

**CHARTER TOWNSHIP OF VAN BUREN  
BOARD OF ZONING APPEALS AGENDA  
Tuesday, June 14, 2022 – 7:00 PM  
Van Buren Township Hall Board Room  
46425 Tyler Road**

**Per guidance provided by the Wayne County Local Public Health Department for meetings of governmental bodies held under public act 228 of 2020, effective January 1, 2022, the following Zoom link is provided to enable remote participation in a meeting of the public body by the general public:**

Please click this link to join the webinar: <https://us06web.zoom.us/j/86869863218>

Or One tap mobile : US: +13126266799,,86869863218# or +19294362866,,86869863218#

Or Telephone: +1 312 626 6799

Webinar ID: 868 6986 3218

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

BZA Chair Aaron Sellers	—	Planning Commission Rep. Medina Atchinson	—
BZA Vice-Chair Amos Grissett	—	BZA Alternate Member Charles Larocque	—
BZA Member / Trustee Kevin Martin	—	Planning Commission Alt. Rep. Jeffrey S. Jahr	—
BZA Member John Haase	—	Recording Secretary Brittney Williams	—
BZA Member John Herman	—	Director Dan Power	—

**ACCEPTANCE OF AGENDA**

**APPROVAL OF MINUTES:**        October 12, 2021

**CORRESPONDENCE**

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

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

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**1. Election of Officers for 2022**

**2. Training Session**

**ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION**

**ADJOURNMENT**

**CHARTER TOWNSHIP OF VAN BUREN  
BOARD OF ZONING APPEALS  
Tuesday October 12, 2021  
DRAFT MINUTES**

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

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

The meeting was called to order at 7:02 pm via Zoom by Chairperson Aaron Sellers.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

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

**Absent Excused:**

**Staff:** Dan Power (Dir. Of Planning & Economic Development), Brittney Williams (Recording Secretary), Ryan Nichols (Communication Specialist)

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

**ACCEPTANCE OF AGENDA:**

Herman motioned; Atchinson seconded to accept the Agenda as presented.

**ROLL CALL:**

Yeas (7): Sellers, Haase, Herman, Martin, Grissett, Larocque, Atchinson

Nays (0): None

Absent (0):

**Motion Carried**

**APPROVAL OF MINUTES:**

Amos Grissett made a change on the September 14, 2021 minutes. On page 6 last paragraph it says, Amos Grissett stated it were built, it should say, Amos Grissett stated it was built.

Sellers motioned to approve the minutes from the September 14, 2021 meeting.

**ROLL CALL:**

Yeas (7): Sellers, Haase, Herman, Martin, Grissett, Larocque, Atchinson

Nays (0): None

Absent (0):

**Motion Carried**

**CORRESPONDANCE: NONE**

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

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

**ROLL CALL:**

Yeas (7): Sellers, Haase, Herman, Martin, Grissett, Larocque, Atchinson

Nays (0): None

**CHARTER TOWNSHIP OF VAN BUREN  
BOARD OF ZONING APPEALS  
Tuesday October 12, 2021  
DRAFT MINUTES**

Absent (0):

**Motion Carried**

No Public Comments

Grissett motioned, Atchinson seconded to close the public hearing for non-new business items

**ROLL CALL:**

Yeas (7): Sellers, Haase, Herman, Martin, Grissett, Larocque, Atchinson

Nays (0): None

Absent (0):

**Motion Carried**

**PUBLIC HEARING (new business items)**

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

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

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

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

<b>Setback:</b>	30' setback from lot line permitted
	5' setback from front lot line proposed
	25' setback variance requested

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

**ROLL CALL:**

Yeas (7): Sellers, Haase, Herman, Martin, Grissett, Larocque, Atchinson

Nays (0): None

Absent (0):

**Motion Carried**

**Public Comments:** No public comments.

Herman motioned, Haase seconded to close public hearing

**ROLL CALL:**

Yeas (7): Sellers, Haase, Herman, Martin, Grissett, Larocque, Atchinson

Nays (0): None

Absent (0):

**Motion Carried**

**CHARTER TOWNSHIP OF VAN BUREN  
BOARD OF ZONING APPEALS  
Tuesday October 12, 2021  
DRAFT MINUTES**

**UNFINISHED BUSINESS: None**

**NEW BUSINESS**

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

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

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

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

<b>Setback:</b>	30' setback from lot line permitted
	5' setback from front lot line proposed
	25' setback variance requested

**Presentation by Township Staff**

Director Power presented his letter dated October 4, 2021 for the variance request of Section 11.108(a) Zoning District Regulations, Sign Regulations Applicable to the AG, R-1, R-2, RM and RMH Districts. The applicant is proposing to construct a 22.67 square foot sign with 17 square foot scored concrete base. Notice for the public hearing was published in the Belleville Area Independent on September 23, 2021 in accordance with the Michigan Zoning Enabling Act and notices were mailed to the owners of real property within 300' of the subject property September 23, 2021. The owner purchased the subject property in September 2019. The site was previously fully redeveloped from 2005-2007 with the construction of a new building following final site plan approval by the Van Buren Township Planning Commission. As part of the approval of this site plan, Wayne County established 60' of new right-of-way (ROW), which now separates the east edge of the subject property from the edge of pavement of Sumpter Road. A wooden post sign was installed within this ROW between July 2018 and April 2019, prior to the current owner's purchase of the site.

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

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

**COMMENTS**

**CHARTER TOWNSHIP OF VAN BUREN  
BOARD OF ZONING APPEALS  
Tuesday October 12, 2021  
DRAFT MINUTES**

Per Section 12.403.C of the Township Zoning Ordinance and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, the Board must, prior to acting on a proposed variance, consider and make findings regarding several factors. The Board may grant a dimensional or non-use variance upon a finding that practical difficulties exist. To meet the test of practical difficulty, the applicant must demonstrate compliance with the following:

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

The site's principal use is as a religious institution, which is a permitted special land use in the AG Zoning District. This use draws significant traffic to the site at specific peak times. The site's frontage is on a road with a posted speed limit of 45 miles per hour (MPH). Adequate usage of the site for this purpose requires legible and effective signage in order to properly provide navigation to and from the site. The signage should be sufficiently set back so as to avoid visual clutter or to impair the character of the site's surroundings, but should also be sufficiently visible and near to the front of the site so as to be recognizable and visible to drivers so as to avoid rapid braking or confusion at a speed of 45 MPH. The site's front lot line is the line separating the lot from the street ROW. There is a 30-foot setback imposed on monument signs for non-residential or subdivision uses in the AG zoning district. This generally ensures an adequate setback from an adjacent roadway so as to avoid distracting or visually obtrusive conditions. In this case, based on the separation of the subject property from the road by an expanded 60' ROW, compliance with the Ordinance standard will require placement of the sign approximately 90' from the edge of road pavement. Such placement would render the sign difficult to see while driving at the posted speed. This is coupled with the presence of a roughly 280' vegetated buffer and vegetation in a Wayne County drain that further limit visibility to the site for northbound traffic. These factors combined can be construed as making strict Zoning Ordinance compliance unnecessarily burdensome.

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

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

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

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

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

**CHARTER TOWNSHIP OF VAN BUREN  
BOARD OF ZONING APPEALS  
Tuesday October 12, 2021  
DRAFT MINUTES**

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

**Section 12.403 (D) Standards of approval.**

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

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

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

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

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

The proposed variances are not likely to increase the hazard of fire or flood or endanger the public safety. The sign will be required to comply with all applicable building and electrical codes.

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

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

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

The reduced front yard setback for the signage, will not impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

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

The proposed sign will complement the character of the neighborhood by applying current zoning standards for sign material, area, and height. Churches are typically located in residential areas to serve the residents. The location of the church with the associated sign is in keeping with the character of the neighborhood.

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

The purpose of zoning regulations is to provide for orderly and planned use of land. The proposed sign will meet current zoning standards for material, area and height, and will be both near enough to Sumpter Road so as to be clearly seen while sufficiently set back so as to not be visually obtrusive to road traffic. The granting of this requested variance will therefore fulfill the purpose of zoning regulations to provide for the orderly and planned use of land.

**CHARTER TOWNSHIP OF VAN BUREN  
BOARD OF ZONING APPEALS  
Tuesday October 12, 2021  
DRAFT MINUTES**

**Recommendation**

Subject to any additional information presented and discussed by the applicant, Board, and/or the public during the public hearing and incorporated into the record prior to any findings being made, I recommend that the Board of Zoning Appeals approve the requested variance to allow a 22.67 square foot monument sign with 17 square foot scored concrete base to be constructed within 5' of the front line, subject to the following condition:

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

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

1. Strict compliance with the required sign setback would be unnecessarily burdensome and would limit legible and effective signage and would impair proper navigation to and from the site.
2. A variance from the front lot line setback would provide substantial justice to the applicant, and is not averse to the interests of other property owners in the district.
3. The property is uniquely configured based on the 60' ROW that separates it from the edge of Sumpter Road, the drain that crosses it, and its 280' vegetated buffer.
4. The request for a variance is not a self-created hardship.
5. The proposed variance is related to the valid exercise of police power.
6. The variance is not likely to impair light and air to adjacent property or increase the congestion in the public streets.
7. The variance is not likely to increase the hazard of fire or flood or endanger the public safety.
8. Approval of the variance will not likely diminish or impair established property values within the surrounding areas by setting a precedent.
9. The variance is not likely to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.
10. The variance is not likely to alter the essential character of the neighborhood.

Mrs. Krishnan went on to say that Director Power summed up the case and findings of fact based on Michigan Zoning Enabling Act pretty thoroughly and just wanted to add that any action taken to approve this variance would not be precedent setting. The whole reason for having a sign ordinance is to provide direction and guidance for people to get safely to and from a property. The fact that you are recommending an approval of a sign at this setback actually works towards land use goals where the sign is clearly visible, which is the whole point in having signage. The sign will be clearly visible on a faster road which is 45 mph and be able to direct people in and out of the site safely. Each sight is reviewed for variance on its individual merit. Believes the case that is presented putting this sign on the existing right of way and county drain and the fact that they are replacing an existing nonconforming sign with a new sign that will still not meet the ordinance but will be more conforming is an acceptable alternative. Also recommends from a planning stand point support for the variance as listed and advertised.

**Presentation by the Applicant**

Pastor Eddie states Thank you for allowing him to submit this request. Director Power has so eloquently presented his variance request that sums up everything. They just want to replace the existing sign with something that looks a lot better for the community and at the same time serves a purpose for everyone to get in and out of our property safely. Everything stated in the letter and presentation they agree with.

**Board of Zoning Appeals Discussion**

**CHARTER TOWNSHIP OF VAN BUREN  
BOARD OF ZONING APPEALS  
Tuesday October 12, 2021  
DRAFT MINUTES**

Aaron Sellers says the sign they have now is nonconforming and the new sign will still be nonconforming however, it will be more within our setback requirements. He does not have any problem passing this forward and approving the setback request. This is an appropriate request that benefits not only the Township but the Church and the Community.

Medina Atchinson questioned the right-of-way of Wayne County. Director Powers stated that this variance would take this sign out of the right-of-way and we have reached out to Wayne County Department of Public Services to discuss to them about this sign. Medina Atchinson says she would support Aaron Sellers in approving this variance.

**Board of Zoning Appeals Action**

Atchinson motioned, Herman seconded, to grant approval for the request for the applicant case #21-038 – River of Life Assembly of God, location of 16650 Sumpter Road, to construct a 22.67 square foot sign with 17 square foot base, granting them approval for their variance. Note for the approval the memo that was drafted by Director Dan Power and Vidya Krishnan dated October 4, 2021. John Herman supported, but wanted to add that this does not set a precedent, this is unique to this site.

**ROLL CALL:**

Yeas (7): Sellers, Haase, Herman, Martin, Grissett, Larocque, Atchinson

Nays (0): None

Absent (0):

**Motion Carried**

Amos Grissett mentioned training being available for members. Director Power stated he would follow up with any member that does not have enough training for the year.

Atchinson motioned, Herman seconded to adjourn meeting 7:48pm

**ROLL CALL:**

Yeas (7): Sellers, Haase, Herman, Martin, Grissett, Larocque, Atchinson

Nays (0): None

Absent (0):

**Motion Carried**

Respectfully submitted,

Brittney Williams, Recording Secretary





## MEMO

---

TO: Van Buren Township Board of Zoning Appeals

FROM: Dan Power– Director of Planning and Economic Development

RE: Election of Officers

DATE: June 9, 2022

---

Per the BZA rules of procedure, the BZA is required to select from its membership at the first meeting of the calendar year a Chairperson, Vice-Chairperson, and Secretary. The 2021 Officers are as follows:

Chairperson – Aaron Sellers  
Vice-Chairperson – Amos Grissett  
Secretary – John Herman

Typically the process for electing officers requires a nomination, a support of that nomination, and a vote on the nomination. These positions will be filled through the remainder of 2022. Please feel free to contact me with any additional questions.

Sincerely,

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

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



# Board of Zoning Appeals Training Seminar

Charter Township of Van Buren, Michigan  
June 14, 2022

MCKENNA

# Agenda

---

1. The Planning and Zoning Team
2. Planning and Zoning Tools
3. Board of Zoning Appeals (BZA)
4. Tips for Hearings and Decision-Making
5. Q&A Session



## The Planning and Zoning Team

- ✓ Township Board of Trustees
- ✓ Planning Commission
- ✓ Board of Zoning Appeals
- ✓ Staff
- ✓ McKenna Professionals

BOARD OF ZONING APPEALS TRAINING · CHARTER TOWNSHIP OF VAN BUREN, MI · JUNE 14, 2022

The zoning process may seem cumbersome, especially to first time applicants.  
Usually stems from lack of understanding.  
Procedures that may seem burdensome are intended to protect the rights of all.  
Balance of power is designed to ensure fair and impartial consideration of issues.

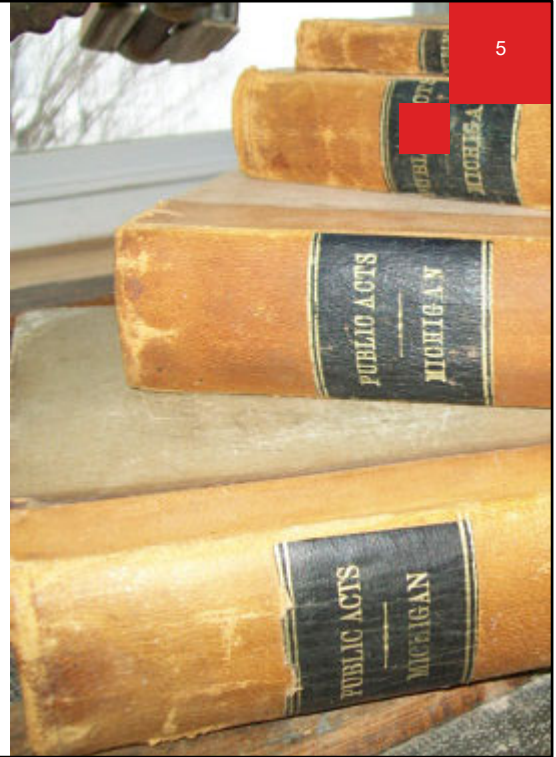
# Planning and Zoning Authority

## Michigan Planning Enabling Act

Public Act 33 of 2008, as amended

- **Master Plans**
  - ✓ Community data
  - ✓ Policies and Objectives
  - ✓ Future Land Use Map and Zoning Plan
- **Planning Commissions**
  - ✓ Establishment
  - ✓ Membership, terms, etc.

BOARD OF ZONING APPEALS TRAINING · CHARTER TOWNSHIP OF VAN BUREN, MI · JUNE 14, 2022



Village is given the power to plan and zone through State law.  
Allow . . But do not require.  
Previously 6 Acts . . Now only 2

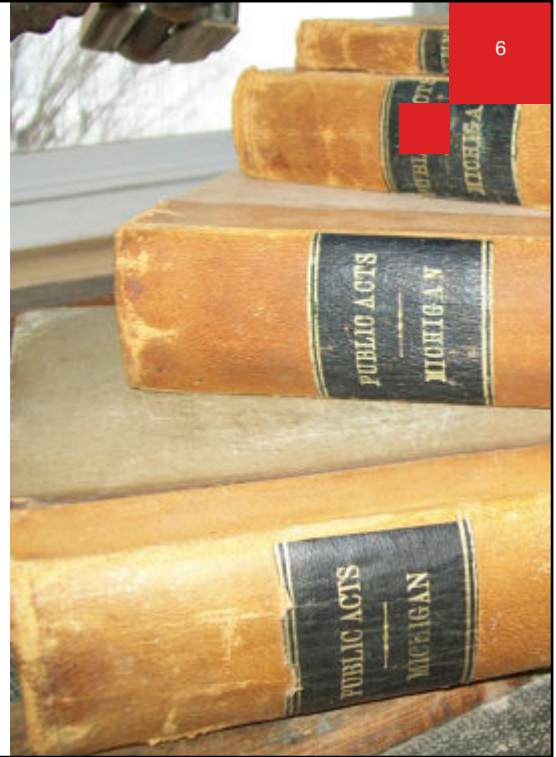
# Planning and Zoning Authority

## Michigan Zoning Enabling Act

Public Act 110 of 2006, as amended

- **Zoning Ordinances**
  - ✓ Uses, structures, densities, and other development
  - ✓ Amendments
  - ✓ Variances
  - ✓ Appeals
  - ✓ Conditional uses
  - ✓ Zoning Map
  - ✓ Planned Unit Developments
- **BZA establishment, membership, terms**

BOARD OF ZONING APPEALS TRAINING · CHARTER TOWNSHIP OF VAN BUREN, MI · JUNE 14, 2022



Village is given the power to plan and zone through State law.  
Allow . . But do not require.  
Previously 6 Acts . . Now only 2

# Separation of Powers

## Board of Trustees

### Legislative Functions

- ✓ Enact Laws/Adopt Master Plan
- ✓ Adopt Budget
- ✓ Appoint Boards/Commissions





# Separation of Powers

**Planning Commission**  
**Zoning Administrator / Planner**

## Administrative Functions

- ✓ Ordinance Recommendations
- ✓ Budget Requests
- ✓ Zoning Approvals



# Separation of Powers

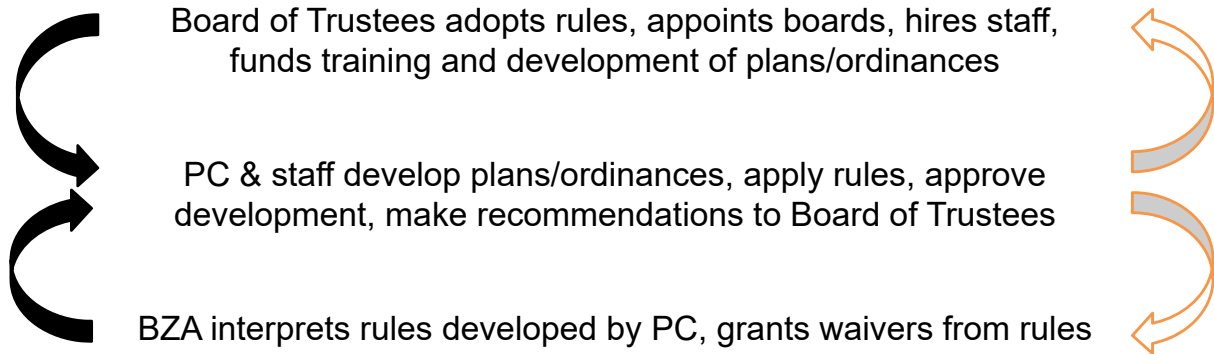
## Board of Zoning Appeals

### Quasi-Judicial Functions

- ✓ Ordinance Interpretation
- ✓ Appeals
- ✓ Variances



## Team Connections



## Building a Strong Team

---

- ✓ The planning and zoning process is a cooperative effort
- ✓ Joint sessions (at least annually) are a must!
- ✓ Orient and train members
- ✓ Consult with planner and attorney when necessary





# Planning and Zoning Tools

Charter Township of Van Buren  
Master Plan

Charter Township of Van Buren  
Zoning Ordinance

BOARD OF ZONING APPEALS TRAINING · CHARTER TOWNSHIP OF VAN BUREN, MI · JUNE 14, 2022



# The Master Plan

**Powerful expression of the Township's intentions for the future.**

- "Vision Plan".
- Goals and objectives.
- Consistency in decision-making.
- Wise use of resources.
- Preservation of community character and natural resources.
- Policy document; Not law.

BOARD OF ZONING APPEALS TRAINING · CHARTER TOWNSHIP OF VAN BUREN, MI · JUNE 14, 2022



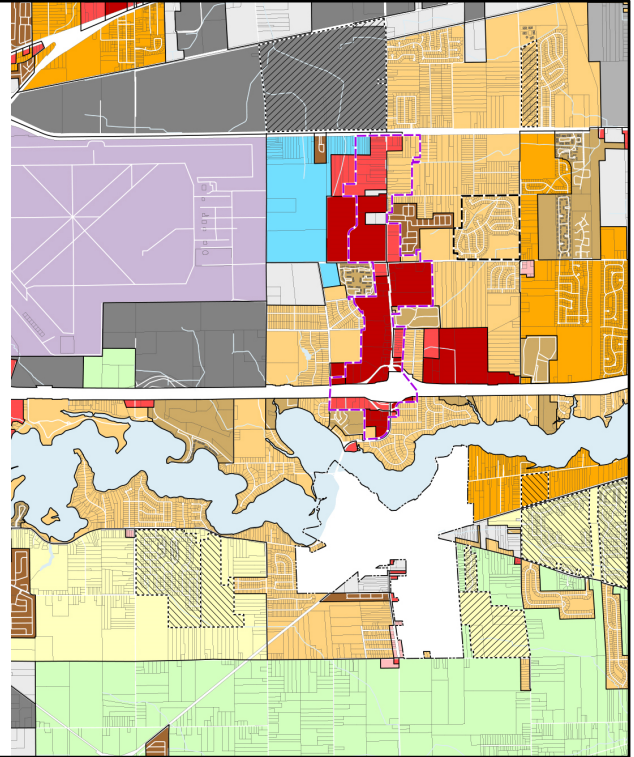
Policy document, not a law.

# Zoning Ordinance

## **Protects the Public Health, Safety and Welfare**

- ✓ Implements the Master Plan
- ✓ It is the Law
- ✓ Insures Compatibility of Uses
- ✓ Protects Natural Resources
- ✓ Protects Property Values
- ✓ Prevents Nuisances

BOARD OF ZONING APPEALS TRAINING · CHARTER TOWNSHIP OF VAN BUREN, MI · JUNE 14, 2022





# Relationship of Planning and Zoning

Master Plan	vs	Zoning Ordinance
Guide for the <b>FUTURE</b>	—	Regulation to <b>TODAY</b>
Policy	—	Law
Future land use maps may be general	—	Zoning maps are specific and follow property lines
Flexible to respond to changing conditions	—	Specific standards
Adopted/Amended by Planning Commission and Board of Trustees	—	Adopted by the Board of Trustees upon recommendation by the Planning Commission



# Board of Zoning Appeals (BZA)

3

MCKENNA

# Board of Zoning Appeals

## **Powers, Functions and Responsibilities:**

1. Interprets the Zoning Ordinance Text and Map
2. Hears Appeals of Planning Commission decisions
3. Hears Appeals of Administrative decisions
4. Acts on Variance Requests – dimensional requests only
5. Practical Difficulty Criteria

## **BZA decisions are final!**

BOARD OF ZONING APPEALS TRAINING · CHARTER TOWNSHIP OF VAN BUREN, MI · JUNE 14, 2022

Cannot grant use variances or variances from condition attached to special land use approval by board of trustees

# Ordinance Interpretations

---

- Text interpretations narrow and practical
- Map interpretations based on Ordinance rules
- Review history of language use
- Keep records

## Variances

- A variance is a permanent and officially-approved deviation from the Zoning Ordinance.
- Dimensional (non-use) variances only.
  - Conformity burdensome for reasons other than financial
  - Substantial justice
  - Minimum being requested
  - Unique circumstances
  - Not self-created

## Membership

- Seven (7) regular members – participate and vote
- Two (2) alternate members – participate, but cannot vote unless regular member is absent
- PC member must be on BZA
- Board of Trustees member may be on BZA
- Term – 3 years; may be staggered

## Voting Requirements

- Appeals and dimensional variances – simple majority.
- Voting Requirement: Except for administrative actions (approval of minutes, etc.), votes are based on total BZA membership, not just those who are present.

# Public Hearings

---

- ✓ Public Hearing vs. Public Comment
- ✓ Role of the Chairperson
- ✓ Public Hearing Rules
- ✓ Open Meetings Act
- ✓ Meeting Conduct by BZA

BOARD OF ZONING APPEALS TRAINING · CHARTER TOWNSHIP OF VAN BUREN, MI · JUNE 14, 2022





## Decision Principles

---

- The Board of Appeals is bound by the standards of the ordinance.
- Property owners have certain rights to utilize their property, within the limits of the ordinance.
- Justification for variances must be related to the conditions of the land; however, test of unnecessarily burdensome must be evaluated.

# Decision Principles

---

*What is the responsibility of the BZA?*

- It is the responsibility of the BZA to uphold the requirements of the zoning ordinance, except in unusual circumstances related to the condition of the property.
- It is NOT the job of the BZA to help applicants find a way around the requirements of the ordinance because of a matter of inconvenience, or to “make the community better.”

## Decision-Making

### DO:

- ✓ Have all comments directed through the Chairperson.
- ✓ Conduct all deliberations in the open.
- ✓ Have the Chairperson ask each member to express his/her opinion and when members vote, they should state the reasoning behind their vote.
- ✓ Correct any mistakes immediately.

### DO NOT:

- ✓ Hold a private conference prior to any meeting.
- ✓ Do not act hastily and resolve questions of doubt before taking action.

## Decision-Making

- ✓ Make findings of fact
- ✓ Consistently use rules and procedures
- ✓ Make clear motions
- ✓ Add conditions of approval, if necessary
- ✓ Avoid conflict of interest
- ✓ Maintain meeting minutes and ensure they are publicly available



## Incorrect Reasons to Grant a Variance

- No one came to object
- It's the only sign they make
- The ordinance is too strict
- We have to give it to them or they will leave
- It will make the area better
- We gave this variance before
- It's already built
- We know he/she will do a good job
- It's only a small variance...

BOARD OF ZONING APPEALS TRAINING · CHARTER TOWNSHIP OF VAN BUREN, MI · JUNE 14, 2022

## Conflict of Interest

---

Members must abstain from discussion and voting when:

- Financial – employment, owns or leases property that is involved or that will have its value affected
- Personal – a relative or a close friend
- Political – Township officials representing applicants

## Avoiding Zoning Litigation

---

1. Base decisions on the Master Plan and Zoning Ordinance standards ... and the facts of the situation.
2. Avoid common mistakes such as ignoring existing land use patterns or basing a decision solely on public opinion.
3. Provide a reasonable use.
4. Avoid conflict of interest situations.



# Tips for Hearings and Decision-Making

# 4

MCKENNA

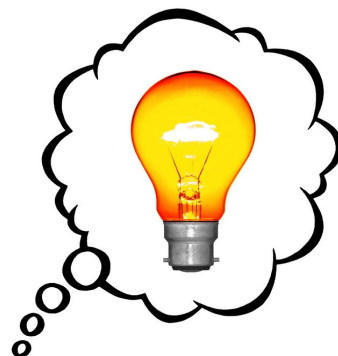


## Smooth Hearings

- Make copies of staff reports and agenda before the hearing
- Separate fact from opinion, and lay opinion from expert opinion
- Ask for alternatives or additional information if you're not comfortable with the proposal presented
- Legal counsel should be present when necessary
- The chair should strictly enforce meeting procedures
- Print hearing rules on the agenda
- Limit speaking time and the number of times a person can speak
- Do not tolerate interruptions and personal attacks
- Make sure all participants can see and hear the proceedings

## Suggestions/Ideas

- ✓ Keep Board By-Laws and Rules of Procedure up to date
- ✓ Provide each Board member with a current Master Plan and Zoning Ordinance; keep updated with amendments



## Suggestions/Ideas

- ✓ Keep updated documents available for public viewing
- ✓ Have updated Future Land Use Map and Zoning Map in Board Room during Board meetings



## Next time you feel badly about turning down a request....

---

### Think about:

- The hundreds (or thousands) of property owners who DID comply;
- The amount of time and effort the drafters of the Zoning Ordinance spent in developing the language; and
- The effectiveness of your Zoning Ordinance if it is commonly known that all you need to do is *ask* for a variance and it will be granted.

