

**CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS AGENDA
Tuesday, October 12, 2021 – 7:00 PM
REMOTE MEETING –AGENDA**

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to Van Buren Township residents; this Van Buren Township’s Board of Zoning Appeals meeting will be conducted virtually as permissible under Public Acts of 2020 Act No. 254 and Declaration of a Health Emergency in Wayne County. To participate in the meeting electronically, the public may follow the instructions below.

Join by weblink: <https://us06web.zoom.us/j/82522984094>

- Or dial in by phone: 1 929 436 2866
- Webinar ID: 825 2298 4094

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 Representative Medina	___
Planning Commission Alternate Representative		Atchinson	___
Jeffrey S. Jahr	___	Recording Secretary Brittney Williams	___
BZA Member / Trustee Kevin Martin	___	Director Dan Power	___
BZA Member John Haase	___	Executive Assistant Tammy Dohring	___
BZAA Member John Herman	___	Director Matthew Best	___

ACCEPTANCE OF AGENDA

APPROVAL OF MINUTES: Approval of minutes from September 14, 2021

CORRESPONDENCE

PUBLIC HEARING (for non-new business items)

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

PUBLIC HEARING (new business items)

1. Case Number: 21-038 – River of Life Assembly of God

Location: 16650 Sumpter Road (tax parcel ID 83 132 99 0013 701), a roughly 19.06-acre parcel zoned AG – Agricultural and Estates District:

Request: The applicant is requesting to construct a 22.67 square foot sign with 17 square foot base, requires a variance from the Van Buren Township Zoning Ordinance, as follows:

Article 11. Signs, Section 11.108(A) Zoning District Regulations, Sign Regulations Applicable to the AG, R-1, R-2, RM, and RMH Districts:

Setback: 30' setback from lot line permitted
5' setback from front lot line proposed
25' setback variance requested

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

UNFINISHED BUSINESS

NEW BUSINESS

1. Case Number: 21-038 – River of Life Assembly of God

Location: 16650 Sumpter Road (tax parcel ID 83 132 99 0013 701), a roughly 19.06-acre parcel zoned AG – Agricultural and Estates District:

Request: The applicant is requesting to construct a 22.67 square foot sign with 17 square foot base, requires a variance from the Van Buren Township Zoning Ordinance, as follows:

Article 11. Signs, Section 11.108(A) Zoning District Regulations, Sign Regulations Applicable to the AG, R-1, R-2, RM, and RMH Districts:

Setback: 30' setback from lot line permitted
5' setback from front lot line proposed
25' setback variance requested

- A. Presentation by Township Staff.
- B. Presentation by the Applicant.
- C. Board of Zoning Appeals Discussion.
- D. Board of Zoning Appeals Action.

ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION

ADJOURNMENT

**CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS
Tuesday September 14, 2021
DRAFT MINUTES**

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to Van Buren Township residents; this Van Buren Township's Board of Zoning Appeals meeting will be conducted virtually as permissible under Public Acts of 2020 Act No. 254 and Declaration of Health Emergency in Wayne County.

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: John Herman, John Haase, Jeff Jahr (Planning Commission Alt.), Kevin Martin (Trustee), Amos Grissett (Vice-chair), Charles Larocque

Absent Excused: Aaron Sellers (Chair), Medina Atchinson (Planning Commission Rep.)

Staff: Dan Power (Dir. Of Planning & Economic Development), Matthew Best (Dir. Of Public Services), Tammy Dohring (Executive Assistant), Brittney Williams (Recording Secretary), Alysha Albrecht (Communication Specialist)

Planning Representative: Vidya Krishnan (Senior Principal Planner, McKenna)

ACCEPTANCE OF AGENDA:

Director Power corrected the date on today's Agenda from Wednesday September 14th to Tuesday September 14th.

Jahr motioned; Haase seconded to accept the Agenda as presented.

ROLL CALL:

Yeas (6): Haase, Herman, Jahr, Martin, Grissett, Larocque

Nays (0): None

Absent (2): Atchinson, Sellers

Motion Carried

APPROVAL OF MINUTES:

Haase motioned; Herman seconded to approve the minutes from the April 13, 2021 meeting.

ROLL CALL:

Yeas (6): Haase, Herman, Jahr, Martin, Grissett, Larocque

Nays (0): None

Absent (2): Atchinson, Sellers

Motion Carried

CORRESPONDANCE: NONE

PUBLIC HEARING (for non-new business items)

Herman motioned, Haase seconded to open the public hearing for non-new business items.

ROLL CALL:

Yeas (6): Herman, Haase, Jahr, Martin, Grissett, Larocque

Nays (0): None

Absent (2): Atchinson, Sellers

Motion Carried

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No Public Comments

Jahr motioned, Martin seconded to close the public hearing for non-new business items

ROLL CALL:

Yeas (6): Herman, Haase, Jahr, Martin, Grissett, Larocque

Nays (0): None

Absent (2): Atchinson, Sellers

Motion Carried

PUBLIC HEARING (new business items)

1. Case Number: 21-031 – Amy Wagner-Kotb

Location: 13295 Ormond Drive (tax parcel ID 83-080-01-0068-301), zoned R-1B, Single Family Residential District:

Request: A request by applicant and owner Amy Wagner-Kotb to construct an 1,168 square foot addition to an existing nonconforming 1,186 square foot single family dwelling, requires a variance from the Van Buren Township Zoning Ordinance, as follows:

Article 14. Nonconformities, Section 14.106. Enlarging a Nonconforming use, subsection B.

Floor area expansion:	50.00% of floor area (593 sq. ft) permitted
	98.48% of floor area (1,168 sq. ft) proposed
	48.48% of floor area (575 sq. ft) variance requested

Herman motioned, Haase seconded to open public hearing for New Business Items.

ROLL CALL:

Yeas (6): Herman, Haase, Jahr, Martin, Grissett, Larocque

Nays (0): None

Absent (2): Atchinson, Sellers

Motion Carried

Public Comments:

Jim, residing at 13323 Ormond Drive, as the applicants neighbor to the South stated he had no problems with her petition to put on the addition.

Gary Thomas, residing at 13237 Ormond Drive, as the applicants neighbor to the North stated he thinks it would be a nice improvement to the property and has no complaints what so ever. He actually invites them to add onto their home.

No further public comments.

Jahr motioned, Haase seconded to close public hearing

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ROLL CALL:

Yeas (6): Herman, Haase, Jahr, Martin, Grissett, Larocque

Nays (0): None

Absent (2): Atchinson, Sellers

Motion Carried

UNFINISHED BUSINESS: None

NEW BUSINESS

Director Power stated the case background for request:

1. Case Number: 21-031 – Amy Wagner-Kotb

Location: 13295 Ormond Drive (tax parcel ID 83-080-01-0068-301), zoned R-1B, Single Family Residential District:

Request: A request by applicant and owner Amy Wagener-Kotb to construct an 1,168 square foot addition to an existing nonconforming 1,186 square foot single family dwelling, requires a variance from the Van Buren Township Zoning Ordinance, as follows:

Article 14. Nonconformities, Section 14.106. Enlarging a Nonconforming use, subsection B.

Floor area expansion:	50.00% of floor area (593 sq. ft) permitted
	98.48% of floor area (1,168 sq. ft) proposed
	48.48% of floor area (575 sq. ft) variance requested

Presentation by Township Staff

Director Power introduced the case analysis from the Planning consultant Ms. Krishnan. Stated that after she goes over her report he will have comments on the overarching findings the BZA is obligated to go through as part of a dimensional variance request.

Ms. Krishnan presented her review letter dated August 25, 2021.

We have reviewed the above referenced application submitted by Amy-Wagner Kotb requesting a variance to build an addition to an existing single-family dwelling. The following are our review comments based on the criteria in the Zoning Ordinance and the information provided:

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 subject site is occupied by an existing dwelling constructed in the 1940's. The dwelling is nonconforming with respect to the front (lake) yard setback. The required setback is 30 feet; however, a portion of the existing dwelling is located at a setback of 29.45 feet, making it non-conforming.

The applicant is proposing to almost double the footprint of the dwelling by constructing an addition to

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its west. The proposed addition meets the setbacks requirements and the lot complies with the minimum required lot area and width standards. However, since the existing dwelling is nonconforming, the proposed addition is deemed by the Ordinance as an expansion of a non-conforming structure, and is limited to no more than 50% of the footprint of the existing dwelling. Strict compliance with the Ordinance standards would reduce the proposed addition to less than half the size proposed or would require the shifting of an existing wall, built decades ago by approximately 6". The Ordinance limitation for expansion of non-conforming structures was written with an intent to prevent prolonging or extending the life of a non-conforming structure. In this case however, the existing structure was built prior to the adoption of the Ordinance standards and is a legal nonconforming structure. Further, requiring the shifting of an existing wall by a mere 6" without knowledge of any others structural damage it may cause, can be construed as being unreasonable. Requiring the applicant to drastically reduce the size of the addition proposed is also not reasonable when the addition conforms to all setbacks and lot coverage standards. Granting of the variance in this case would allow for reasonable use of the property.

Ms. Krishnan went on to explain there is concern that granting of the variance to expand on a non-conforming structure beyond the 50% may set a precedent for similar requests from other lake side properties. However, we need to remember that every variance case stands individually on its own merit.

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

A variance would do substantial justice to the applicant by enabling them to construct a substantial addition to meet their family's needs and is not averse to the interest of other property owners in the district or in the vicinity. The existing non-conformity has remained for decades and the proposed addition is in full conformance to the Ordinance standards.

3) That plight of the owner is due to the unique circumstances of the property. There are no unique circumstances associated with the property itself; however, the plight of the owner arises from the footprint of a structure constructed long before the zoning regulations for setbacks were put in place.

4) That the problem is not self-created. The requested variance is not a self-created problem. The addition proposed by the applicant is in full compliance with all other Ordinance requirements. The existing nonconformity is due to the original dwelling being constructed in the 1940's.

Ms. Krishnan goes on to summarize the ordinance standards of approval Section 12.403 (D):

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

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

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

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Approving the variance will not impair an adequate supply of light and air to adjacent property or increase the congestion in the public streets. As previously noted, the proposed addition is in full compliance with the required setbacks and lot coverage standards for the district.

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

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

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

The proposed addition to the dwelling is in keeping with the architectural style of the structure and is no likely to diminish or impair established property values within the surrounding areas. Likely, the addition will add to the property value of the subject site.

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

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

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

The proposed addition is a single-story living area addition to an existing dwelling and in keeping with the use of the district. The addition complies with all required setbacks and the lot coverage standards. The addition will not change the residential 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 request at this time does not alter the use of the land and is intended to accommodate the living needs of the occupants of the dwelling. The existing non-conformity is not being worsened and the proposed addition is compliant with all standards of the ordinance.

Ms. Krishnan stated the recommendation in her letter:

Subject to any additional information presented and discussed by the applicant, Board, and/or the public during the public hearing and incorporated into the record prior to any findings being made, we recommend that the Board of Zoning Appeals approve the requested variance for the property located at 13295 Ormond Drive.

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

1. Strict compliance with the ordinance will require the demolition and relocation of a wall which was built decades ago by 6" and can be construed as being unnecessarily burdensome.
2. Limitations to floor area expansion, would prevent the construction of the addition which otherwise complies with all requirements of the ordinance.
3. The existing non-conforming dwelling was constructed in the 1940's prior to the establishment of zoning regulations.
4. A variance would provide substantial justice to the applicant and is not averse to the interests of other property owners in the district.
5. The request for variance is not a self-created hardship.
6. The proposed variance is related to the valid exercise of police power.
7. A variance is not likely to impair light and air to adjacent property or increase the congestion in the public streets.
8. A variance is not likely to increase the hazard of fire or flood or endanger the public safety.
9. A variance is not likely to diminish or impair established property values within the surrounding areas.
10. A variance is not likely to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.
11. A variance is not likely to alter the essential character of the neighborhood.

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Director Power restates to the BZA, based on detailed analysis of the planner, that this request is not for a set back variance but it is for consideration of expansion on a non-conforming structure in a conforming part of the lot. To reiterate what Ms. Krishnan said, the BZA would review findings of facts for this specific request based on the criteria for a dimensional variance in the zoning ordinance. The BZA still needs to agree that a practical difficulty standard has been met based on the application materials and based on the analysis and standards that weigh into that. The strict compliance would prevent the owner from using the property for permitted use. That this will give justice to other properties in the district. There are unique circumstances of this property and that the problem is not self-created. The other dimensional variance criteria including that there is no impairment to the public health, safety or welfare. Will not alter the character of the neighborhood and any other standards laid out in the planner's letter. Reminds them that this is a unique case and there are items that apply to this case only.

Presentation by the Applicant

Amy Wagner-Kotb, the applicant that resides at 13295 Ormond Drive (tax parcel ID 83-080-01-0068-301). Appreciates the synopsis provided by the Township representatives, we support the case they have outlined that is similar to the letter that was submitted to the BZA dated July 5, 2021 regarding their beliefs of how it would fit on the lot. Nothing else to add to what the Township representatives outlined other than the history of her home that was built by her grandparents during WWII while working at Willow Run. When this house was built in the 40's it was considered compliant regarding the setbacks of minimal non-conformity of 1.5 inches on one side and 6 inches on the other side. We believe this will be an improvement for both the neighborhood and the Township. We just wish to update, modernize and have a house nice here on the lake that is contributing to the community. Nothing further to add to what the Township representatives provided, in agreement with those statements.

Director Power directs the BZA to look at the packet to see the site plan with the addition shown, if approved, on the west side. Additionally, goes through the photos attached in the packet.

Todd Ballou, the architect of the proposed project at 13295 Ormond Drive. Nothing to add, everyone did a great job talking about the project. The main point to make was the large difference between the effort to literally follow the ordinance, which in this case would be moving the wall 6 inches vs the benefits that would be gained which would be almost unnoticeable. That large difference makes for their hardship.

Board of Zoning Appeals Discussion

John Herman tells Amy the packet she presented to us, he had originally thought he would have to go down and see what was going on in person and if he could look in the backyard, but the packet that was put together by staff and Amy was full and complete which is appreciated. Hope Amy builds a house, once approved, that is a lake front house because the house they have now there are no windows in the rear to oversee the lake. Does not personally have any problems with this because of all the facts that were stated.

Amos Grissett stated it were built in 1940 which is 81 years ago. A lot can happen in 81 years such as shifting of land, erosion of water sides and everything else. 6 inches is important to us but almost guaranteeing that when the house was built it was done properly. If you look at Pictured Rock 3-4 weeks ago they had roughly 4 to 5 feet of land that shifted to the lake, that would naturally make the lake closer than it was when they built it. So, there are a lot of little things we have to take into consideration because it was initially conforming even though there weren't actually any laws to say you had to do that. With that as well as all the things Amy has put together the facts remain that she has done a good job showing why she feels that she should be able to do this without any problem. Mr. Grissett has no problems with it.

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Jeff Jahr asked staff or Mr. Ballou to talk about the lake side property line and how it was located. Knows that some of the lake lots there are different standards for determining the property line. Simply curious as to how it was determined, in this situation if anyone has any information on it.

Todd Ballou, the architect, states they have a survey that located the water line as well as the house that provided the setback for them. Nothing they measured, they are relying on the professional surveyor to tell them they are 6 inches over the line.

Jeff Jahr commented on the standards for granting the variance, he believes it looks like strict compliance with this moving an 80-year-old brick wall 6 inches does seem, from an engineering stand point, unnecessarily burdensome. Believes the variance granting it would grant substantial justice to the applicant. As we heard from the property owners near by the relaxation would grant substantial relief. It does appear that this is unique to the property and is simply 6 inches over the line issue, doesn't believe the problem is self-created. Also believe that if this addition is put on there is another out building that is being removed from the property which in turn would make this property more compliant although it still will be an existing legal non-conformity it is more in compliance when the building is gone. Really believe this is a reasonable request at this time.

John Herman added they had a couple surveys done not just relying on one.

No further comments.

Board of Zoning Appeals Action

Herman motioned, Haase seconded, to grant approval for the variance for enlarging a non-conforming use request to Amy Wagner-Kotb, based on the McKenna letter dated August 25, 2021.

ROLL CALL:

Yeas (6): Herman, Haase, Jahr, Martin, Grissett, Larocque

Nays (0): None

Absent (2): Atchinson, Sellers

Motion Carried

Director Power added there are still training opportunities put forward by the Michigan Township association, Michigan association of Planning and Michigan State University land use extension, among others. Keep eye out for training opportunities from us because the BZA does have to attend 2 training classes each year. Find the opportunities you would like to attend and we will help you sign up.

Haase motioned, Herman seconded to adjourn meeting 7:51pm

ROLL CALL:

Yeas (6): Herman, Haase, Jahr, Martin, Grissett, Larocque

Nays (0): None

Absent (2): Atchinson, Sellers

Motion Carried

Respectfully submitted,

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Brittney Williams, Recording Secretary



Case number _____

Dated submitted _____

Board of Zoning Appeals Application

APPLICANT INFORMATION

Applicant Signarama, Troy Phone 248-585-6880
Property Owner (if different than applicant) River of Life Assembly of God Phone 734-699-6700
Address 16650 Sumpter Road Fax _____
City, State Belleville, MI Zip 48111 E-Mail Address mike@michigansignshops.com

SITE INFORMATION

Property Location: On the West Side of Sumpter Road; Between Bemis Road
and Hull Road. Size of Lot Width 650' Depth 1330' Acreage _____
Date Property Acquired and the Type of Ownership _____
State all deed, subdivision improvement and property restrictions in effect at this time, together with dates of expiration:

VARIANCE REQUEST

Variance to Zoning Ordinance Section (s) closer setback the 30' minimum from from lot line
Explanation of the Practical Difficulty of the Property as defined in Section 19.07 _____
increase visibility of sign & awareness of church
Explanation of request for Administrative Review Interpretation _____

REQUIRED INFORMATION

Photographs of the building and/or structures on site
Sketch plan or plot plan showing the dimensions of the lot and the existing and proposed setbacks

OWNER'S AFFIDAVIT

James Marcum
Print Property Owners Name

James Marcum
Signature of Property Owner

9-21-21
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 _____ day of _____, 200__

_____, Notary Public, _____ County, Michigan

My Commission expires _____, 200__



MEMO

TO: Van Buren Township Board of Zoning Appeals (BZA)
FROM: Dan Power– Director of Planning and Economic Development
Vidya Krishnan – Senior Principal Planner / McKenna
RE: 16650 Sumpter Road Variance Review. Application Received
and dated 9-21-2021.
DATE: October 4, 2021

Dear Board Members:

We have reviewed the above referenced application submitted by Signarama, Troy on behalf Owner River of Life Assembly of God requesting a variance to construct a monument sign within a required lot line setback. The following are my review comments based on the criteria in the Zoning Ordinance and the information provided:

File Number: VBT-21-038

Parcel Size and Tax ID: 19.06 acres / Parcel ID# 83 132 99 0013 701

Property Owner: River of Life Assembly of God

Zoning and Existing Use: AG (Agricultural and Estate District). The parcel is currently improved with three (3) buildings covering a total area of 32,315 square feet affiliated with the River of Life Assembly of God church.

Project Description: The applicant is proposing to construct a 22.67 square foot sign with 17 square foot scored concrete base.

Notice: Notice for the public hearing was published in the Belleville Area Independent on September 23, 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 September 23, 2021.

Variance Request:

**Article 11. Signs, Section 11.108(A) Zoning District Regulations, Sign Regulations
Applicable to the AG, R-1, R-2, RM, and RMH Districts**

Front Yard Setback: 30.0' required
5.0' proposed
25.0' setback variance requested

The owner purchased the subject property in September 2019. The site was previously fully redeveloped from 2005-2007 with the construction of a new building following final site plan approval by the Van Buren Township Planning Commission. As part of the approval of this site plan, Wayne County established 60' of new right-of-way (ROW), which now separates the east edge of the subject property from the edge of pavement of Sumpter Road. A wooden post sign was installed within this ROW between July 2018 and April 2019, prior to the current owner's purchase of the site.

In Spring 2021, the applicant applied for a permit to remove the existing sign and construct a new monument sign that complies with monument sign requirements for area, height, and base material in accordance with Article 11 of the Van Buren Township Zoning Ordinance. The sign permit application included a plot plan with a proposed 39' sign setback from a front lot line displayed on the plan. Based on the materials submitted, the permit application was conditionally approved with conditions, including the condition that the sign must be set back 30' from all lot lines.

Staff later discovered that the plot plan provided with the sign permit application incorrectly showed the front lot line as what actually appears to be the east line of the newly Wayne County ROW. The sign would therefore effectively be within the Wayne County ROW. Following this discovery, the applicant and staff met on site on September 1, 2021 to review the placement of the sign on site. Following the site visit, and following confirmation of the boundary of the County ROW, the applicant was given the option to either bring the sign into compliance by shifting it 30' inside of the lot boundary, or approximately 90' from the edge of pavement of Sumpter Road; or to seek a variance to install the sign within the subject property but within the required 30' front lot line setback. The applicant chose to proceed with applying for a variance.

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's principal use is as a religious institution, which is a permitted special land use in the AG Zoning District. This use draws significant traffic to the site at specific peak times. The site's frontage is on a road with a posted speed limit of 45 miles per hour (MPH). Adequate usage of the site for this purpose requires legible and effective signage in order to properly provide navigation to and from the site. The signage should be sufficiently set back so as to avoid visual clutter or to impair the character of the site's surroundings, but should also be sufficiently visible and near to the front of the site so as to be recognizable and visible to drivers so as to avoid rapid braking or confusion at a speed of 45 MPH.

The site's front lot line is the line separating the lot from the street ROW. There is a 30-foot

setback imposed on monument signs for non-residential or subdivision uses in the AG zoning district. This generally ensures an adequate setback from an adjacent roadway so as to avoid distracting or visually obtrusive conditions. In this case, based on the separation of the subject property from the road by an expanded 60' ROW, compliance with the Ordinance standard will require placement of the sign approximately 90' from the edge of road pavement. Such placement would render the sign difficult to see while driving at the posted speed. This is coupled with the presence of a roughly 280' vegetated buffer and vegetation in a Wayne County drain that further limit visibility to the site for northbound traffic. These factors combined can be construed as making strict Zoning Ordinance compliance unnecessarily burdensome.

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

A variance would do substantial justice to the applicant by enabling them to showcase and inform visitors and passersby about the use of the site. The variance would enable the applicant to do so in a manner that is in line with the right given to churches and subdivisions in the AG, R-1, R-2, RM, and RMH Districts. See the attached **Exhibit A**, which is an analysis of five comparable church sites and three subdivision entryways in residential zoning districts throughout the Township. Under the requested variance, the applicant's sign would be placed 65 feet from the edge of pavement of Sumpter Road. This can be compared with signs with road edge setbacks that range from roughly 30-35 feet to roughly 65-70 feet. Among the studied sites, no site has an entry sign that approaches a 90 feet minimum setback from the edge of pavement of adjacent roads. Additionally, see **Exhibit B** for a permit granted in 1996 for a sign at the subject site, which was approved as being setback only 50' from the centerline of Sumpter Road.

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

The subject property abuts an unusual 60' County ROW whose far edge is the edge of road pavement rather than the road centerline. This right-of-way sets the site's front lot line uniquely far back from the edge of the road pavement. The ROW also includes the Jewett Drain, a county drain. The southern / side portion of the property maintains a significant roughly 280' vegetated buffer. These factors uniquely limit site visibility. Further, the site's entryway median is the most logical place to install the entry sign. This median contains trees which will be impacted by the placement of the sign.



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

The current owner purchased the property with its unique constraints in place and did not cause

them. The owner sought to increase the conformity of the site's signage by removing a non-conforming sign and replacing it with a sign that is conforming in material, area, and height, and is more adequately set back than the current sign which improperly sits on County ROW. The applicant has not caused a self-created problem in relation to the requested variance.

Section 12.403 (D) Standards of approval.

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

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

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

Approving the variance will not appear to impair an adequate supply of light and air to adjacent property or increase the congestion in the public streets. The proposed sign will be located greater than 300' in any direction from adjacent properties.

- 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 sign will be required to comply with all applicable building and electrical codes.

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

The proposed sign will not diminish or impair established property values within the surrounding area. The sign will greatly improve the site's zoning conformity by removing a non-conforming wooden post sign that has no base and replacing it with a sign that meets applicable material, area, and height standards, and is placed entirely within the subject site and not in the ROW.

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

The reduced front yard setback for the signage, will not 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 sign will complement the character of the neighborhood by applying current zoning standards for sign material, area, and height. Churches are typically located in residential areas to serve the residents. The location of the church with the associated sign is in keeping with 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 proposed sign will meet current zoning standards for material, area and height, and will be both near enough to Sumpter Road so as to be clearly seen while sufficiently set back so as to not be visually obtrusive to road traffic. The granting of this requested variance will therefore fulfill the purpose of zoning regulations to provide for the orderly and planned use of land.

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 *approve* the requested variance to allow a 22.67 square foot monument sign with 17 square foot scored concrete base to be constructed within 5' of the front line, subject to the following condition:

1. If any tree removal is required for sign installation, the applicant must submit a landscaping plan showing adequate tree replacement for administrative approval.

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

1. Strict compliance with the required sign setback would be unnecessarily burdensome and would limit legible and effective signage and would impair proper navigation to and from the site.
2. A variance from the front lot line setback 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 the 60' ROW that separates it from the edge of Sumpter Road, the drain that crosses it, and its 280' vegetated buffer.
4. The request for a variance is not a self-created hardship.
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.

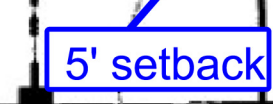
Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Power". The signature is fluid and cursive, with the first name "Dan" and last name "Power" clearly distinguishable.

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

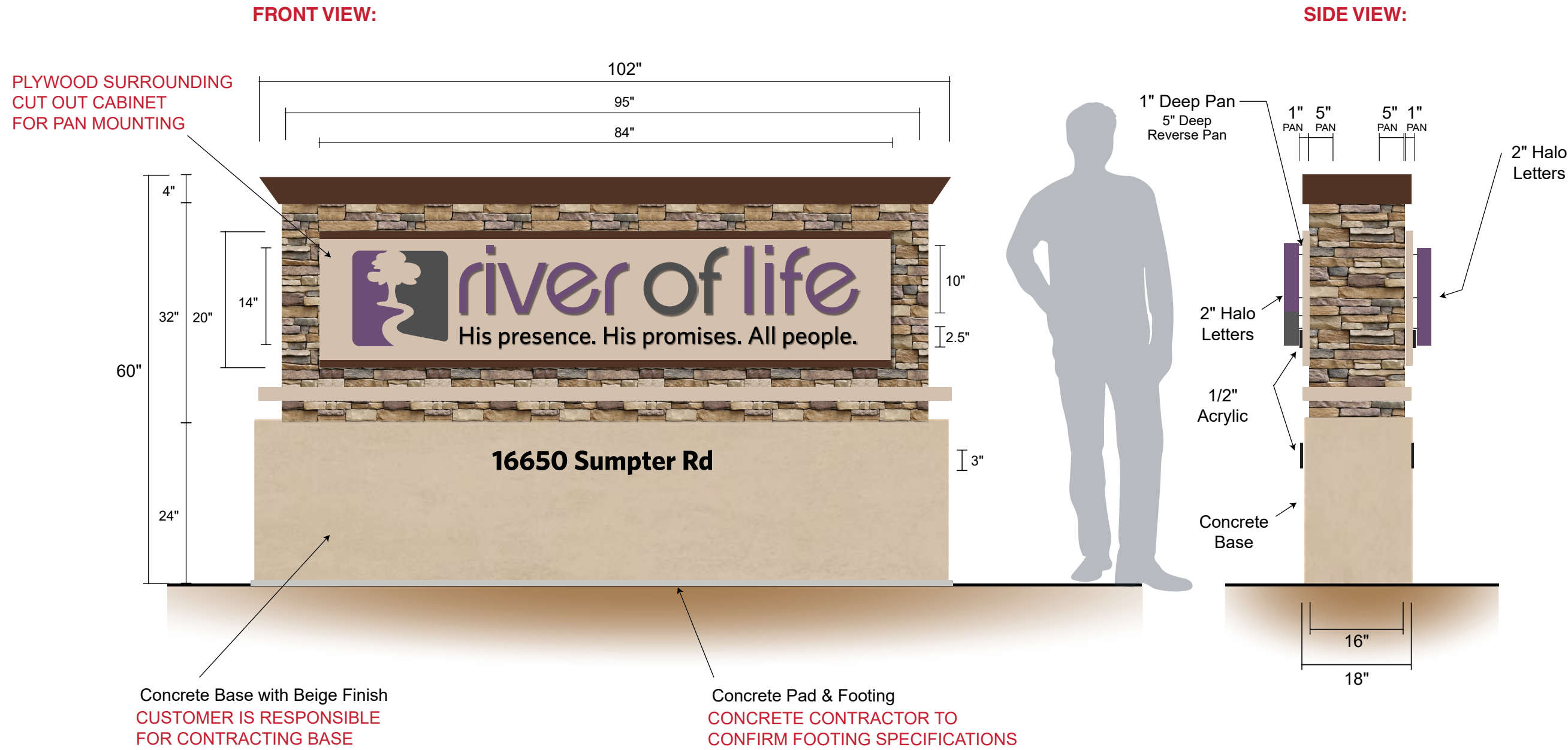
Cc: Matthew Best, Director of Public Services, Van Buren Township
James Marcum, owner – River of Life Assembly of God
Mike Stephens, applicant – Signarama, Troy



AN ARTIST REPRESENTATION - Image is for illustration purposes only. Objects in reality may be larger or smaller than depicted.

248-585-6880 | michigansignshops.com | 1017 Naughton Dr. Troy, MI 48083

MANUFACTURING DETAILS >>>



DETAIL

- Custom Ground Sign - Double Sided
- Chiseled Slate Concrete Base Sized: 24"(h) x 102"(w) x 18"(d), Color: French Cream **Supplied by Customer's Contractor**
 - Faux Stone Sign Sized 32"(h) x 95"(w), 16"(d) | 6" Deep Pan Sign with 1" Reveal | Void Included in Faux Stone Panel, sized to fit Pan Size: 20"(h) x 84"(w), Pan Painted Beige: TBD - To Match Concrete
 - Brown Vinyl Trim on Pan Face | 2" Deep Fabricated Halo Letters Mounted to Pan, Custom Finish, Purple & Charcoal: TBD
 - 1/2" Acrylic Tagline, Custom Finish, Charcoal: TBD
 - Stucco Header, Sized: 4"(h) x 102"(w) x 16"(d), Custom Finish, Dark Brown, TBD | Stucco Divider Sized: 2"(h) x 102"(w) x 18"(d)

SALES: Renee W | renee@michigansignshops.com
DRAWING: Marissa D.
CREATED: 01/19/2021 REVISED: 06/15/2021

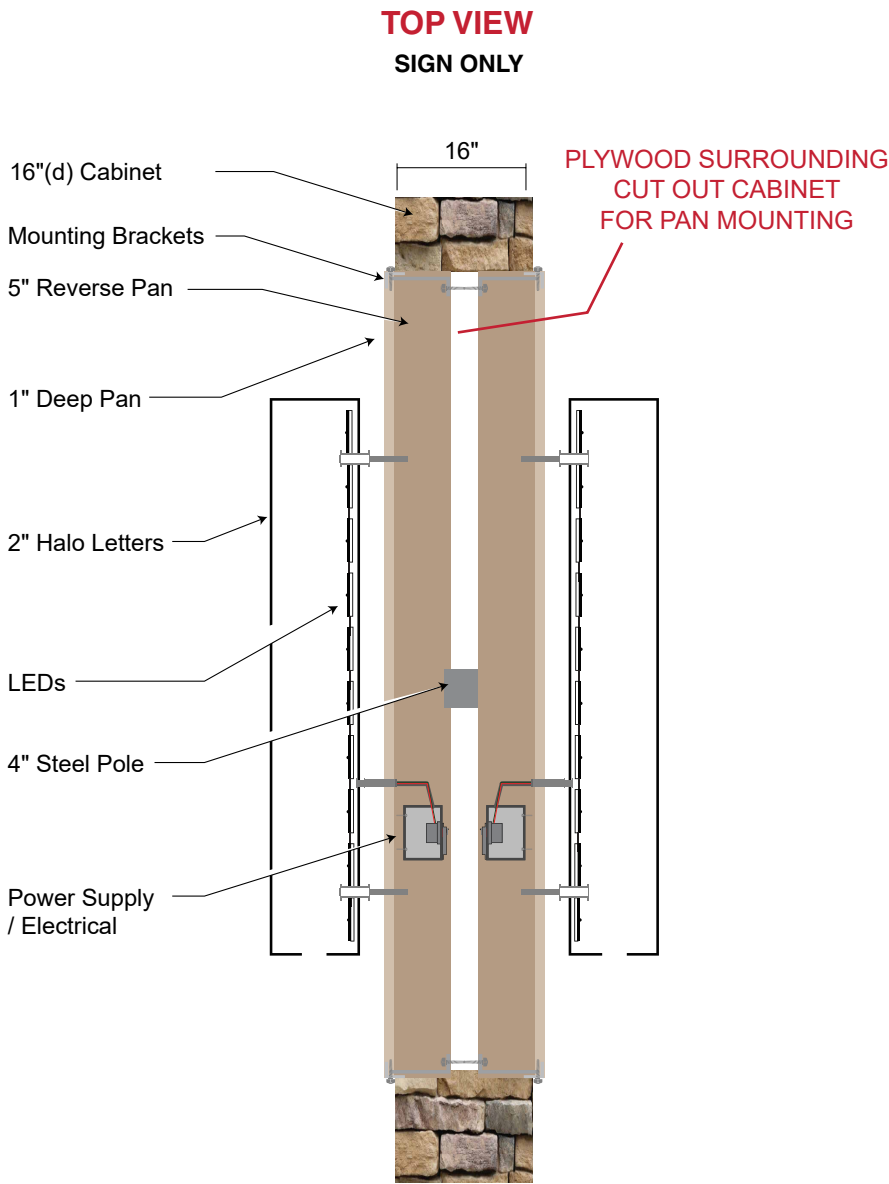
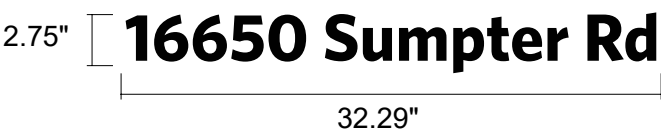
FOOTING DETAILS >>>



HALO LETTERS



1/2" ACRYLIC LETTERS



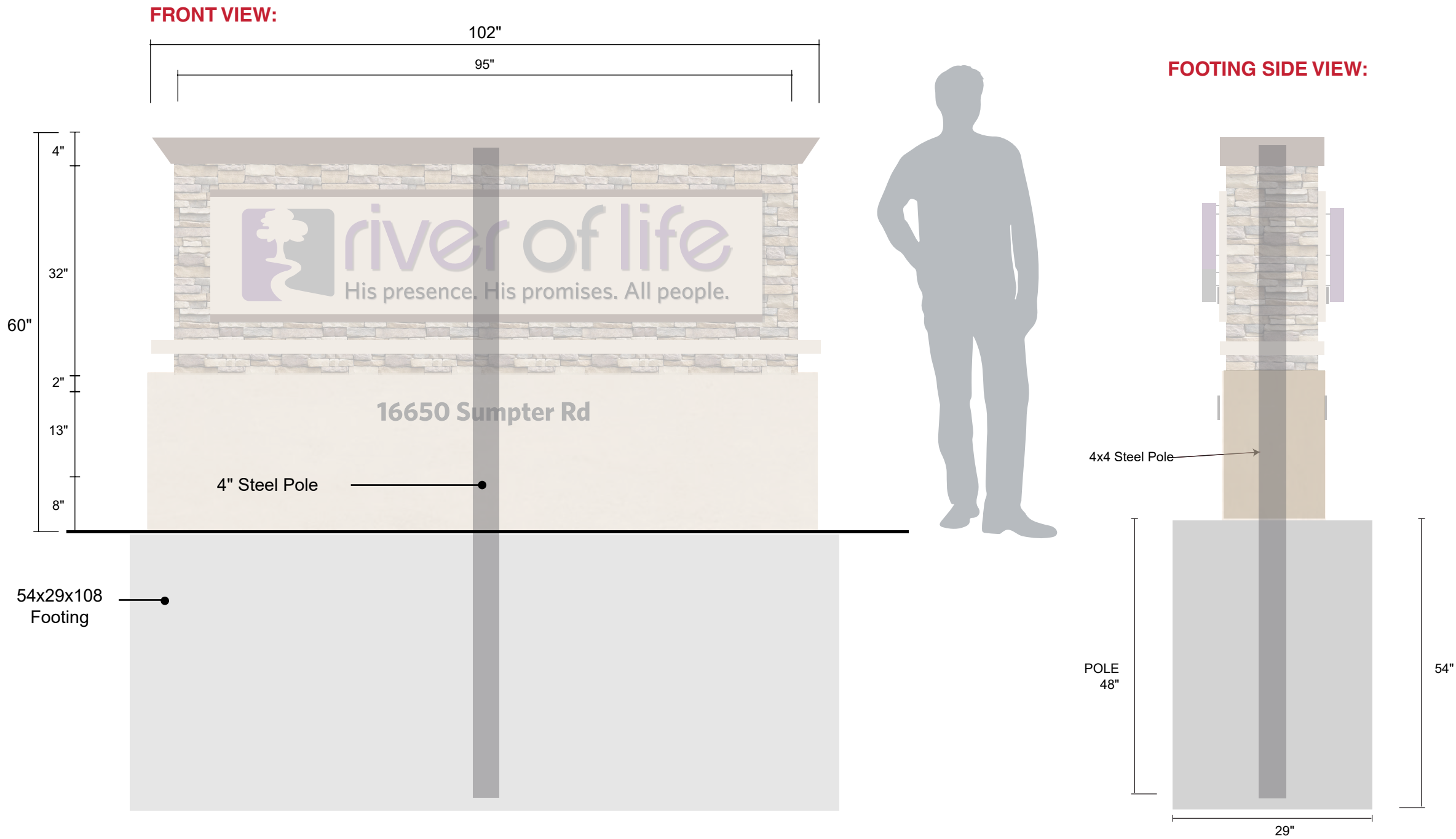
MANUFACTURING DETAILS

SALES: Renee W | renee@michigansignshops.com
DRAWING: Marissa D.
CREATED: 01/19/2021 REVISED: 06/15/2021

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ADDITIONAL FOOTING DETAILS >>>



FOOTING DETAILS

SALES: Renee W | renee@michigansignshops.com

DRAWING: Marissa D.

CREATED: 01/19/2021

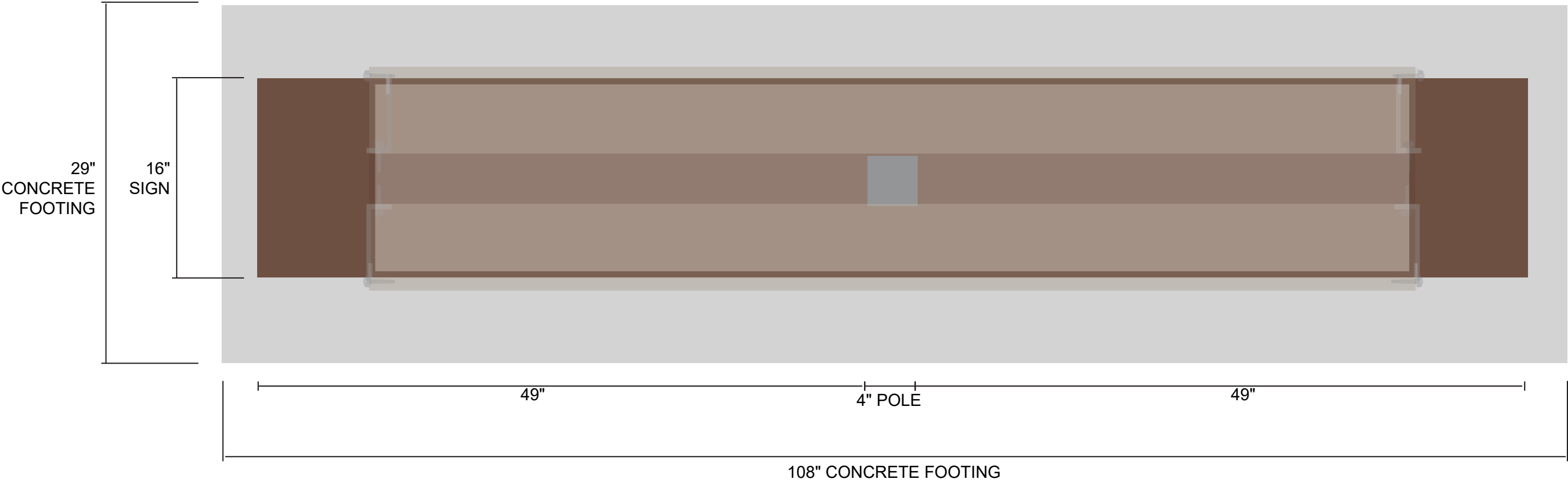
REVISED: 06/15/2021

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PLACEMENT DETAILS >>>

FOOTING TOP VIEW:



FOOTING DETAILS

SALES: Renee W | renee@michigansignshops.com
DRAWING: Marissa D.
CREATED: 01/19/2021 REVISED: 06/15/2021

ADDITIONAL PLACEMENT
DETAILS >>>



SIGN PLACEMENT

39' Setback from
Yellow Property line

AERIAL SIGN PLACEMENT

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DRAWING: Marissa D.
CREATED: 01/19/2021 REVISED: 06/15/2021

EXISTING SIGN TO BE REMOVED



EXISTING SIGN DETAIL / PROPOSED SIGN RENDERING

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DRAWING: Marissa D.
CREATED: 01/19/2021 REVISED: 06/15/2021

Belleville Lighthouse Church 870 Savage Road



Images courtesy of Google Street View and Google Earth, 2021

St. Paul's Evangelical Lutheran Church 47745 West Huron River Drive



Images courtesy of Google Street View and Google Earth, 2021

Metro Baptist Church 47100 N Interstate 94 Service Drive



Images courtesy of Google Street View and Google Earth, 2021

Berean Baptist Church 6889 Belleville Road



Images courtesy of Google Street View and Google Earth, 2021

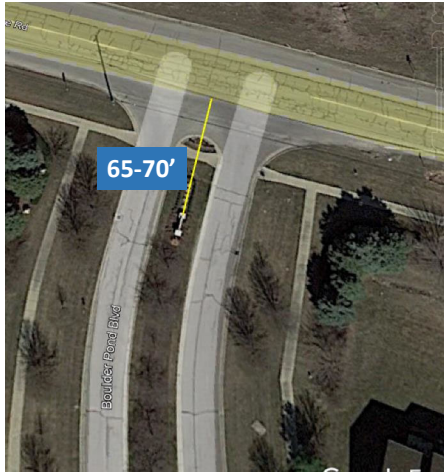
Faith Church Denton 6020 Denton Road



Cobblestone Creek Subdivision Near 49000 West Huron River Drive



Country Pond Subdivision Near Savage Road and Martinsville Road



Images courtesy of Google Street View and Google Earth, 2021

Country Walk Subdivision Near Savage Road and Martinsville Road



Images courtesy of Google Street View and Google Earth, 2021

Exhibit B. 1996 Sign Permit Approval 77349

CHARTER TOWNSHIP OF VAN HUREN
BUILDING AND PLANNING DEPARTMENT
46425 TYLER ROAD
BELLEVILLE, MI 48111
(313) 699-8913

APPLICATION FOR PERMANENT SIGN PERMIT

Business Name: Sumpter Community Church of God

Business Address: 16650 Sumpter rd

Owner/Lessee: PASTOR RITA JOHNSON Business Phone: (313) 6977705

Applicant Name: MADISON DESIGN GROUP STANLEY MATTINGLY

Company Name: MADISON DESIGN GROUP

Company Address: 2000 CENTURY PLAZA Company Phone: (301) 5961088

Location Zoning: AG 27044

Type of Sign(s): SRE ATTACHED
(attach drawings of each sign detailing construction and size of each sign)

Site Inventory:

Square feet of existing signs:

_____ Pole Sign ☒ Ground Sign _____ Wall Sign

Linear Feet of Building Frontage: _____ Linear Feet of Road Frontage: _____

Stanley Mattingly
Signature of Applicant

Date

Fee:

Approved:

Date:

35.00
10/15
11/1/96

Approved through
site plan

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, October 12, 2021 at 7:00 p.m.** To mitigate the spread of COVID-19, protect the public health, and provide essential protections to Van Buren Township residents; this Van Buren Township's BZA meeting will be conducted virtually as permissible under Public Acts of 2020 Act No. 254 and Declaration of a Health Emergency in Wayne County. To participate in the meeting electronically, the public may follow the instructions below. The BZA will consider the following variance request related to 16650 Sumpter Road (tax parcel ID 83 132 99 0013 701), a roughly 19.06-acre parcel zoned AG – Agricultural and Estates District:

Case # 21-038- A request by applicant and owner River of Life Assembly of God to construct a 22.67 square foot sign with 17 square foot base, requires a variance from the Van Buren Township Zoning Ordinance, as follows:

Article 11. Signs, Section 11.108(A) Zoning District Regulations, Sign Regulations Applicable to the AG, R-1, R-2, RM, and RMH Districts

Setback:	30' setback from lot line permitted
	5' setback from front lot line proposed
	25' setback variance requested

Members of the public may access the agenda materials via the Township website – www.vanburen-mi.org beginning **October 8, 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: September 21, 2021
Published: September 23, 2021