

**CHARTER TOWNSHIP OF VAN BUREN  
BOARD OF ZONING APPEALS AGENDA  
Wednesday, April 13, 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://zoom.us/j/98734484656>
- Or dial in by phone: 1 929 436 2866
- Webinar ID: 987 3448 4656

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 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**

**APPROVAL OF MINUTES:** Approval of minutes from February 9, 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: 21-015 – Gardner Sign, Inc. on behalf of owner Genisys Credit Union**

**Location:** 10444 Belleville Road (tax parcel ID 83 064 99 0003 717), zoned C-2 – Extensive Highway Business District:

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

Section 11.108(B) of the Zoning Ordinance (Signs – Zoning District Regulations) of the Zoning Ordinance, which places certain limits on the area and **height** for monument signs in the C-2 zoning district:

- **Required:** (1) 8' maximum height (including base) on lots or developments that do not 2 or more major tenants, (2) 60-sq. ft. maximum total sign area (excluding base) on lots with greater than 200' but less than 400' of frontage.
- **Proposed:** (1) 10'-1 ¾" height (including base), (2) 92.32-sq. ft. total area (excluding base).

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

**2. Case Number: 21-010 – Rob Wagner of Midwest Consulting on behalf of owner South Yost, LLC**

**Location:** 44145 Yost Road (tax parcel ID 83 009 99 0004 001), zoned M-1 – Light Industrial:

**Request:** Applicant Rob Wagner of Midwest Consulting on behalf of owner South Yost, LLC is requesting two (2) variances from the following section of the Charter Township of Van Buren Zoning Ordinance:

**Side yard setback and rear yard setback requirements** of Section 4.102 (Schedule of Regulations) of the Zoning Ordinance, which requires certain setbacks for buildings or structures in the M-1 Zoning District:

- **Required:** The side yard setback shall be a minimum of 40' and the rear yard setback shall be a minimum of 40'.
- **Proposed:** 7.89' side yard setback and 0' rear yard setback.

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

**UNFINISHED BUSINESS**

**1. 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. Presentation by Township Staff.
- B. Board of Zoning Appeals Discussion.
- C. Board of Zoning Appeals Action.

## NEW BUSINESS

### 1. Case Number: 21-015 – Gardner Sign, Inc. on behalf of owner Genisys Credit Union

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- **Required:** (1) 8' maximum height (including base) on lots or developments that do not 2 or more major tenants, (2) 60-sq. ft. maximum total sign area (excluding base) on lots with greater than 200' but less than 400' of frontage.
- **Proposed:** (1) 10'-1 ¾" height (including base), (2) 92.32-sq. ft. total area (excluding base).

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

### 2. Case Number: 21-010 – Rob Wagner of Midwest Consulting on behalf of owner South Yost, LLC

**Location:** 44145 Yost Road (tax parcel ID 83 009 99 0004 001), zoned M-1 – Light Industrial:

**Request:** Applicant Rob Wagner of Midwest Consulting on behalf of owner South Yost, LLC is requesting two (2) variances from the following section of the Charter Township of Van Buren Zoning Ordinance:

**Side yard setback and rear yard setback requirements** of Section 4.102 (Schedule of Regulations) of the Zoning Ordinance, which requires certain setbacks for buildings or structures in the M-1 Zoning District:

- **Required:** The side yard setback shall be a minimum of 40' and the rear yard setback shall be a minimum of 40'.
- **Proposed:** 7.89' side yard setback and 0' rear yard setback.

- 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, FEBRUARY 9, 2021  
MINUTES**

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to Van Buren Township residents; the meeting was called to order by Chairperson Sellers at 7:03 p.m. via virtual meeting.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

**Present:** Aaron Sellers (Chair), Amos Grissett (Vice-Chair), Kevin Martin (Trustee), John Haase, John Herman, Charles Larocque, Medina Atchinson (Planning Commission Rep.), Jeff Jahr (Planning Commission Alt.)

**Staff:** Dan Power (Dir. of Planning & Economic Development), Matthew Best (Dir. of Public Services), Deanna Murphy (Acting Recording Secretary), Ryan Nichols (Communication Specialist)

**Planning Representative:** Vidya Krishnan (McKenna Associates)

**ACCEPTANCE OF AGENDA:**

Director Power requested a couple of minor corrections pertaining to the two newest Planning Commission members. Mr. Jahr will serve as the Planning Commission Alternate and Ms. Atchinson as the Planning Commission Representative. Currently, the BZA Secretary position is vacated and will be addressed under New Business – Election of Officers for 2021. Lastly, with regards to the two Cases presented tonight, staff will present first followed by public comments and then by applicants.

Moved and seconded by Board members Grissett and Haase to accept the February 9, 2021 Board of Zoning Appeals Agenda as amended.

**Roll Call Vote:** (7) AYES – Sellers, Grissett, Martin, Haase, Herman, Larocque, Atchinson  
(0) NAYS

**Motion Carried**

**APPROVAL OF DECEMBER 8, 2020 MEETING MINUTES:**

Moved and seconded by Board members Haase and Herman to approve the BZA Meeting Minutes of December 8, 2020.

**Roll Call Vote:** (7) AYES – Sellers, Grissett, Martin, Haase, Herman, Larocque, Atchinson  
(0) NAYS

**Motion Carried**

**CORRESPONDENCE:** None

**PUBLIC HEARING - Non-New Business Items:**

Moved and seconded by Board members Grissett and Haase to open the Public Hearing.

**Roll Call Vote:** (7) AYES – Sellers, Grissett, Martin, Haase, Herman, Larocque, Atchinson  
(0) NAYS

**Motion Carried**

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Being that there were no public comments, moved and seconded by Board members Atchinson and Haase to close the Public Hearing.

**Roll Call Vote:** (7) AYES – Sellers, Grissett, Martin, Haase, Herman, Larocque, Atchinson  
(0) NAYS

**Motion Carried**

**NEW BUSINESS:**

**1. Election of Officers for 2021**

Moved and seconded by Board members Haase and Grissett to nominate Aaron Sellers as the BZA Chair for 2021.

**Roll Call Vote:** (7) AYES – Sellers, Grissett, Martin, Haase, Herman, Larocque, Atchinson  
(0) NAYS

**Motion Carried**

Moved and seconded by Board members Sellers and Haase to nominate Amos Grissett as the BZA Vice-Chair for 2021.

**Roll Call Vote:** (7) AYES – Sellers, Grissett, Martin, Haase, Herman, Larocque, Atchinson  
(0) NAYS

**Motion Carried**

Moved and seconded by Board members Martin and Grissett to nominate John Herman as the BZA Secretary for 2021.

**Roll Call Vote:** (7) AYES – Sellers, Grissett, Martin, Haase, Herman, Larocque, Atchinson  
(0) NAYS

**Motion Carried**

**2. BZA Case #21-006 NEAPCO Drivelines** (on behalf of owner, Van Buren Industrial Investors LLC)

**Location/Parcel #:** 6735 Haggerty Road/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.

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Moved and seconded by Board members Herman and Martin to open the Public Hearing.

**Roll Call Vote:** (7) AYES – Sellers, Grissett, Martin, Haase, Herman, Larocque, Atchinson  
(0) NAYS

**Motion Carried**

**Staff/Consultant Comments:**

Ms. Krishnan presented her letter dated January 27, 2021. She reiterated the subject site is a 45.44 acres parcel located in an M-1 Light Industrial District. NEAPCO Drivelines is proposing to construct a 20,379 sq. ft. addition, which will result in a net building area of 711,179 sq. ft. The current Zoning Ordinance has a maximum lot coverage limit in the M-1 District of 35%. The existing lot coverage is 34.90%. With the proposed addition, the lot coverage will increase to 35.92%, which will exceed the lot coverage of 0.92% or 18,401 sq. ft. In brief, Ms. Krishnan's recommendation to deny the variance requested by NEAPCO Drivelines is based on the following 14 findings of facts:

- 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.

NEAPCO Drivelines representatives: Kris Benson (Designer), Jim Jacobs (Designer), Sean Mulligan (Plant Manager), Joe Boice (Director of Manufacturing)

Mr. Mulligan explained that NEAPCO has been in this facility since 2008 (13 years) and is experiencing rapid growth that they are space constrained inside the building. Currently, they are forced to store customer containers outside in the back of the facility subjecting them to undesirable elements (rain,

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snow and debris). They are requesting a variance to construct a roof to cover the dunnage/end items (customer material). By not covering this material has created a safety issue inside the building because once the material is brought back inside, the snow melts causing a safety hazard (slip hazard).

Mr. Boice added that they have grown from 60 to 600 employees. There has been tremendous growth. He is proud to say that NEAPCO is one of Van Buren Twp.'s major employers and through the talent and acquisitions that they have hired in this area has help drive that growth. Their partnership with the Township has been instrumental in their growth. This variance request is less than 1% of their overall lot coverage. Without this minimal expansion, they are experiencing difficulty protecting their racks from snow, debris and bird droppings. The proposed structure would not adversely affect any neighboring properties and will be well kept and maintained.

The Designers continued to explain that the suggested land acquisition option was not feasible. For clarification, the ownership of the front parcel to the west is not the same as the property that is developed. There is a landowner who originally developed the parcel as it exists. NEAPCO is a tenant within it so they do not have the ability to purchase any land. While there is a common entity that is part owner in the front parcel to the west, there is also an unwilling partner to agree with this option. The neighboring parcel to the south would not be feasible either. The hardship in this case is the safety hazard created by outside elements (snow, ice, rain, debris, etc.). This proposal would not have any detrimental impacts toward run-off, environment or traffic patterns. Additionally, providing this coverage would have positive environmental impacts, such as, life span of rack use. In comparison to adjacent municipalities (light industrial), lot coverage allowance: Plymouth = 50%, Farmington = no restrictions, Ann Arbor = 80%, Taylor = 35%, Dearborn Heights = 40%, and Livonia = 40%. They are not looking for additional building footprint. They are merely asking for protective screening for outside storage. If they were to put sides (only) on it, it would be allowed for outside storage resulting in the creation of a larger mass; however, merely erecting a roof leaving sides open, would violate maximum lot coverage by VBT ordinance. With the vacancy coming through the loss of Vistar (relocation), NEAPCO is considering expanding their facility (production only – not storage). There is no opportunity to move storage indoors.

Ms. Krishnan asked Mr. Jacobs if there was any consideration of a retractable awning-type structure (or similar), that could serve NEAPCO's needs and not impact the lot coverage percentage. Mr. Jacobs replied that they would need 75 feet (storage distance) in order to cover the racks and truck wells which would require a support-type structure. If they could utilize such a structure and put a retractable roof on it, then they would consider it.

Mr. Anton (Property Owner) said the property was developed 21 years ago and he is in full support of NEAPCO's modification request. They have looked at every alternative possible including the property to the west but was unsuccessful. This is a 700k sq. ft. project and NEAPCO is a huge tenant in the community. It is his hopes that the Twp. will be able to find a way to help solve their problem and safety concerns. As Vistar is moving to Romulus, this will provide an opportunity for NEAPCO to grow within Van Buren.

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Being that there were no public comments, moved and seconded by Board members Haase and Atchinson to close the Public Hearing.

**Roll Call Vote:** (7) AYES – Sellers, Grissett, Martin, Haase, Herman, Larocque, Atchinson  
(0) NAYS

**Motion Carried**

**Board Discussion:**

It was asked if anyone knew the origin of the current Zoning Ordinance maximum lot coverage limit of 35% in the M-1 District, and if there is a possibility to increase it. From his experience, Director Power has seen lot coverage limits set in place to reduce the intensity of development, preserve open space and reduce run-off. He believes this is a reasonable standard and helps prevent over-building a site, contributing to run-off and depleting space on a site. However, there is always the possibility to ask the Planning Commission to look at it more closely. Ms. Krishnan added that she believes this standard has existed for 20-25 years. It has served the community well and was created with the idea that sites should have ample areas for landscaping and besides parking, it prevents it from covered 100% with concrete or asphalt. Different communities have different visions but Van Buren is relatively flat and is known to have drainage issues. A zoning amendment is feasible but is up to the applicant to request this consideration.

Would snow/water continue to be tracked into the facility even if a roofed structure was permitted? Mr. Mulligan replied that he believes it would provide adequate coverage to prevent bringing the elements inside.

Board member Atchinson referenced letters of fellow Planning Commissioners and agrees/in support of NEAPCO's expansion request. It is less than 1% of additional coverage, would not create additional runoff, and improve employee safety. NEAPCO has been a great community neighbor for Van Buren Twp. and she is in support of this request. Chair Sellers concurs with Board member Atchinson.

Board member Martin is concerned of the precedence this may set for further businesses to expand. Ms. Krishnan explained that even though she has to follow letter of the law and understands NEAPCO's argument (need for covered storage) but does not agree with their public safety because all businesses experience this issue. If there is no valid reason for approval, then you run the risk of setting precedence for the next industrial building seeking a variance. NEAPCO request for less than 1% equates to 18,000 sq. ft. The next case could only ask for 5%, which may only be 5,000 sq. ft. depending on the size. If the Board decides to support this variance, she would suggest that the definition of structure in the zoning ordinance be amended. It would not be recommended changing the lot coverage. She further believes the applicant's argument is compelling and they are technically not increasing impervious area by putting a cover over the lot that is already paved. Currently, the way the ordinance is written, it states a structure is anything that has got attachment to a permanently anchored feature.

Board member Grissett asked the applicant if they would consider tabling this variance request in order to go in front of the Planning Commission to get request the necessary definition changes. Ms. Krishnan explained that if the Planning Commission agrees to the requested changes in the definition of how a

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structure is perceived, then there would be no need for the applicant to return to the BZA for a variance.

Moved and seconded by Board members Martin and Herman to postpone the variance request and send NEAPCO Drivelines to the Planning Commission for consideration of a solution over 1) total lot coverage, 2) how lot coverage is defined, or 3) how a structure is defined.

**Roll Call Vote:** (6) AYES – Grissett, Martin, Haase, Herman, Larocque, Atchinson  
(1) NAYS – Sellers

**Motion Carried**

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

**Location/Parcel #:** 8470 Belleville Rd./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 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.

Moved and seconded by Board members Haase and Herman to open the Public Hearing.

**Roll Call Vote:** (7) AYES – Sellers, Grissett, Martin, Haase, Herman, Larocque, Atchinson  
(0) NAYS

**Motion Carried**

**Staff/Consultant Comments:**

Director Power explained in this case, the BZA is requested to hear and decide appeals for the interpretation of the provisions of the Zoning Ordinance per Section 12.403(B). In particular, this applicant seeks the interpretation pertaining to the minimum Usable Floor Area (UFA) in square feet per dwelling unit in independent senior housing developments, specifically regarding how balconies and communal living areas apply toward this requirement. A single one-bedroom dwelling unit in a senior housing development requires a 650 sq. ft. and two-bedroom dwelling unit requires 850 sq. ft. Staff’s original interpretation of the Ordinance, balcony space and communal living space (game room, coffee area, seating areas, etc.) cannot be credited towards the UFA within a building. Tonight’s request

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is not to seek a variance to this standard but to seek a reinterpretation of how this standard is applied, which would consider allowing balconies and/or communal living space. For example, the BZA will consider whether or not each dwelling unit will consist of 850 sq. ft. or there must be 850 sq. ft. UFA accounted for in the overall building for the number units that exist in the building.

Vidya Krishnan explained the proposed Clover Senior Housing Development is a 3-story, 45,860 sq. ft. building with 125 living units. The sizes of the units vary from 682 sq. ft. (one-bedroom) to 776-810 sq. ft. (two-bedroom). The Ordinance currently requires a minimum of 850 sq. ft. for a two-bedroom unit, making the proposed units 74-40 sq. ft. smaller in size than required. The applicant contends that the UFA should be include the individual balconies provided for each unit and the community area (i.e., common use spaces within the building). However, language in Section 4.103. Footnotes to the schedule of regulations, subsection (b) is very clear on the exclusion of balcony square footage in the overall dwelling unit's UFA. With regards to common-space areas (areas with amenities for residents only), there is some merit to include these areas as part of a unit's UFA when considering senior housing (only). This could be addressed through a zoning amendment. An interpretation by the BZA would allow the Planning Commission to proceed with formally changing the Zoning Ordinance to help make this interpretation concrete for future any developments. After this interpretation and clarification, the applicant will have to return to the Planning Commission for site plan and special land use approval.

Ms. Krisnan explained that since this case is not a variance request, we will not use the standards of practical difficulties of unnecessary hardships; however, interpreting the ordinance is within the police power of the BZA. It is further recommended per McKenna letter dated January 27, 2021, the BZA take the following actions:

- 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.

These recommended actions are 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.

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- 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.

Clover Communities Representatives: Beth Ernat (Development Director), Matt Roland, and Jared Kime

In brief, Ms. Ernat presented a PowerPoint presentation. Some highlights are as follows:

- Has approximately 6,500 active adults age-restricted independent living units in over 50 communities throughout the northeast and Midwest.
- Designed for self-sufficiency and offer affordable rates.
- Included in the lease are the communal areas (community room, outdoor patio, library, community lounge w/ fireplace and study, fitness center, coffee room w/ seating, family room and resident seating areas throughout the building) available only to the residents of the building, making them part of their home environment.
- On-site beauty salons / barbers are not included as part of the communal living space because they are not used by everyone and are paid-per-service amenities.
- Individual storage units are also available as a paid-per-service or an add-on.
- Clover Communities recognizes/concedes that the balconies should not be included in the overall UFA calculations.
- They also acknowledged that the utilities areas and sanitary facilities are excluded from the UFA calculations.
- Will not include a commercial kitchen but a microwave and refrigerator will be available.
- Including the communal areas in the UFA, the revised average square footage per apartment was presented in a chart.

Mr. Kime added that the main point they are trying to convey relating to the ordinance's definition, it is the "square footage per unit"; not "square footage in the unit". The common spaces are large usable spaces that take up much of the building's footprint for the residents' use making it a communal environment. They are well designed with higher end finishes to make them welcoming and comforting to be part of their communal living vs. singular living.

Director Power summarized that the applicant is not including: salon/barber shop, individual storage units, hallways, elevators, trash rooms, bathrooms, mechanical rooms, stairs, mail rooms in what is deemed UFA. Excluding these areas, the applicant is looking at the entire enclosure of this building and there will be some UFAs boxed into discreet dwelling units and additional UFA available through communal rooms (i.e., coffee area, etc.). BZA is being asked whether or not this is a valid interpretation of UFA per unit as required for senior housing as opposed to the initial interpretation that the only UFA is each discreet dwelling unit.

**Board Discussion:**



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With reference to Clover's chart, Board members asked for clarification if each floor had their own common areas figured into their UFA per unit or is all the common areas shared among the three floors.

Ms. Ernat clarified that the computations for the common areas are calculated by floor; not as a whole unit.

Will be residents be allowed to use all the common areas on any of the floors? Yes. The calculations were broken down by floor because each floor contained a different number of units; however, the residents are free to visit all common areas.

Will all the residents be offered a separate storage room in the building? Yes. Storage is an add-on service and is available to all residents if they want it. In this building, approximately 75% would be able to sign-up for the storage. In other Clover properties, on average, 50% of the residents utilize this service. Enclosed garages are also available as an add-on and excluded from the unit size calculations.

Being that there were no public comments, moved and seconded by Board members Atchinson and Haase to close the Public Hearing.

**Roll Call Vote:** (7) AYES – Sellers, Grissett, Martin, Haase, Herman, Larocque, Atchinson  
(0) NAYS

**Motion Carried**

Moved and seconded by Board members Grissett and Herman to uphold the ordinance language for usable floor area to exclude balconies from being considered as usable floor area.

**Roll Call Vote:** (7) AYES – Sellers, Grissett, Martin, Haase, Herman, Larocque, Atchinson  
(0) NAYS

**Motion Carried**

Moved and seconded by Board members Atchinson and Sellers to agree with the interpretation put forth by the Vidya Krishnan's, Principal Planner - McKenna Associates, letter dated January 27, 2021, to include common-space/community space/amenities within the building as part of usable floor area for senior living only and request Planning Commission to amend the senior housing ordinance to add such clarification.

**Roll Call Vote:** (7) AYES – Sellers, Grissett, Martin, Haase, Herman, Larocque, Atchinson  
(0) NAYS

**Motion Carried**

Director Best stated that the next step will be Director Power and Principal Planner Krishnan will put together findings of facts including the Motions that were approved tonight as well as the recommended interpretations for usable floor area and common areas to be added to independent senior living. Once assembled, they will then make a recommendation for the Planning Commission for this suggested change. This will allow Planning Commission to move forward on this interpretation and help get this project going.

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**COMMENTS:**

Board member Martin asked Director Power to distribute an updated BZA contact list.

**ADJOURNMENT:**

Moved and seconded by Board members Grissett and Haase to adjourn the meeting at 9:11 p.m.

**Roll Call Vote:** (7) AYES – Sellers, Grissett, Martin, Haase, Herman, Larocque, Atchinson

(0) NAYS

**Motion Carried**

Respectfully submitted,

Deanna Murphy, Acting Recording Secretary



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: April 9, 2021

---

The BZA is requested to formally withdraw consideration of a previous request by Neapco Drivelines 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, contrary to the 35% lot coverage limit in the M-1 – Light Industrial zoning district. The source of the original request was a site plan submitted by the applicant 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 for a total combined footprint of +/- 711,179 sq. ft. on the 45.44-acre parcel.

Since the time the initial request was made, at the direction of the BZA, the Planning Commission considered the issues posed by the request. Following significant Planning Commission discussion and a public hearing, the Van Buren Township Board of Trustees has voted in favor of adopting an amendment to the Zoning Ordinance which negates the original request to the BZA. The Zoning Ordinance text amendment allows unenclosed roofed structures to cover an additional 20,000 square feet or an additional 10% of industrially zoned parcels where accessory outdoor storage is permitted, in addition to the 35% lot coverage allowed on a given site.

Thank you for your consideration of the original request and its withdrawal.

Sincerely,

A handwritten signature in black ink, 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– McKenna Associates  
Matthew Best, M.S. - Public Services Director, Van Buren Charter Township  
Alan Siemasz – Neapco Drivelines  
Kris Benson – James S. Jacobs Architects, PLLC



Case number \_\_\_\_\_

Dated submitted \_\_\_\_\_

**Board of Zoning Appeals Application****APPLICANT INFORMATION**Applicant GARDNEA SIGN INC. Phone 248-689-9100Property Owner (if different than applicant) GENISYS CREDIT UNION  
C/O MICHELLE MATTSON Phone 248-745-3348Address 10444 BELLEVILLE RD Fax \_\_\_\_\_City, State BELLEVILLE, MI Zip 48111 E-Mail Address MMATTSON@GENISYS CU.ORG**SITE INFORMATION**Property Location: On the W Side of BELLEVILLE Road; Between TYLER Road  
and WB 1-94 Road. Size of Lot Width 217 Depth 233 Acreage 1.16Date Property Acquired and the Type of Ownership 9/2/2020

State all deed, subdivision improvement and property restrictions in effect at this time, together with dates of expiration:

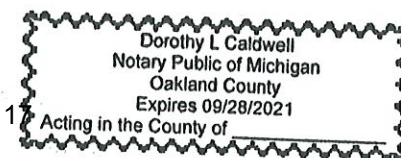
**VARIANCE REQUEST**Variance to Zoning Ordinance Section (s) 11.108(B)Explanation of the Practical Difficulty of the Property as defined in Section 19.07 12.403(c) ATTACHEDExplanation of request for Administrative Review Interpretation ATTACHED**REQUIRED INFORMATION**

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**MICHELLE MATTSON  
Print Property Owners NameMichelle Mattson  
Signature of Property Owner3-11-2021  
DateSTATE OF MICHIGAN  
COUNTY OF WAYNE OAKLAND

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 12<sup>th</sup> day of MARCH 200 2021  
Dorothy L Caldwell Notary Public OAKLAND County, MichiganMy Commission expires 9-28-2021, 200



## MEMO

---

TO: Van Buren Township Board of Zoning Appeals (BZA)  
FROM: Dan Power– Director of Planning and Economic Development  
RE: Gardner Sign / Genisys Credit Union Variance Requests  
DATE: April 9, 2021

---

The BZA will consider a request by applicant Gardner Sign, Inc. on behalf of owner Genisys Credit Union for variances from section 11.108(B) of the Zoning Ordinance (Signs – Zoning District Regulations) of the Zoning Ordinance, which places certain limits on the area and height for monument signs in the C-2 zoning district:

- Required: (1) 8' maximum height (including base) on lots or developments that do not 2 or more major tenants, (2) 60-sq. ft. maximum total sign area (excluding base) on lots with greater than 200' but less than 400' of frontage.
- Proposed: (1) 10'-1 ¾" height (including base), (2) 92.32-sq. ft. total area (excluding base).

The site is located at 10444 Belleville Road (tax parcel ID 83 064 99 0003 717), zoned C-2 – Extensive Highway Business District.

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 April 5, 2021, along with application materials including a completed application form and sign drawings from the applicant. 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,

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 – McKenna Associates  
Matthew Best, M.S. - Public Services Director, Van Buren Charter Township  
Mia Astor and Edie Victor – Gardner Sign, Inc.





**MCKENNA**

April 5, 2021

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

**Subject: Gardner Sign Inc./10444 Belleville Road /Variance Review; Application dated recd. 3/19/2021.**

Dear Board Members:

We have reviewed the above referenced application submitted by Gardner Signs Inc. on behalf of Genisys Credit Union to construct signage. The proposal requires a variance from the sign standards. The following are our review comments based on the criteria in the Zoning Ordinance and the information provided:

**File Number:** VBT-21-015

**Parcel Size and Tax ID:** ≈1.16 Acres/Parcel ID# 83 064 99 0003 717

**Property Owner:** Genisys Credit Union

**Zoning and Existing Use:** C-2 Extensive Highway Business District. The parcel is currently occupied by a bank.

**Project Description:** Applicant is proposing signage which exceeds the maximum height and maximum size for the C-2 district.

**Notice:** Notice for the public hearing was published in the Belleville Independent on March 25, 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 March 25, 2021.

**Variance Request:**

Section 11.108 (B) Monument Sign Regulations for C-2 District:

Maximum Height:	Permitted: 8.00 feet (on lots with two or fewer tenants)
	Proposed: 10.15 feet
	Variance requested: 2.15 feet

Maximum Area:	Permitted: 60.00 square feet (foot lots with frontage between 200-400 sq.ft)
	Proposed: 92.32 square feet
	Variance requested: 32.32 square feet

**V HEADQUARTERS**  
A 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 11.116 and 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:

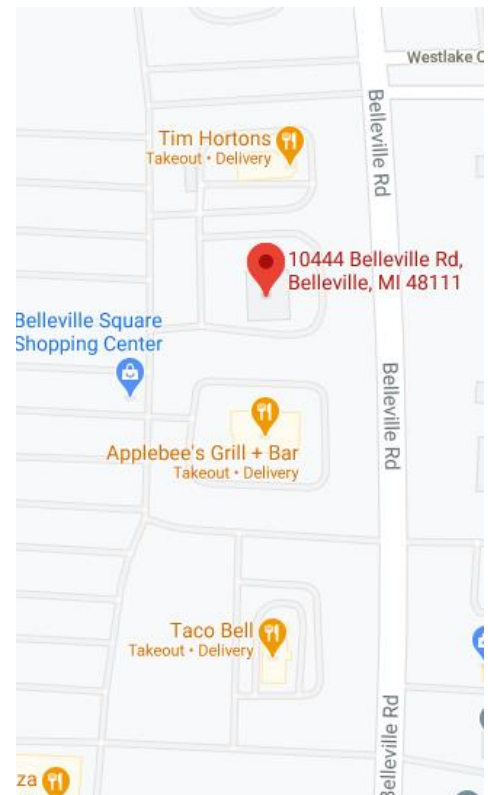
### **Section 11.116 Appeals.**

Any person aggrieved by any decision, ruling or order from the Building Department, may make an appeal to the Board of Zoning Appeals (BZA) in accordance with Article 12, Chapter 4 of the Ordinance. In determining whether a variance is appropriate, the BZA shall also study the sign proposal, giving consideration to any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with the sign standards. The presence of any of the circumstances listed may be sufficient to justify a practical difficulty; however, the BZA may decline to grant a variance even if certain of the circumstances is present.

- 1) Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions, which cannot be legally and/or practically removed.**

Per the applicant, the developed trees on the property line between the roadway and the bank, and the trees and utility pole on the Tim Horton's property to the north affect the sign's visibility from the intersection north of the property. The applicant further contends that the lack of visibility will result in *members having difficulty finding the location* and will hinder the ability of the credit union from attracting new customers.

The applicant's reasoning is inaccurate. The subject site is one of 3 outlots to the Walmart parcel. Access to the outlots is through an internal service drive which can be reached off two major entrances into the Walmart site, in addition to connections from various other businesses to the south of the subject site (see google map). The applicant's site is the middle outlot. In today's digital age, the location of the site is easily pinpointed by GPS and navigation systems for potential new customers who are driving to the bank. In addition, if a person heading south on Belleville Road misses the first entrance into the Walmart parcel, they would then cross Tim Horton's and be able to clearly see the bank parcel (see google image below), drive past the restaurant to its south and turn into the southern entrance of the Walmart parcel and access the subject site. There are multiple ways to reach the site, which will be clearly visible without the need for a taller or larger sign.







Source: google

- 2) **Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the BZA shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.**

As noted above, the sign will have full visibility from Belleville Road. Increasing the height and area is no guarantee of the sign's visibility, given the distance and the line of site from the intersection to the north. Should a motorist pass the bank, there is ample distance and time available for the motorist to run into one of several access drives on the west side of Belleville Road and access the subject site through the internal drive. The images attached with the application is an inaccurate representation, since they are taken from a pedestrian's point of view on the public sidewalk and not from the viewpoint of a motorist traveling south on Belleville Road. There is no data or evidence to support the applicant's statement that a taller and larger sign will help attract new customers.

- 3) **Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.**

Existing signs on nearby parcels will not reduce the visibility or advertising impact of a conforming sign on the parcel. In fact, approving a variance for the sign will set a precedent for larger and taller signs with no justification. The Township has approved numerous businesses on Belleville Road in the past few years, all of which have complied with the sign ordinance regulations.

- 4) **Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to: removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.**

The subject site was previously used as a bank and had a sign along the site's Belleville Road



frontage. The trees along the sire's frontage are located within a greenbelt and within the right-of-way. The installation of a conforming sign should not require the removal of any trees. The applicant's contention that the trees installed by the DDA and by the Township have grown to block visibility is not reasonable. Belleville Road is part of the Township's core downtown area and the streetscape plan with trees goes a long way towards creating that image. Removal of mature trees and planting of smaller plantings to allow for greater sign visibility as desired by a property owner, is not sound planning.

**5) Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.**

Construction of a conforming sign would not obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.

**Section 12.403 (C) Appeals.**

**1) That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose and would thereby render the conformity unnecessarily burdensome for other than financial reasons.**

Section 11.108 (B) of the Zoning Ordinance permits a maximum monument sign height of 8 feet and a maximum size of 60 square feet. The applicant is proposing a 10.15-foot-tall monument sign with an area of 92.32 square feet. The applicant's narrative incorrectly references the proposed sign area as 90 square feet. Per the applicant, the ordinance permits 90 square feet of signage for lots with a frontage of 400 feet or more in the C-2 District, and they would like to be permitted to install the larger sign size even though their site has a frontage of only 232 feet.

Strict compliance with the sign height and sign area requirements would permit the applicant to construct a sign similar in nature to every other business with similar lot frontage on Belleville Road. As discussed previously, the applicant's reasoning regarding lack of visibility and ability to attract new customers based on sign area and sign holds no 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).**

Granting of a variance would provide substantial justice to the applicant but is contrary to the interest of every other property owner on Belleville Road who has complied with the sign ordinance requirements. Approval of the variance would likely set a precedent for similar requests from other parcels similarly placed on Belleville Road.

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

There are no unique circumstances associated with the subject property. The subject site is one of 3 outlots located between the two main access drives into Walmart. The outlot is no different than the numerous businesses located throughout the Belleville Road corridor.



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

The applicant's contention that the mature trees along Belleville Road are a problem for visibility is a self-created issue. As previously noted, the subject site is located within the core downtown area where street trees form an important component of the overall streetscape design. It is likely the applicant selected the subject site due to its location in a heavily trafficked area. To present a viewpoint that the site's location would make it less visible due to existing trees, is not reasonable. Therefore, we believe the problem is entirely self-created by the applicant's desire to have a larger and taller sign.

**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.**

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

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

The proposed variance will not increase the hazard of fire or flood or endanger the public safety.

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

While the proposed variance is not likely to diminish or impair established property values within the surrounding areas which are all zoned commercial, it is likely to set a precedent for sign proliferation.

**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 sign height and sign area 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.**

Approval of a larger and taller sign without adequate justification will alter the character of Belleville Road and set an undesirable precedent.

**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 is contrary to the interest of the Zoning Ordinance and sound planning principles.



### **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 requested variances for the property located at 10444 Belleville Road. The above recommendation is based on the following findings of fact:

1. The signage permitted by the ordinance will have as much visibility on Belleville Road as any of the other businesses.
2. The applicant's justification regarding line of sight is inaccurately presented from a pedestrian view.
3. The subject site has multiple routes of access.
4. There is no data to substantiate the statement that the sign as allowed by the ordinance will impede the applicant's ability to attract new clients.
5. The applicant likely picked the site with full knowledge of the existing trees and line of sight. The situation did not just arise.
6. Strict compliance with the sign height and sign area requirements would allow for a substantial sign similar to all other commercial properties on Belleville Road.
7. The requested variances would do substantial justice to the applicant, but is not reasonable to other property owners who have complied with the Ordinance standards.
8. There are no unique circumstances associated with the subject parcel.
9. The problem necessitating the variances is self-created.
10. The proposed variances are related to the valid exercise of police power.
11. The proposed variances will not impair an adequate supply of light and air to adjacent property or increase the congestion in public streets.
12. The proposed variances will not increase the hazard of fire or flood or endanger the public safety.
13. The variances are likely to have long term impact on the Belleville Road corridor for sign proliferation.
14. The variances are not likely to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.
15. The variances are likely to alter the essential character of the neighborhood.
16. The variances requested are contrary to the intent of the Zoning Ordinance and sound planning principles.

Respectfully,  
**McKENNA**

Vidya Krishnan  
Principal Planner

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



Site Plan - Genisys Credit Union 10444 Belleville Rd -Belleville, MI 48111  
Site Plan

**A** Monument/EMC



77'-0" BUILDING FRONTAGE  
232'-0" PROPERTY LINE ROAD FRONTAGE

**Gardner**  
**signs**

**MICHIGAN**  
1087 Naughton Dr  
Troy, MI 48063  
(248) 689-9100 T  
(248) 689-9101 fax

**OHIO**  
3800 Airport Hwy  
Toledo, OH 43615  
(419) 385-6669 T  
(419) 385-7046 fax

www.gardnersigns.com

**CLIENT:** Genisys Credit Union  
**PROJECT:** Site Plan  
**LOCATION:** 10444 Belleville Rd  
Belleville, MI 48111  
**SALESPERSON:** Mia Asta  
**DESIGNER:** drf  
**DATE:** 10/19/2020  
**DESIGN #:** 5139-1  
**REVISIONS:** 1/27/2021 02/11/2021 2/15/2021  
**SCALE:** Noted 2/19/2021  
**FILE:** Genisys Credit Union\2020\GCU 10444 Belleville Rd-Belleville MI 48111 2-18-2021

**SALES AUTHORIZATION**

**SIGNED BY:**  
**DATE:**

**DESIGN AUTHORIZATION**

**SIGNED BY:**  
**DATE:**

**PRODUCTION AUTHORIZATION**

**CLIENT APPROVAL:**

**DATE:**

**PRODUCTION APPROVAL:**

**DATE:**

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# New Ground Sign - Genisys Credit Union 10444 Belleville Rd - Belleville, MI 48111

## A EMC/GROUND SIGN

### Illuminated Double-Sided Sign

- 10' Cabinet:
- Aluminum Wide Body Extrusion with
- Hinged 1" Reinforced, and Radius Ends
- 3/16" Lozenge Face with 1st Surface Translucent
- Vinyl Application
- Prime and Paint Cabinet with Matthews Acrylic
- Polyethylene (Black)
- Internal White LED Illumination
- EMC Message Center
- Full Color 1mm LED Graphic and Text
- Message Display
- Remote Programming Capability
- Paint Cabinet Black
- Reveal
- Aluminum Construction
- Paint Black
- Shroud
- Aluminum Construction with Burnt
- Orange Faux Brick Cladding

Proposed Layout - 1/2" = 1'-0" Scale



Side View



Proposed Elevation - 1/8" = 1'-0" Scale



Note: This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and /or other applicable local codes. This includes proper grounding and bonding of the sign.

**Gardner**  
**signs**

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1087 Naughton Dr  
Troy, MI 48063  
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(248) 689-9101 fax

**OHIO**  
3800 Airport Hwy  
Toledo, OH 43615  
(419) 385-6669 T  
(419) 385-7046 fax

[www.gardnersigns.com](http://www.gardnersigns.com)

## SALES AUTHORIZATION

SIGNED BY:  
DATE:

## PRODUCTION AUTHORIZATION

CLIENT APPROVAL:

DATE:

PRODUCTION APPROVAL:

DATE:

## DESIGN AUTHORIZATION

SIGNED BY:  
DATE:

Belleville, MI 48111 2-18-2021

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Sign Variance Request  
March 2021



Dear Members of the Zoning Board:

We are pleased to present this information introducing Genisys Credit Union, discussing our desire to plant even deeper roots into the Belleville/Van Buren Township Community, as well as to respectfully request a variance to the Van Buren Township sign ordinance.

Genisys Credit Union is committed to improving the lives of our members and contributing to the communities we serve. We have been operating in the Belleville/Van Buren Township/Ypsilanti area for over 50 years and currently serve approximately 5,500 members in the area. We are excited to move from our current building into a new branch in a higher traffic area on Belleville Road.

### **About Genisys Credit Union**

Headquartered in Auburn Hills, Michigan, Genisys is one of the largest credit unions in Michigan with over \$3.7 billion in assets. We have been serving our communities since 1936 and are focused on providing our members with great products & services, convenience and quality service. We have 32 branch locations (28 in Michigan, three in Minnesota and one in Pennsylvania), 6,000 shared branches and over 30,000 surcharge-free ATMs.

### **Genisys Financial Profile as of February 28, 2021**

Number of Members:	236,801
Total Assets:	\$3.7 billion
Member Deposits:	\$3.0 billion
Member Loans:	\$2.3 billion

### **Genisys Credit Union provides benefits to our members and communities in many ways.**

1. **Community Involvement** – Genisys takes pride in serving our communities and we understand the importance of giving back. Over the many years we have been serving the Belleville community, we have been very happy to sponsor the following events:

- Flop E Bunny Candy Hunt
- Belleville Farmers Market
- Lakeside Strawberry 5K
- Monster Mutt Walk
- Photos with Santa
- Thankful for our Members Happy Hour
- Winterfest Fireworks
- Recently Added - Belleville Chamber monthly member breakfast
- Recently Added - Belleville Chamber weekly Chamber Chats
- Recently Added - Lakefest Kids Zone
- Recently Added - VanBuren Township Summer Concert series

We look forward to continuing these partnerships, and supporting the many events we have sponsored over the years, as well as adding new events as they become available.

2. **Member Value** – Independent rating services give Genisys high marks for value and security.
  - a. *Bauer Financial Group* has given Genisys its highest possible 5-star rating for safety and soundness for more than 20 consecutive years, and we have been considered a “Best of Bauer” credit union the last 10 years. Only 4% of all financial institutions can claim this distinction.



- b. The *Raddon Financial Group* ranks Genisys in the **99th** percentile for Member Value and Member Giveback. This metric combines safety and soundness, deposit and loan rate value, fee value, and share of wallet metrics. Genisys member value is built on our competitive deposit rates, low cost credit, lucrative Debit and Credit Card Rewards, large branch network, and state-of-the-art mobile and online banking convenience.
3. **Lending Philosophy** – Lending to our members is one of our highest priorities and our goal is to help as many people as possible with their credit needs, even those who may have had credit problems in the past. We look at the whole picture and not just the person's credit score.
4. **Member Satisfaction** – We deliver great service by building relationships with our members one at a time. Several metrics provide solid evidence of our member satisfaction.
  - a. Members rate their satisfaction with each interaction with Genisys at 96%.
  - b. Genisys scores 92 on the American Customer Satisfaction Index – 7 points over the credit union national average and 15 points over the bank average.
  - c. Genisys' Net Promoter Score stands at 81%, 34% points higher than the national average.
5. **Electronic Convenience** – Robust online banking, online deposit, mobile banking, mobile deposit, mobile card controls, secure text communication, and online chat offerings get very high scores from our members and we are committed to continuing to invest in and build these channels in order to serve our members today and long into the future.

## Variance Request to Increase the Size of Monument Sign

### Explanation of the Practical Difficulty of the Property as defined in Section 12.403c

In our request for a variance to the size of the monument sign on our site, we have outlined the challenges we face below.

1. Strict compliance with the area and height of the current sign ordinance would unreasonably prevent Genisys from having a sign that would be visible enough to passing traffic to allow for recognition of our new location, as well as to read the electronic portion of the sign. The developed trees on the property line between the roadway and the Genisys branch, and the trees and overhead utility pole on the Tim Horton's property to our North, prevent the sign from being visible from the intersection North of the property, either in the location that the prior financial institution had the sign located or in our proposed new location at the SE corner of the property.

This lack of visibility will result in members having difficulty finding this location and will ultimately result in Genisys having a much lower ability to attract new members in the area. The financial institution that occupied this site prior to our purchase did choose to close the site and oftentimes that only occurs when the branch isn't financially viable. In the many years the bank was located in this facility, minimal growth occurred.

2. Granting this variance request will allow Genisys to have the ability to increase our visibility and attract new credit union members, which ultimately will allow us to grow and thrive in this location. Our investment in this property is already substantial and includes purchasing the property as well as remodeling the building.

3. This building has been vacant for a length of time. Without adequate visual appeal from the main roadway it will be difficult, if not impossible, to attract new members and for our current members to locate this branch. We believe that the trees along Belleville Rd. and within our property were approved for the location where they are today, and as they have matured they have blocked much of the building from view from both Belleville Rd. and from the intersection North of the branch, which would be a convenient way for our members to enter and exit to reach our location since we do not have direct Belleville Rd. access. The historical maps below show how these trees looked in 2009 and 2016 compared to their size today.
4. It appears that either the original site/landscape plan or the Downtown Development Authority may have required additional trees along Belleville Rd. at some point since this property was developed. We believe this happened sometime between 2012 and 2016, based on the historical maps we were able to access. Trees on the property are now very developed and additional trees were added along the roadway more recently. This site does not have the same visibility as the Applebees site to our South. On that site the tree density in the front of the lot is lower and allows for better visibility of the sign and restaurant. Our request is to have a larger sign to offset the heavier mature tree count on this site.

**Explanation of request for Administrative Review Interpretation**

The frontage of the parcel allows for a monument sign of 60 sq ft. Genisys is requesting a variance to allow a sign of 90 sq ft due to the above noted difficulty of the property. The township does allow 90 sq ft signs within our zone based on frontage requirements. We are asking for this consideration but not anything in excess of what could be approved for a slightly larger parcel.

**Please see supporting photos on the following pages**



2009 Historical Map zoomed in on site (building is the second one down on the left)



2016 Historical Map zoomed in on site





Photos heading South on Belleville Rd.







**Other views of site**











Thank you for your consideration of this important variance request and for the opportunity to serve the communities of Belleville and Van Buren Township.

Sincerely,

*Jackie Buchanan*

Jackie Buchanan  
President & CEO  
Genisys Credit Union  
Where You Come First!



**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, April 13, 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 Board of Zoning Appeals meeting will be conducted virtually as permissible under the State of Michigan Governor's Executive Orders 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 request regarding 10444 Belleville Road (tax parcel ID 83 064 99 0003 717), which is zoned C-2 – Extensive Highway Business District:

**Case # 21-015-** A request by applicant Gardner Sign, Inc. on behalf of owner Genisys Credit Union for one (1) variance from Section 11.108(B) of the Zoning Ordinance (Signs – Zoning District Regulations) of the Zoning Ordinance, which places certain limits on the area and setback required for monument signs in the C-2 zoning district:

- **Required:** (1) 8' maximum height (including base) on lots or developments that do not 2 or more major tenants, (2) 60-sq. ft. maximum total sign area (excluding base) on lots with greater than 200' but less than 400' of frontage.
- **Proposed:** (1) 10'-1 ¾" height (including base), (2) 92.32-sq. ft. total area (excluding base).

Members of the public may access the agenda materials via the Township website – [www.vanburen-mi.org](http://www.vanburen-mi.org) beginning **April 9, 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](http://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](http://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](mailto:dpower@vanburen-mi.org). Members of the public may also contact [dpower@vanburen-mi.org](mailto: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: 3/19/2021

Published: 3/25/2021

82 83 058 99 0013 701  
OCCIDENTAL DEVELOPMENT LTD  
WEST LAKE APARTMENTS  
PO BOX 2012  
BLOOMFIELD HILLS MI 48303-2012

82 83 059 01 0020 000  
BELLEVILLE RETAIL VENTURES, LLC  
30201 ORCHARD LAKE RD. STE 110  
FARMINGTON HILLS MI 48334

82 83 059 01 0023 301  
MANTAY, STEPHEN  
10657 BELLEVILLE RD  
VAN BUREN TOWNSHIP MI 48111

82 83 064 99 0003 715  
TSFR APPLE VENTURE, LLC  
17800 LAUREL PARK DR N - STE 200  
LIVONIA MI 48152

82 83 064 99 0003 719  
BELLEVILLE NORTH VENTURE  
28580 ORCHARD LAKE RD - STE 110  
FARMINGTON MI 48334-2988

82 83 058 99 0014 002  
M & S KARANA INVESTMENT LLC  
6108 NORTH CREEK CT  
WEST BLOOMFIELD MI 48322

82 83 059 01 0021 000  
BELLEVILLE RETAIL VENTURES, LLC  
30201 ORCHARD LAKE RD. STE 110  
FARMINGTON HILLS MI 48334

82 83 061 99 0005 714  
WAL-MART STORES, INC  
WAL-MART PROPERTY TAX DEPARTMENT  
ATTN: 0555  
PO BOX 8050  
BENTONVILLE AR 72712-8050  
82 83 064 99 0003 717  
GENISYS CREDIT UNION  
2100 EXECUTIVE HILLS DR  
AUBURN HILLS MI 48326

82 83 064 99 0003 720  
TACO BELL OF AMERICA, INC  
PO BOX 806615  
INDIANAPOLIS IN 46280

82 83 059 01 0018 300  
AGREE STORES, LLC  
70 EAST LONG LAKE  
BLOOMFIELD HILLS MI 48304

82 83 059 01 0022 000  
MANTAY, STEPHEN  
12515 DARLING RD  
MILAN MI 48160

82 83 061 99 0005 722  
WALGREEN CO - STORE #7275  
REAL ESTATE PROPERTY TAX  
PO BOX1159  
DEERFIELD IL 60015

82 83 064 99 0003 718  
TIM HORTON'S  
RYAN PROPERTY TAX SERVICES  
PO BOX 460389  
HOUSTON TX 77056



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

## Board of Zoning Appeals Application

### APPLICANT INFORMATION

Applicant Midwestern Consulting, Rob Wagner Phone 734-995-0200 Ext. 274  
Property Owner (if different than applicant) South Yost, LLC Phone 734-748-6829  
Address 44145 Yost Road Fax \_\_\_\_\_  
City, State Belleville, MI Zip 48111 E-Mail Address kramirez@eqhco.com

### SITE INFORMATION

Property Location: On the South Side of Yost Road; Between Sheldon Road  
and End of Road. Size of Lot Width 311 Depth 210 Acreage 1.50  
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) 3.115 E  
Explanation of the Practical Difficulty of the Property as defined in Section 19.07 Existing building in non-compliant.  
The building addition is to adjoin existing building and also provide state mandated structure over existing concrete  
loading dock structure that is also within side and rear setback.  
Explanation of request for Administrative Review Interpretation Request approval of variance based on existing site non-  
compliance and state mandated structure construction.

### 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

Nicolas Ferrantino  
Print Property Owners Name

[Signature] 1/20/20  
Signature of Property Owner Date

STATE OF MICHIGAN  
COUNTY OF WAYNE

The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and date are in all respects true and correct.

Subscribed and sworn before me this 20th day of January, 200 2021  
Laura M. Raulier Notary Public, Wayne County, Michigan

My Commission expires 2-6, 200 2025  
Laura M. Raulier



## MEMO

---

TO: Van Buren Township Board of Zoning Appeals (BZA)  
FROM: Dan Power– Director of Planning and Economic Development  
RE: South Yost, LLC Dimensional Variance Request  
DATE: April 9, 2021

---

The BZA will consider a request by applicant Rob Wagner of Midwest Consulting on behalf of owner South Yost, LLC, for two (2) variances from the side yard setback and rear yard setback requirements of Section 4.102 (Schedule of Regulations) of the Zoning Ordinance, which requires certain setbacks for buildings or structures in the M-1 Zoning District:

- Required: The side yard setback shall be a minimum of 40' and the rear yard setback shall be a minimum of 40'.
- Proposed: 7.89' side yard setback and 0' rear yard setback.

The subject property is located at 44145 Yost Road (tax parcel ID 83 009 99 0004 001), which is zoned M-1 – Light Industrial.

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 April 5, 2021, along with application materials including a completed application form and site plan drawings from the applicant and preliminary Planning Commissioners' comments from their meeting held March 24, 2021. 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 black ink, 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 – McKenna Associates  
Matthew Best, M.S. - Public Services Director, Van Buren Charter Township  
Robert Wagner of Midwest Consulting and Kevin Ramirez of South Yost, LLC





**MCKENNA**

April 5, 2021

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

**Subject: Midwestern Consulting/44145 Yost Road /Variance Review; Application dated recd. 3/19/2021.**

Dear Board Members:

We have reviewed the above referenced application submitted by Rob Wagner on behalf of Midwestern Consulting to construct additions to the existing waste transfer facility. The proposal requires a variance from side yard setback and rear yard setback standards. The following are our review comments based on the criteria in the Zoning Ordinance and the information provided:

**File Number:** VBT-21-010

**Parcel Size and Tax ID:** ≈1.50 Acres/Parcel ID# 83-009-99-0004-001

**Property Owner:** South Yost, LLC

**Zoning and Existing Use:** M-1 Light Industrial District. The parcel is currently occupied by a waste transfer facility that is operational.

**Project Description:** Applicant is proposing additions to the existing facility which necessitates a variance from the side yard and rear yard setbacks.

**Notice:** Notice for the public hearing was published in the Belleville Independent on March 25, 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 March 25, 2021.

**Variance Request:**

Section 3.115 (E) Dimensional Regulations for M-1 District and Section 4.102. Schedule of Regulations:

West (Side) Yard Setback:	Required: 40.00 feet Existing: 7.89 feet Proposed: 7.89 feet Variance requested: 32.11 feet
Rear (South) Yard Setback:	Required: 40.00 feet Existing: 59.32 feet Proposed: 0.00 feet Variance requested: 40.00 feet

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

○ 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 Zoning Ordinance requires structures in the M-1 zoning district to have a minimum 40-foot side yard setback. The site has an existing building which is currently non-conforming with the side setback with only a 7.89 feet setback. As part of its State licensing requirements, the applicant is required to enclose outdoor storage area to comply with State Regulations. The proposed addition is also being proposed with a 7.89-foot setback so it will not protrude further into the side yard setback than the existing building.

The ordinance also requires structures in the M-1 zoning district to have a minimum 40-foot rear yard setback. The current structure is setback 59.32 feet from the rear lot line. The proposed addition is being proposed right on the rear lot line with zero setback. The reason for the location of the addition in that specific area is to allow for the addition to be integrated with the existing building and allow for the functioning of the operations on the interior of the building. Currently the materials processed in the building are stored on the south side of the site. With the State's requirement for enclosing the outdoor storage, the applicant is building the addition in an area that would accomplish this goal.

Strict compliance with the side and rear yard setbacks would not allow for the State required storage area in the area the applicant is proposing.

- 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 from the setback requirements would provide substantial justice to the applicant by enabling them to build the addition as proposed in order to meet the State's licensing requirements, and is not likely to have any adverse effect on the other property owners in the district. The site abuts another non-conforming industrial use to the west and the railroad right-of-way to the south.

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

The property is occupied by an existing legal non-conforming use and structure. The Zoning Ordinance does not have detailed specifications for location of solid waste transfer facilities. The subject site is a one of its kind use within the Township which creates unique circumstances specific to this use/site.

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

The solid waste processing facility is an existing legal nonconforming use of the site. The building and the use of the site likely pre-date the zoning regulations. Per State Law, the non-conforming use is allowed to continue its operations. However, the property recently changed ownership and the State Licensing department mandated all outdoor storage areas be enclosed as part of the requirements. The need for the State mandated enclosed storage area is not 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 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 is not likely to impair adequate supply of light and air to the adjacent properties. As previously noted, the site abuts another nonconforming industrial building to the west and the railroad easement to the south. The proposed addition brings the structures on the site no closer to the west property line and the abutting site than currently existing.

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

Allowing the variance would permit outdoor storage on the site to be enclosed. The proposal has been reviewed by the fire department and required measures have been taken on the site plan to address any fire hazard concerns.

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

The surrounding areas are mostly industrial in nature so the proposal is not likely to diminish or impair established property values within the surrounding areas.

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

Allowing the proposed building additions in the required side yard and rear yard setback is not likely to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

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

The proposed additions are located in the rear of the building and are not visible from the public street frontage. The site is located on Yost Road, in an area with other industrial operations. The proposed additions are not altering the character of the area in which they are located.

- 7) Is necessary to meet the intent and purpose of the zoning regulations; is related to the standards established in the Ordinance for the land use or activity under consideration, and is necessary to ensure compliance with those standards.**

The purpose of zoning regulations is to provide for orderly and planned use of land. The request at this time does not alter the use of the land and is intended to accommodate additions as required by the State.



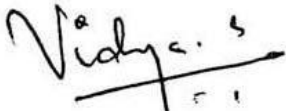


### **Recommendation**

Subject to any additional information presented and discussed by the applicant, Board, and/or the public during the public hearing and incorporated into the record prior to any findings being made, we recommend that the Board of Zoning Appeals **approve** the requested setback variances for the property located at 44145 Yost Road. The above recommendation is based on the following findings of fact:

1. Strict compliance with setbacks would prevent the owner from using the property for a permitted purpose and would render the conformity unnecessarily burdensome.
2. The requested variance would provide substantial justice to the applicant and is not adverse to the interests of the other property owners.
3. The subject site is occupied by an existing legal nonconforming use.
4. The need for the State mandated outdoor storage area is not self-created.
5. The proposed variance is related to the valid exercise of police power.
6. Approving the variance is not likely to impair adequate supply of light and air to the adjacent properties
7. Approval of the variances is not likely to increase the hazard of fire.
8. Approval of the variances is not likely to diminish or impair established property values within the surrounding areas.
9. Approval of the variances is not likely to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.
10. Approval of the variances is not likely to alter the essential character of the neighborhood.
11. Approval of the variances does not alter the use of the land.

Respectfully,  
**McKENNA**



Vidya Krishnan  
Principal Planner

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

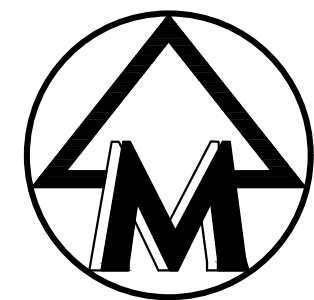
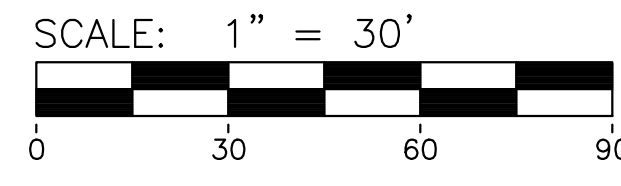
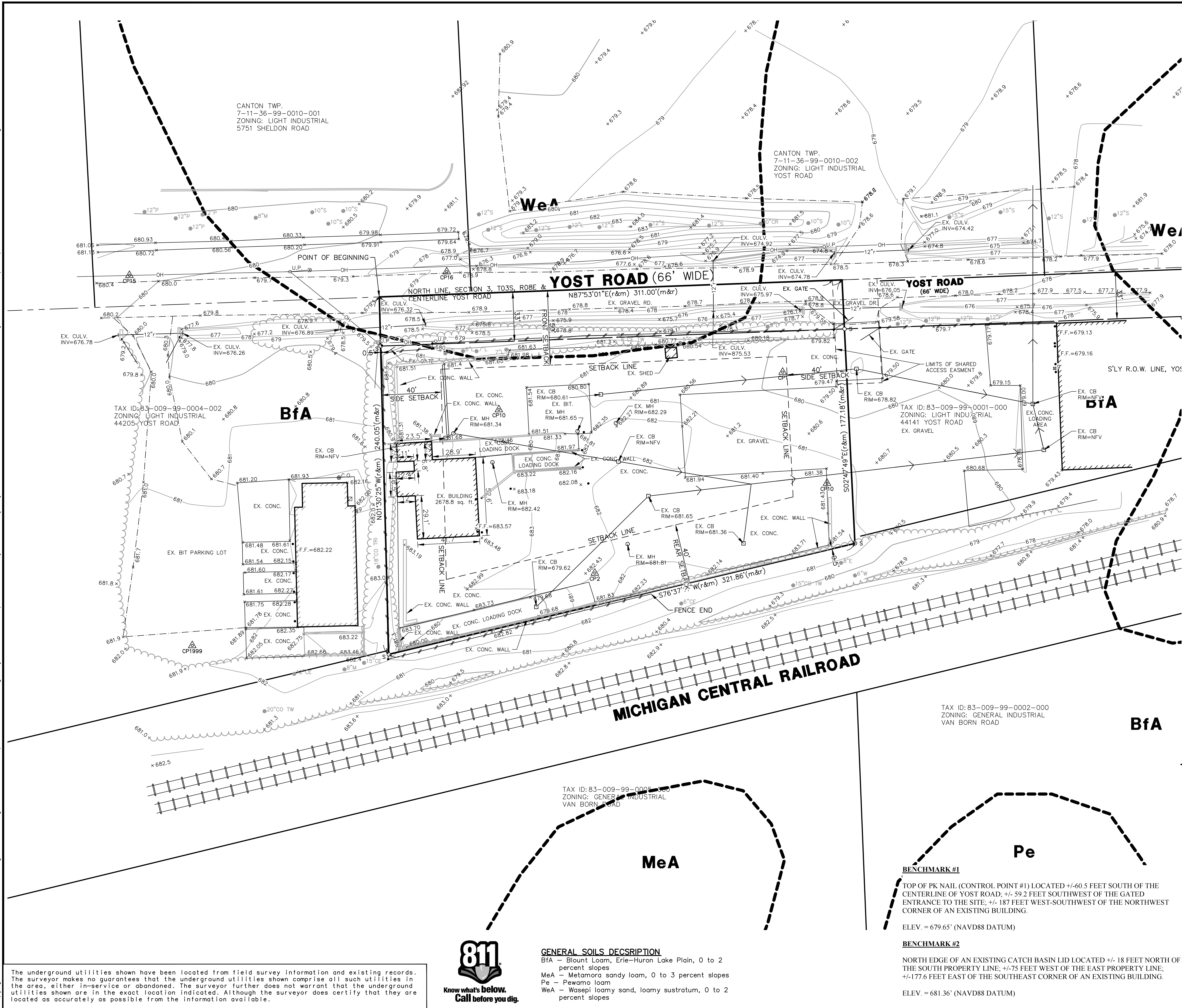
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P.E. #



Midwestern Consulting L.L.C. 385 Plaza Drive Ann Arbor, Michigan 48108  
(734) 995-0200 • www.midwesternconsulting.com  
Land Development • Land Survey • Institutional • Municipal  
Wireless Communications • Transportation • Landfill Services



### NOTES

ADD NOTES AS NECESSARY

### LEGEND

- 838 EXIST. CONTOUR
- x836.2 EXIST. SPOT ELEVATION
- o- U.P. EXIST. UTILITY POLE
- o- CP EXIST. GUY POLE
- e- GUY WIRE
- x- ELEC. TRANSFORMER
- OH- EXIST. OVERHEAD UTILITY LINE
- \*-\* EXIST. LIGHT POLE
- L- EXIST. TELEPHONE LINE
- e- EXIST. ELECTRIC LINE
- g- EXIST. GAS LINE
- g- EXIST. GAS VALVE
- f.o.- EXIST. FIBER OPTIC LINE
- w- EXIST. WATER MAIN
- h- EXIST. HYDRANT
- x- EXIST. GATE VALVE IN BOX
- x- EXIST. GATE VALVE IN WELL
- x- EXIST. CURB STOP & BOX
- o- EXIST. BLOW-OFF
- o- EXIST. POST INDICATOR VALVE
- o- EXIST. STORM SEWER
- o- EXIST. CATCH BASIN OR INLET
- o- EXIST. BEEHIVE INLET
- o- END SECTION
- o- CULVERT
- o- EXIST. SANITARY SEWER
- o- EXIST. CLEANOUT
- o- C/L OF DITCH
- >- DRAINAGE DIRECTION
- P- SIGN
- P- MAILBOX
- P- TELEPHONE RISER
- P- CABLE TELEVISION RISER
- P- ELECTRIC METER
- P- WATER METER
- P- GAS METER
- P- GAS LINE MARKER
- P- POST
- P- EXIST. BOLLARD
- P- WELL
- P- FENCE
- P- GUARDRAIL
- P- SINGLE TREE
- P- TREE OR BRUSH LIMIT
- P- SECTION CORNER
- P- SET IRON PIPE
- P- FOUND IRON PIPE
- P- SET MONUMENT
- P- FOUND MONUMENT
- P- SET P.K.
- P- FOUND P.K.
- P- SET IRON ROD
- P- FOUND IRON ROD
- P- CONTROL PT.
- P- CENTERLINE
- P- PROPERTY LINE
- P- EXIST. FLAG POLE
- P- EXIST. GAS FILLER CAP

### LEGAL DESCRIPTION

LEGAL DESCRIPTION OF A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 3, TOWN 3 SOUTH, RANGE 8 EAST, VAN BUREN TOWNSHIP, WAYNE COUNTY, MICHIGAN

That part of the West 1/2 of the Northeast 1/4 of Section 3, Town 3 South, Range 8 East described as:

Beginning at a point on the North line of said Section, distant North 89 degrees 54 minutes 30 seconds East 1031.52 feet from the North 1/4 corner of said Section; running thence North 89 degrees 54 minutes 30 seconds East 311.00 feet; thence South 00 degrees 46 minutes 20 seconds East 177.18 feet to the North line of Michigan Central Railroad Right of Way; thence South 78 degrees 38 minutes 40 seconds West 321.86 feet; thence North 00 degrees 31 minutes 04 seconds East 240.05 feet to the point of beginning.

The above described parcel being more particularly described as:

Commencing at the North 1/4 corner of Section 3, Town 3 South, Range 8 East, Van Buren Township, Wayne County, Michigan; thence S 89°55'08" E 472.93 feet along the North line of said Section 3; thence continuing along said North line N 89°44'30" E 558.59 feet to the POINT OF BEGINNING;

thence continuing along said North line N 89°54'30" E 311.00 feet ; thence S 00°46'20" E 177.18 feet to the North line of the Michigan Central Railroad Right of Way; thence along said Right of Way, S 78°38'40" W 321.86 feet; thence N 00°31'04" E 240.05 feet to the POINT OF BEGINNING. Being a part of the Northeast 1/4 of Section 3, Town 3 South, Range 8 East, Van Buren Township, Wayne County, Michigan and containing 1.50 acres of land, more or less. Subject to the rights of the public over the north 33 feet thereof as occupied by Yost Road (66 feet wide). Subject to any other easements or restrictions of record, if any.

### GENERAL SOILS DESCRIPTION

- BfA - Blount Loam, Erie-Huron Lake Plain, 0 to 2 percent slopes
- MeA - Metamora sandy loam, 0 to 3 percent slopes
- Pe - Pewamo loam
- WeA - Wasepi loamy sand, loamy sustratum, 0 to 2 percent slopes



The underground utilities shown have been located from field survey information and existing records. The surveyor makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in-service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated. Although the surveyor does certify that they are located as accurately as possible from the information available.

MIDWESTERN CONSULTING



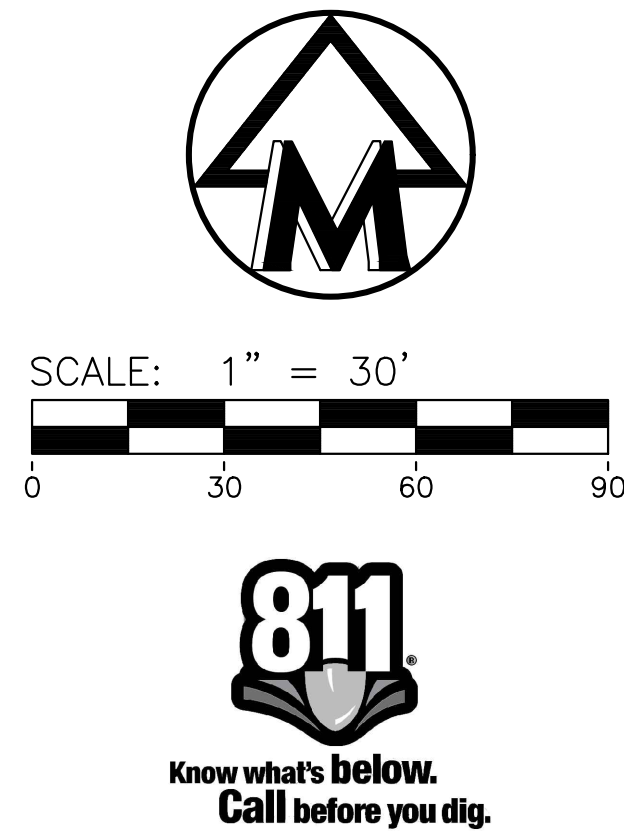
CLIENT  
VBS LLC  
44145 YOST ROAD  
VAN BUREN TOWNSHIP, MI 48111  
KEVIN RAMIREZ  
734-748-1456

VAN BUREN TRANSFER STATION  
VAN BUREN TRANSFER STATION BUILDING ADDITION  
EXISTING SITE CONDITIONS AND SURVEY PLAN

2

JOB No.	18274
DATE	10/27/20
REV. DATE	02/15/21
PER TOWNSHIP REVIEW	
CAO	ENG. JCA
FIN. RCW	TECH. JCA
7/18/2021	

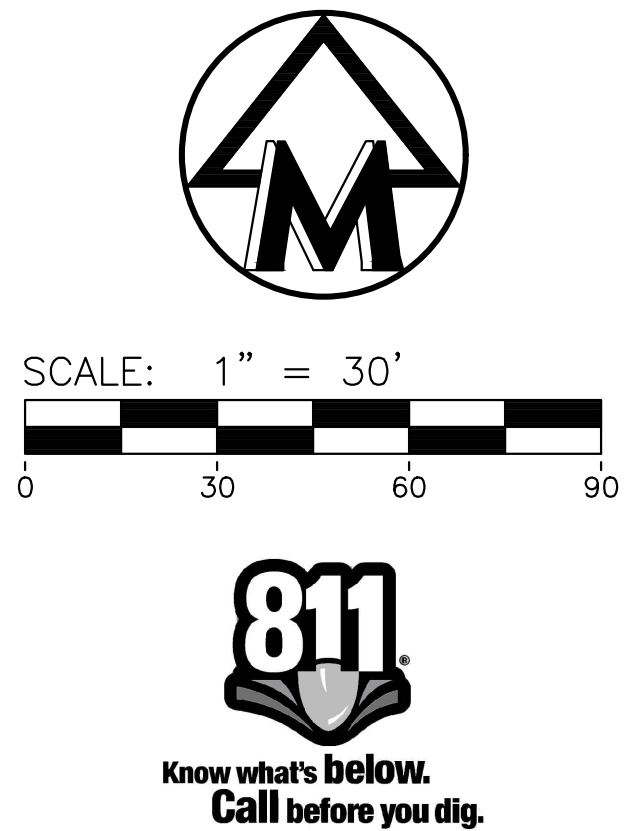




1. THE PROPOSED BUILDING TO BE CONSTRUCTED IS THE ONLY SITE IMPROVEMENT. NO OTHER SITE MODIFICATIONS ARE PROPOSED.
2. THE PROPOSED BUILDING ADDITION FALLS WITHIN THE REQUIRED SIDE YARD AND REAR YARD SETBACK. THIS WILL REQUIRE VARIANCES FROM THE BOARD OF ZONING APPEALS.
3. THE APPLICANT MUST EXECUTE AN AGREEMENT TO CONSTRUCT A SIDEWALK ALONG THE SITE'S FRONTAGE AT A FUTURE DATE. WHEN SUCH SIDEWALKS ARE REQUIRED AS PART OF A LARGER REDEVELOPMENT OF THE AREA.
4. INLET FILTERS TO BE PLACED IN CATCH BASINS FOR SOIL EROSION CONTROL.
5. THE SITE IS CURRENTLY NOT SERVED BY SANITARY SEWER OR WATER MAIN. NO IMPROVEMENTS ARE PROPOSED TO EXTEND PUBLIC WATER OR SEWER. EXISTING PRIVATE STORM SEWER EXISTS ON THE SITE THAT PROVIDES ADEQUATE DRAINAGE TO THE SITE. NO STORM DRAINAGE IMPROVEMENTS ARE PROPOSED AS PART OF THIS PROJECT.
6. ALL CONSTRUCTION SHALL CONFORM TO THE CURRENT STANDARDS, SPECIFICATIONS, AND GENERAL CONDITIONS OF THE TOWNSHIP.
7. THERE ARE NO KNOWN DRAINAGE PROBLEMS REGARDING ADJACENT PROPERTIES. THE APPLICANT WILL RESOLVE ANY DRAINAGE PROBLEMS PRESENTED ON ADJACENT PROPERTIES WHICH ARE THE RESULT OF THE APPLICANT'S ACTIONS.

48





1. EXISTING TREES IDENTIFIED ON SITE TO BE USED TOWARD LANDSCAPE REQUIREMENTS:
  - 6" LOCUST
  - 6" LOCUST
  - 7" LOCUST
  - 7" LOCUST
  - 6" CEDAR
  - 5" LOCUST
  - 8" LOCUST
2. EXISTING UNDERSTORY TREES TO BE USED TO SATISFY ORNAMENTAL TREE REQUIREMENT (NOT LOCATED):
  - MULBERRY
  - SUMAC
3. EXISTING VEGETATION WITHIN HEDGE R.O.W. TO BE USED TO SATISFY SHRUB REQUIREMENT (NOT LOCATED):
  - CHOKE CHERRY
  - CORNUS SPP.
  - VIBURNUM

**VAN BUREN TRANSFER STATION**  
VAN BUREN TRANSFER STATION BUILDING ADDITION  
PROPOSED LANDSCAPE PLAN





GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
LANSING



LIESL EICHLER CLARK  
DIRECTOR

May 19, 2020

Mr. Kevin Ramirez, Facility Manager  
VBTS, LLC  
Van Buren Transfer Station  
44141 Yost Road  
Belleville, Michigan 48111

Dear Mr. Ramirez:

SUBJECT: Application for Solid Waste Disposal Area Operating License; Van Buren  
Transfer Station; Waste Data System Number 395927; License  
Number 9604

Staff of the Department of Environment, Great Lakes, and Energy (EGLE), Materials Management Division (MMD), has reviewed your application for a solid waste transfer facility, known as Van Buren Transfer Station located at 44141 Yost Road, Belleville, Van Buren Township, Wayne County, Michigan. This review was conducted under the provisions of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Based upon our review of your application, your operating license is hereby granted. Enclosed is your license with operating stipulations.

Should you require further information, please contact Ms. Tracy Kecskemeti, Warren District Supervisor, MMD, at 586-753-3840; [kecskemetit@michigan.gov](mailto:kecskemetit@michigan.gov); or EGLE, 27700 Donald Court, Warren, Michigan 48092.

Sincerely,

Rhonda S. Oyer, Manager  
Solid Waste Section  
Materials Management Division  
517-897-1395

Enclosure

cc: Wayne County Department of Public Services  
City of Belleville Clerk  
Ms. Tracy Kecskemeti/Mr. Greg Morrow, EGLE-Warren  
Facility File



Michigan Department of Environment, Great Lakes, and Energy  
Materials Management Division

**SOLID WASTE DISPOSAL AREA OPERATING LICENSE**

Effective April 22, 2019, the Michigan Department of Environmental Quality, by Executive Order Number 2019-06, became the Michigan Department of Environment, Great Lakes, and Energy (EGLE). Effective April 22, 2019, the Waste Management and Radiological Protection Division became the Materials Management Division (MMD).

This license is issued under the provisions of Part 115, Solid Waste Management of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.11501 et seq., and authorizes the operation of this solid waste disposal area (Facility) in the state of Michigan. This license does not obviate the need to obtain other authorizations as may be required by state law.

FACILITY NAME: Van Buren Transfer Station

LICENSEE/OPERATOR: VBTS, LLC

FACILITY OWNER: South Yost, LLC

PROPERTY OWNER: South Yost, LLC

FACILITY TYPE(S): Solid Waste Transfer Facility

FACILITY ID NUMBER: 395927

COUNTY: Wayne

LICENSE NUMBER: 9604

ISSUE DATE: May 19, 2020

EXPIRATION DATE: May 19, 2025

FACILITY DESCRIPTION: The Van Buren Transfer Station, a Solid Waste Transfer Facility, consists of 1.69 acres located at 44145 Yost Road, Van Buren Township, Wayne County, Michigan, as identified in Attachment A and fully described in this license.

AREA AUTHORIZED FOR DISPOSAL OF SOLID WASTE: Area described in Attachment A and in the documents referenced in Item 5 of this license.

RESPONSIBLE PARTY: Mr. Kevin Ramirez, Facility Manager  
VBTS, LLC  
500 Woodward Avenue, Suite 2500  
Detroit, Michigan 48226  
734-748-6829

**FIRST OPERATING LICENSE:** This License Number 9604 is the first operating license issued for this Facility to this licensee.

This license is subject to revocation by the Director of the Michigan Department of Environment, Great Lakes, and Energy (Director) if the Director finds that this Facility is not being constructed or operated in accordance with the approved plans, the conditions of a permit or license, Part 115, or the rules promulgated under Part 115. Failure to comply with the terms and provisions of this license may result in legal action leading to civil and/or criminal penalties pursuant to Part 115. This license shall be available through the licensee during its term and remains the property of the Director.

**THIS LICENSE IS NOT TRANSFERABLE.**

Rhonda S. Oyer, Manager, Solid Waste Section  
Materials Management Division

Licensee: VBTS, LLC  
Facility Name: Van Buren Transfer Station  
Operating License Number: 9604  
Issue Date: May 19, 2020

The licensee shall comply with all terms of this license and the provisions of Part 115 and its administrative rules. This license includes the license application and any attachments to this license.

1. The licensee shall operate the Facility in a manner that will prevent violations of any state or federal law.
2. The attached map (Attachment A) shows the Facility, the area permitted for construction and/or placement and acceptance of waste, and the following, if applicable: monitoring points, leachate storage units, site roads, other disposal areas, and related appurtenances.
3. Issuance of this license is conditioned on the accuracy of the information submitted by the Operator/Applicant in the Application for License to Operate a Solid Waste Disposal Area (Application) received by EGLE on February 25, 2020, and any subsequent amendments. Any material or intentional inaccuracies found in that information is grounds for the revocation or modification of this license and may be grounds for enforcement action. The licensee shall inform EGLE's MMD Warren District Supervisor of any inaccuracies in the information in the Application upon discovery.
4. This license is issued based on EGLE's review of the Application, submitted by VBTS, LLC, for the Van Buren Transfer Station, dated February 25, 2020. The Application consists of the following:
  - a. Application Form EQP 5507.
  - b. Application fee in the amount of \$500.00.
  - c. Certification of construction by NA.
  - d. Financial Assurance.

Financial Assurance Required:

The amount of financial assurance required for this Facility was calculated based on the requirements of Section 11523(1)(c), is indicated on the form EQP 5507A entitled, "Form A Financial Assurance Required," and is \$4,000.00.

The Facility has provided financial assurance totaling \$4,000.00, based on the requirements of Section 11523 of Part 115. The financial assurance mechanism used by the Facility is summarized below.

The following financial assurance has been received from the licensee to meet the amount of financial assurance required:

Cash Bond	\$4,000.00
Total Amount Received:	\$4,000.00

5. This previously "grandfathered" facility did not have a construction permit, it was licensed initially pursuant to the repealed Garbage and Refuse Act, 1965 PA 87, as amended, with the issuance of Solid Waste Disposal Area License No. 3509 on May 12, 1975. The following documents are incorporated in this license by reference:
  - a. Engineering Plan titled, "American Waste Recycling & Cardboard Recovery System Co.," dated March 18, 1975.
  - b. Engineering Plan titled, "Roof Cover for Non-Hazardous Industrial Contaminated Soils & Conditioning Materials," dated August 19, 1991, last revision dated September 5, 1991, Sheet S-1.
  - c. Topographic Survey for American Waste Oil, Inc. dated December 4, 1991, Sheet 1.



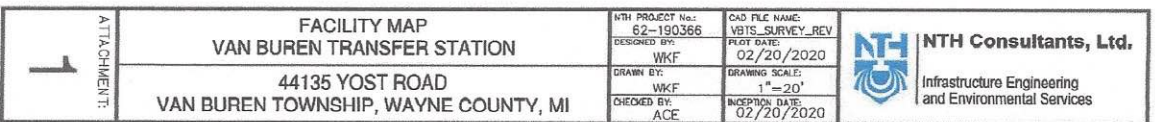
Licensee: VBTS, LLC  
Facility Name: Van Buren Transfer Station  
Operating License Number: 9604  
Issue Date: May 19, 2020

6. The following additional documents, approved since the issuance of the construction permit(s) referenced in Item 5, are incorporated in this license by reference: N/A.
7. Consent Order/Judgment Number: N/A
8. The licensee shall conduct hydrogeological monitoring in accordance with the approved hydrogeological monitoring plan, dated N/A. The sampling analytical results shall be submitted to EGLE's MMD Warren District Office.
9. Modifications to approved engineering plans that constitute an upgrading, as defined in R 299.4106a(e), may be approved, in writing, by the EGLE's MMD Warren District Supervisor.

**10. SPECIAL CONDITIONS:**

- a. Within 60 days of the date of issuance of this license, the Licensee shall submit to EGLE for review and approval final engineering design plans for the building improvements depicted in Attachment A. The design shall allow for all solid waste unloading, handling, and loading to occur within the improved transfer station building, but shall not allow for an expansion of the waste transfer capacity of the Facility.
  - b. Within one year after EGLE approval of the engineering plans described in Item 10a. of this license, the Licensee shall complete construction of the approved transfer station building improvements and submit to EGLE as-built drawings and certification by a registered professional engineer that the Facility improvements were constructed in accordance with the approved engineering plans. An extension to the one-year timeline may be approved by EGLE if warranted due to circumstances beyond the control of the Licensee. The Licensee shall document such circumstances and provide them to EGLE if an extension is requested.
  - c. If EGLE or the licensee documents non-compliance with the Part 115 administrative rules related to restricted access or litter control along the eastern property boundary, or if the adjoining property/business to the east changes ownership or substantially alters their structures, appurtenances, or operations such that access can no longer be reliably controlled, then the licensee shall install adequate fencing along the eastern property boundary of the transfer station property within 120 days. In addition, upon request from the Department, licensee shall obtain and provide documentation from the owner/operator of the adjoining property to the east indicating that they find the open/unfenced shared property line and shared access gate(s) to be an acceptable arrangement.
11. **TERM:** This license shall remain in effect until its expiration date, unless revoked or continued in effect, as provided by the Administrative Procedures Act, 1969 PA 306, as amended, or unless superseded by the issuance of a subsequent license.

**END OF LICENSE**



**LOCATION: 44145 YOST ROAD (PARCEL NUMBER 83-009-99-0004-001). THIS SITE IS LOCATED ON THE NORTH SIDE OF YOST ROAD, EAST OF SHELDON ROAD.**

Director Power gave the presentation and displayed the site of Yost Road Waste Transfer. The site includes some covered building area and open storage area. The State of Michigan Department of Environment, Great Lakes and Energy (EGLE) as part of the issuance of a license, requires that some of the open storage area has to be covered by a roof. The proposed shelter is 5,400 square feet in area. The applicant is requesting two variances, 0.5 feet from the rear yard and 7.89 feet from the side yard. If the requested variances are approved by the BZA, the proposed structure will be considered by the Planning Commission as part of a formal site plan review.

Robert Wagner of Midwest Consulting spoke on behalf of the owner. The site is 1.5 acres and they are proposing to construct a 5,400 square foot roof structure, 3-sided wind breaker to shield the waste transfer area. The property has changed ownership in the past year, the waste transfer station has been operating since the 1970's. The variances are being requested to bring the existing structure into compliance with the State of Michigan.

Commissioners had the following questions and comments:

1. Is the railroad subject to notification? Yes, the railroad will be notified prior to the BZA meeting.
2. How long ago was the structure permitted but never built? The owner will find that information and bring back to Township staff.
3. When did the ownership of the property change? Approximately 2 years ago.
4. Does Township staff know the dimensions of the easement? Director Power will confirm the dimensions and provide the information to the Commission.

No comments from the audience.

Commissioners agreed they are supportive of the variance as long as the applicant meets all other recommendations required and feel it's in the best interest to bring the site into compliance with the state mandate.

Director Power asked Commissioners to email him any additional comments they would like to share with the BZA.

**ITEM #2: 20-035 – 44605 HULL ROAD AND VICINITY IRRIGATION PONDS.**

**THE APPLICANT, KW LAND DEVELOPMENT, ON BEHALF OF OWNER, WILKIN FARM PROPERTIES, SEEKS TO CONSTRUCT TWO (2) FIVE ACRE IRRIGATION PONDS FOR AGRICULTURAL PURPOSES PURSUANT TO CHAPTER 42, ARTICLE IV OF THE VAN BUREN TOWNSHIP CODE OF ORDINANCES.**

**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, April 13, 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 Board of Trustees 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 request regarding 44145 Yost Road (tax parcel ID 83 009 99 0004 001), which is zoned M-1 – Light Industrial:

**Case # 21-010-** A request by applicant Rob Wagner of Midwest Consulting on behalf of owner South Yost, LLC, for two (2) variances from the side yard setback and rear yard setback requirements of Section 4.102 (Schedule of Regulations) of the Zoning Ordinance, which requires certain setbacks for buildings or structures in the M-1 Zoning District:

- **Required:** The side yard setback shall be a minimum of 40' and the rear yard setback shall be a minimum of 40'.
- **Proposed:** 7.89' side yard setback and 0' rear yard setback.

Members of the public may access the agenda materials via the Township website – [www.vanburen-mi.org](http://www.vanburen-mi.org) beginning **April 9, 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](http://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](http://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](mailto:dpower@vanburen-mi.org). Members of the public may also contact [dpower@vanburen-mi.org](mailto: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: 3/19/2021  
Published: 3/25/2021

82 83 009 99 0001 000  
DAS ERDOL PROPERTIES LLC  
29112 E. RIVER RD  
GROSSE ILE MI 48138

82 83 009 99 0002 000  
SLOAN, ROBERT  
31100 HUNTERS DR SUITE 1303  
FARMINGTON MI 48334-1214

82 83 009 99 0004 001  
SOUTH YOST, LLC  
101 N. MAIN STREET, SUITE 350  
ANN ARBOR MI 48104

82 83 009 99 0004 002  
DLR MANUFACTURING, INC  
44205 YOST ROAD  
VAN BUREN TOWNSHIP MI 48111

82 83 009 99 0005 000  
DOWLING, JAMES  
44141 YOST ROAD  
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82 83 009 99 0007 000  
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