicant's and the Principal Planner's materials. To assist in their decision, I have provided the BZA with the applicant's materials, the Principal Planner's letter, and any comments submitted by Planning Commissioners regarding this case.

The outcome of this decision may prompt further direction for the Township in further defining senior housing requirements. I look forward to assisting with this review.

Sincerely,



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

CC: Vidya Krishnan – Van Buren Charter Township Principal Planner / Planning Consultant – McKenna Associates
Matthew Best, M.S. - Public Services Director, Van Buren Charter Township
Beth Ernat and Matthew Roland – Clover Communities Van Buren, LLC

Figure 1

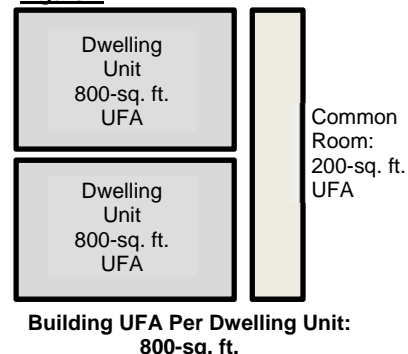
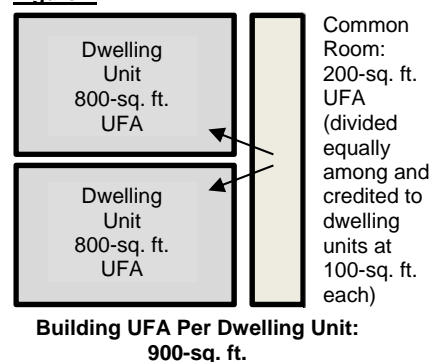


Figure 2





MCKENNA

January 27, 2021

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

Subject: Clover Development/8470 Belleville Road / Interpretation Review; Application letter dated 1/18/2021.

Dear Board Members:

We have reviewed the above referenced application submitted by Beth Ernat of Clover Communities Van Buren LLC, for the construction of a 125 unit independent senior living facility on the subject site. The applicant is seeking an interpretation of the term “usable floor area” as it relates to senior housing. The following are our review comments based on the criteria in the Zoning Ordinance and the information provided:

File Number: VBT-21-005

Parcel Size and Tax ID: 17.72 acres/Parcel ID# 83 036 99 0002 702

Property Owner: Clover Communities Van Buren LLC

Zoning and Existing Use: C-2 Extensive Highway Business District. The parcel is currently vacant.

Project Description: The applicant is proposing to construct a 3-story, 45,860 square foot building with 125 independent living units.

Notice: Notice for the public hearing was published in the Belleville Independent on January 21, 2021 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 January 19, 2021.

Interpretation Request:

Section 5.143 Senior Housing

(D) Required Minimum Usable Floor Area in Square Feet Per Dwelling Unit.

(1.) Independent Living Units: Efficiency/studio and one-bedroom dwelling units: 650 square feet; Two-bedroom dwelling units: 850 square feet.

The applicant seeks to appeal the interpretation that balconies and communal living spaces cannot be credited toward usable floor areas of individual units in an independent senior housing developments for purposes of meeting minimum usable floor area requirements.

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM

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COMMENTS

Per Section 12.403.B of the Township Zoning Ordinance and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, the Board can hear an appeal for the interpretation of any provision of the Zoning Ordinance. This is not a variance request, therefore, the standards for variance listed under Section 12.403(c) are not applicable.

Per the applicant, the proposed senior housing provides for a variety of dwelling units in various sizes to meet the needs of their clients. The unit sizes vary from 682 square feet for a one-bedroom unit and 776-810 for a two-bedroom unit. The senior housing ordinance provisions require a minimum floor area of 850 square feet for a two-bedroom unit, making the proposed units 74-40 square feet smaller in size than required. The applicant contends that the usable floor area should include the individual balconies provided for each unit and the community area i.e., common use spaces within the building. The applicant cites the definition of a balcony and states that "the private balcony is an extension of a self-sufficient living space" and therefore should be counted as usable floor area for purposes of computing unit size.

The applicant has cited the definition of usable floor area from Section 2.102 as justification for including a balconies within the usable floor area *"that area used for or intended to be used for the sale of merchandise or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation. Measurement shall be the sum of the horizontal areas of each floor of the building, measured from the interior faces of the exterior walls. Where these areas are yet undefined, usable floor area shall be considered eighty percent (80%) of the gross floor area."*

However Section 4.103. Footnotes to the schedule of regulations, subsection (b) states in part: *"For apartments, attached single-family dwellings, and multiple-family high-rise, only areas exclusively used by the occupants of a dwelling unit shall be calculated in the floor area. Enclosures for mechanical equipment and plumbing equipment shall not be included in the computation. Decks, patios, porches, breezeways, attached garages, basements, and similar spaces shall not be included."* This definition clearly indicates that balconies cannot be included in the living space as usable floor area. **We believe the Ordinance is clear that balconies cannot be included; therefore the existing interpretation of the Ordinance for usable floor area is valid.**

However, we believe the applicant's request to include common-space areas (areas with amenities for residents only) as part of a unit's 'usable floor area' has some merit when considering senior housing. At the time the senior housing ordinance was adopted, the standards were incorporated through research of senior housing standards in other communities. The regulations adopted were moderate when compared to some communities that have larger unit size requirements and others that have smaller unit sizes. It is a reasonable assumption that independent living seniors are more likely to use the facilities provided with their residential development more frequently. Including these common shared spaces which are likely to be used frequently as part of the usable floor area is a reasonable request when limited to senior housing only. While ideally this would be addressed through a zoning amendment, an interpretation by the BZA to this effect would enable the Planning Commission to proceed with such an amendment and would also allow the applicant to include revised figures for usable floor area in a revision to their application for special land use and preliminary site plan review and to proceed with this application.



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 rule on appeals regarding interpretation of ordinance language.

- 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.**

Making an interpretation allowing common space areas to be counted in usable floor area requirements is not likely to impair adequate supply of light and air to adjacent property or increase the congestion in the public streets. The proposed 2-bedroom unit sizes will still have 776 square feet of space and an outdoor balcony.

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

An interpretation to include common space areas in usable floor area is not likely to increase the hazard of fire or flood or endanger the public safety. The principal building is still required to comply with all other zoning requirements.

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

An interpretation to include common space areas in usable floor area is not likely to unreasonably diminish or impair established property value in the area. The proposed development is intended to serve a niche market for which there is a current demand in the community.

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

An interpretation to include common space areas in usable floor will not impair public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

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

An interpretation to include common space areas in usable floor area is not likely to alter the character of the neighborhood, subject to findings as part of the Planning Commission's continued special land use and site plan review of the project.

- 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. While we believe the current ordinance standards are clear, the applicant's request for an interpretation raises a reasonable modification to the definition of usable floor area, limited to senior housing only.



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 take the following action:

- Uphold the ordinance language for usable floor area to exclude balconies from being considered as usable floor area.
- Agree to an interpretation to include common-space/community space/amenities within the building as usable floor area for senior housing only.
- Request the Planning Commission to amend the senior housing ordinance to add such clarification.

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

1. The ordinance definition is clear that balconies, terraces and similar 'outdoor' unheated spaces cannot be considered as part of the usable floor area for living purposes.
2. The Township ordinance for senior housing unit sizes is moderate and requires unit sizes in a middle range of other communities with a similar ordinance.
3. Seniors tend to use amenities and common-space areas and facilities provided within the building.
4. The proposed interpretation appeal is related to the valid exercise of police power.
5. The interpretation is not likely to impair light and air to adjacent property or increase the congestion in the public streets.
6. The interpretation is not likely to increase the hazard of fire or flood or endanger the public safety.
7. The interpretation is not likely to diminish or impair established property values within the surrounding areas.
8. The interpretation is not likely to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.
9. The interpretation is not likely to alter the essential character of the neighborhood.

Respectfully submitted,
McKENNA

Vidya Krishnan
Principal Planner

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



January 18, 2021

Van Buren Township
Board of Zoning Appeals
Director of Planning and Economic Development

RE: 8470 Belleville Road
Proposed Clover Senior Housing – 8470 Belleville Road, Van Buren Township
Unit Size Computation

To Whom It May Concern:

Clover Communities Van Buren LLC has reviewed the unit size computation as noted at the Planning Commission at the September 9, 2020 meeting. The site plan dated 9/03/2020 as submitted had unit sizes for one-bedroom units at 682 sf and for two-bedroom units at 776-810 sf. There are five varieties of units that will be described in more detail below. In reviewing the Charter Township of Van Buren Zoning Ordinance, as amended on December 8, 2019, we believe our unit sizes meet the intent of the Ordinance and therefore we are seeking interpretation of the Ordinance prior to proceeding with site plan review and special use consideration of the Planning Commission.

Section 5.143 (D) Required Minimum Usable Floor Area in Square Feet per Dwelling Unit, states: “1. *Independent Living Units: Efficiency/Studio and one-bedroom units: 650 square feet; Two-bedroom dwelling units: 850 square feet.*”

Section 2.102 Specific Terms states, “(73) *Senior Housing – Independent: A multiple family housing type with full facilities for self-sufficiency in each individual dwelling unit also known as a retirement village or community.*” Clover communities provides multiple family housing and each unit is equipped at minimum with a bedroom, bathroom, closet, balcony, and kitchen.

Section 2.102 Specific Terms states, “(20) *Balcony – An exterior platform attached to a building*”. Clover Communities provides balconies for all two-bedroom units. The balconies are 6.5 feet x 12 feet or 78 square feet. The smallest two-bedroom units are 776 square feet interior measurement plus 78 square feet exterior measurement or a total of 854 square feet. Each individual unit has an attached private and accessible balcony that can only be accessed from the individual unit. The private balcony is an extension of the self-sufficient living space and is included in the rent and description of all two bedroom units. The balcony cannot be removed from a unit or “opted-out” and is intended as additional living space for the tenants.

Section 2.102 Specific Terms states, “(231) *Useable Floor Area: That area used for or intended to be used for the sale of merchandise or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities shall be excluded from this computation. Measurement shall be the sum of the horizontal areas of each floor of the building measured from the interior faces of the exterior walls.*”



Where these areas are yet undefined, usable floor area shall be considered 80 percent of the gross floor areas.” Clover communities are designed as retirement communities allowing for independent living in a community setting.

Individual units are equipped with the following:

- Fully equipped kitchen with breakfast bar
- In unit washer and dryer
- Central air conditioning
- Energy-saving appliances
- Sliding glass doors leading to private patio/balcony
- Walk-in shower available
- Emergency pull-cord system

The proposed building and all clover buildings are equipped with the following:

- On-site beauty salon/barber shop
- Community room with patio
- Community activities and planned trips
- Community lounge with fireplace
- Fully handicapped-accessible
- Centrally located elevator service
- Wide, well-lit hallways with handrails
- Secure building, TV-monitored entrance with controlled access
- Fitness center
- Indoor central mailbox system
- Indoor trash rooms
- Coffee room with seating
- Family room
- Game room
- Individual storage units
- Sprinkler system throughout building
- Smoke/CO detectors throughout building

The building amenities are included in every tenant lease and do not require additional deposits. Resident keys access all the amenities. This facility is not open to the public or rentable without a lease. These facilities are designed to be an extension of the individual tenant units specific to senior independent living.

Senior Independent Housing is the only multi-family in the Van Buren Zoning Ordinance to use Usable Floor Area as the measurement for minimum unit size. This term specifically includes the communal living aspect of senior independent housing to supplement the individual units. All common space in the building has been programmed. Below is the breakdown of individual units, communal space, and hallway, utility, and sanitation space (all square footage is rounded to the nearest whole number). For the purposes of calculating the usable floor area below, we have not included the hallways, elevators, trash rooms, mechanical rooms, and stairwells.



Floor	Number of Units	Description	Square Footage	Total Square Footage	Common Space/Number of Units (community areas excluding non habitable space)	Usable Floor Area per Unit
First Floor	41 Total		44,833 sf	44,833 sf	6299/41	
	7	"e" - 2 bd/1.5 bath	810 sf	5670 sf	153 sf	963 sf
	33	"b" - 2 bd/1 bath	776 sf	25608 sf	153sf	929 sf
	1	"accs" – fully accessible	810 sf	810 sf	153 sf	963 sf
		Hallways, elevator, trash, bathroom, mechanical room, stairs	6446 sf	6446 sf		
		Community room and library	3335 sf	3335 sf		
		Laundry/mail	1400sf	1400sf		
		Resident seating area	1564 sf	1564 sf		
Second Floor	43 Total		44,153 sf	44,153 sf	3474/43	
	2	"c" – 1 bd/1 bath	682 sf	1364 sf	81 sf	763 sf
	1	"accs"	810 sf	810 sf	81 sf	891 sf
	8	"e"	810 sf	6480 sf	81 sf	891 sf
	32	"b"	776	24832 sf	81 sf	857 sf
		Hallways, elevator, trash, bathrooms, mechanical room, stairs, and salon	7193 sf	7193 sf		
		Coffee Room	1410 sf	1410 sf		
		Study	500 sf	500 sf		
		Resident seating area	1564 sf	1564 sf		



Floor	Number of Units	Description	Square Footage	Total Square Footage	Common Space/Number of Units (community areas excluding non habitable space)	Usable Floor Area per Unit
Third Floor	44 Total		44,153 sf	44, 153 sf	3385/44	
	1	"c"	682 sf	682 sf	77 sf	759 sf
	1	"c-accs"	776 sf	776 sf	77 sf	853 sf
	8	"e"	810 sf	6480 sf	77 sf	887 sf
	34	"b"	776 sf	26384 sf	77 sf	853 sf
		Hallways, elevator, trash, bathrooms, mechanical, stairs	6446 sf	6446 sf		
		Fitness Room	1193 sf	1193 sf		
		Family Room	1410 sf	1410 sf		
		Resident seating area	782 sf	782 sf		

Based on the above computation of individual units plus the communal open space allocated per unit per floor, all units meet the intended use of the Ordinance, particularly Section 5.143 (D). The above computation is intentionally conservative. All residents have access to all common space on each floor.

Clover is seeking to resolve this matter to move forward with Site Plan and Special Use public hearings with the Planning Commission. The communal areas can be identified with the above chart as part of the preliminary site plan submittal. There is no change in the building square footage computation from the site plan submitted for the August 9, 2020 public hearing.

We appreciate your review and consideration of this matter as the project would not be feasible with a larger unit size. Please do not hesitate to contact me for additional information if necessary.

With appreciation,

Beth Ernat
Development Director
Clover Development

TYPICAL UNIT INFORMATION



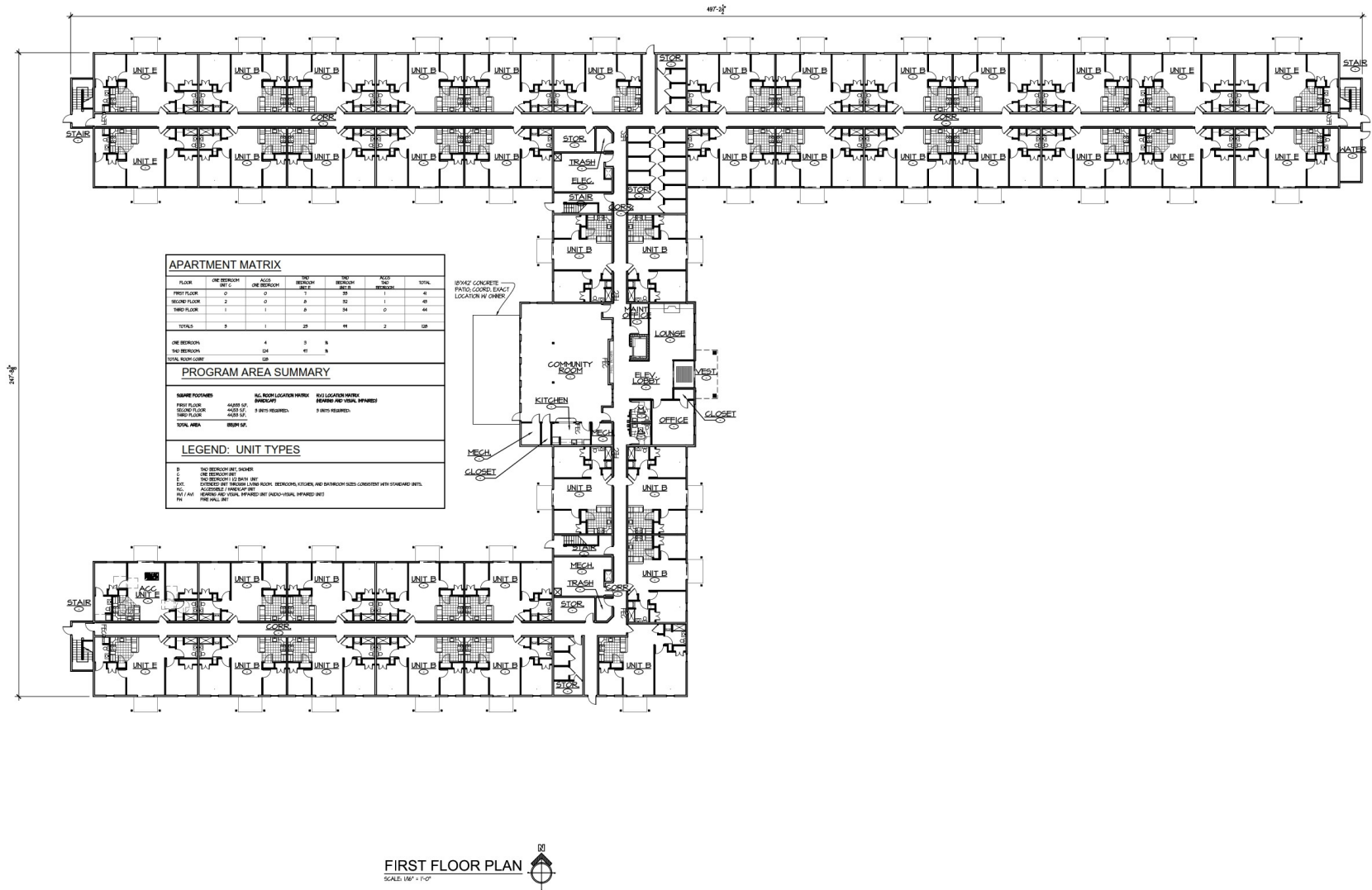
Typical 1
Bedroom Unit



Typical 2
Bedroom Unit

Typical Unit Amenities

- Emergency Pull Cords in each Unit
- Plush wall to wall carpeting
- Individually controlled heat and A/C
- Modern kitchen with breakfast bar and pantry
- Stainless Steel Appliances including refrigerator, microwave, range and dishwasher, in-unit washer and dryer
- Walk in showers
- Master bedroom
- Slider patio doors
- Private, covered patio or balcony



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Power, Dan

From: Power, Dan
Sent: Friday, January 29, 2021 7:08 AM
To: 'Carol Thompson'; 'vfranzoi@sbcglobal.net'; 'kelley@kelawpc.com'; 'Medina Atchinson (atchinson05@comcast.net)'; Budd, Sharry; 'bcullin@comcast.net'; 'Carol Thompson'; 'Jeff Jahr'; 'Jeff Jahr'
Cc: Best, Matthew; 'Vidya Krishnan'; Renaud, Elizabeth
Subject: Upcoming BZA Actions: Planning Commission feedback opportunity
Attachments: VBT 21-006 - Neapco BZA Combined App Materials.pdf; VBT 21-005 - Clover BZA Combined App Materials.pdf

Good morning, Planning Commissioners:

Thank you for a good meeting on Wednesday.

As you may recall, the Board of Zoning Appeals (BZA) reviews applications for appeals on interpretations of the Zoning Ordinance and applications for variance requests. In cases where these applications are linked to a Planning Commission-administered site plan review, the Planning Commission is typically given the opportunity to provide review and comment prior to the BZA's decision.

At their regular meeting on Tuesday, February 9th, the BZA will review and decide on two requests as described in this email and in their affiliated attachments:

Request 1: Case VBT 21-006. Neapco Drivelines Maximum Lot Coverage Variance.

- **Description:** A request by applicant Neapco Drivelines on behalf of owner Van Buren Ind. Investors, LLC, for a variance from the following section of the Van Buren Township Zoning Ordinance:
 - o Maximum lot coverage limits of Section 4.102 (Schedule of Regulations) of the Zoning Ordinance, which limits the total lot coverage, or part of a lot occupied by buildings or roofed structures including accessory buildings or structures in the M-1 Zoning District.
 - o **Required:** The maximum lot coverage shall be 35%.
 - o **Proposed:** 35.92% lot coverage with +/- 711,179-sq. ft. of building area on a +/- 45.44 acre lot including a proposed canopy addition.
- **Application:** Please see the first attachment to this email.

Request 2: Case VBT 21-005. Clover Development Interpretation of Usable Floor Area (UFA) in Senior Housing Developments.

- **Description:** Requests by applicant Clover Communities Van Buren LLC, representing a independent senior housing development proposed to be located at 8470 Belleville Road (Parcel ID# 83 036 99 0002 702), zoned C-2 – Extensive Highway Business District, for an interpretation by the Board of Zoning Appeals (BZA) of the definition of “Usable Floor Area” as described in the following Section of the Van Buren Charter Township Zoning Ordinance:
 - o Section 5.143 Senior Housing
 - o (D) Required Minimum Usable Floor Area in Square Feet Per Dwelling Unit.
 - o (1.) Independent Living Units: Efficiency/studio and one-bedroom dwelling units: 650 square feet; Two-bedroom dwelling units: 850 square feet.

- The applicant seeks to appeal the interpretations that balconies and communal living spaces cannot be credited toward usable floor areas of individual units in independent senior housing developments for purposes of meeting minimum usable floor area requirements.
- **Application information:** Please see the second attachment to this email.

For either of these requests, you are encouraged to provide your comments. Please send me any comments by next Thursday, February 4th at 12:00 p.m. for inclusion in the BZA's packet for their consideration at their upcoming meeting on the 9th.

I am glad to print hard copy packets of this information for any interested Planning Commissioners. Please let me know if you are interested in receiving a hard copy.

Please also reach out to me directly if you have questions.

Thank you in advance.

Dan Power, AICP
Director of Planning and Economic Development
Department of Public Services
Charter Township of Van Buren
dpower@vanburen-mi.org. 734.699.8913

CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS
REMOTE PUBLIC HEARING

Notice is hereby given that the Charter Township of Van Buren Board of Zoning Appeals (BZA) will hold a public hearing on **Tuesday, February 9, 2021 at 7:00 p.m.** This meeting will take place electronically due to health concerns associated with COVID-19. The BZA will consider the following requests:

Case # 21-005- Requests by applicant Clover Communities Van Buren LLC, representing a independent senior housing development proposed to be located at 8470 Belleville Road (Parcel ID# 83 036 99 0002 702), zoned C-2 – Extensive Highway Business District, for an interpretation by the Board of Zoning Appeals (BZA) of the definition of “Usable Floor Area” as described in the following Section of the Van Buren Charter Township Zoning Ordinance:

Section 5.143 Senior Housing

(D) Required Minimum Usable Floor Area in Square Feet Per Dwelling Unit.

(1.) Independent Living Units: Efficiency/studio and one-bedroom dwelling units: 650 square feet; Two-bedroom dwelling units: 850 square feet.

The applicant seeks to appeal the interpretations that balconies and communal living spaces cannot be credited toward usable floor areas of individual units in independent senior housing developments for purposes of meeting minimum usable floor area requirements.

Members of the public may access the agenda materials via the Township website – www.vanburen-mi.org beginning **February 5, 2021**. On this website, members of the public will also gain access to **means of participating in the electronic meeting**, including a unique Zoom weblink and dial-in phone number with a meeting ID for meeting videoconference or teleconference access. The meeting will be available to view live on the Van Buren Township YouTube Channel which can be reached from the live meeting link located on the Van Buren Township website home page (www.vanburen-mi.org). Closed captioning will be available after YouTube fully renders meeting video.

A complete **procedure for public comment by electronic means** is provided on a guide which is accessible on the Van Buren Township website (www.vanburen-mi.org). Participants may also choose to submit written comments that will be read into record during public comment by the Chairperson. Submit any written comments via e-mail to dpower@vanburen-mi.org. Members of the public may also contact dpower@vanburen-mi.org to be connected with members of the BZA prior to the meeting by e-mail.

To comply with the Americans with Disabilities Act (ADA), any citizen requesting accommodation to attend a meeting, and/or to obtain this notice in alternate formats, please contact the Clerk’s Office at 734.699.8900 extension 9205.

Posted: 1/19/2021
Published: 1/21/2021