

**CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS AGENDA
Tuesday, October 11, 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/81552680644>
Or One tap mobile: US: +13092053325, 81552680644# or +13126266799, 81552680644#
Or Telephone: +1 301 715 8592
Webinar ID: 815 5268 0644

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

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

ACCEPTANCE OF AGENDA

APPROVAL OF MINUTES: Approval of minutes from June 14, 2022

CORRESPONDENCE

PUBLIC HEARING (new business items)

1. Case Number: 22-038 – Mike’s Kitchen

Location: 11511 Belleville Road (Mike’s Kitchen) Parcel ID # 83-086-99-0012-001

Request: Applicant Joseph Altman on behalf of owner David Nucullaj is requesting a variance from the following section of the Charter Township of Van Buren Zoning Ordinance:

Section 3.112 (E) for C-2 Extensive Highway Business District:

- Required: 25.00 feet
- Existing: 5.00 feet
- Proposed (restroom addition): 5.00 feet, 7.50 feet (storage room addition)
- Variance requested: 20.00 feet

A. Open Public Hearing.

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

2. Case Number: 22-039 – Lower Huron Metropark Turtle Cove Renovation

Location: 17879 Savage Road (Lower Huron Metropark Turtle Cove) Parcel ID# 83-141-99-0001-000

Request: Applicant Jason Bibby on behalf of owner Huron Clinton Metropark Authority requests a variance from the following section of the Charter Township of Van Buren Ordinance:

Section 7.202(A), Table 3 pertaining to detached accessory structures in the AG – Agricultural and Estates District, to construct a tower structure with three (3) slides that exceeds the allowable height as listed below:

Maximum Detached Accessory Structure Height:

- Required: 20.00 Feet
- Proposed: 35.58 Feet
- Variance requested: 15.58 Feet

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

UNFINISHED BUSINESS

NEW BUSINESS

1. Case Number: 22-038 – Mike’s Kitchen

Location: 11511 Belleville Road (Mike’s Kitchen) Parcel ID # 83-086-99-0012-001

Request: Applicant Joseph Altman on behalf of owner David Nucullaj is requesting a variance from the following section of the Charter Township of Van Buren Zoning Ordinance:

Section 3.112 (E) for C-2 Extensive Highway Business District:

- Required: 25.00 feet
- Existing: 5.00 feet
- Proposed (restroom addition): 5.00 feet, 7.50 feet (storage room addition)
- Variance requested: 20.00 feet

- 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: 22-039 – Lower Huron Metropark Turtle Cove Renovation

Location: 17879 Savage Road (Lower Huron Metropark Turtle Cove) Parcel ID# 83-141-99-0001-000

Request: Applicant Jason Bibby on behalf of owner Huron Clinton Metropark Authority requests a variance from the following section of the Charter Township of Van Buren Ordinance:

Section 7.202(A), Table 3 pertaining to detached accessory structures in the AG – Agricultural and Estates District, to construct a tower structure with three (3) slides that exceeds the allowable height as listed below:

Maximum Detached Accessory Structure Height:

- Required: 20.00 Feet
 - Proposed: 35.58 Feet
 - Variance requested: 15.58 Feet
-
- 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 AGENDA
Tuesday, June 14, 2022 – 7:00 PM
Van Buren Township Hall Board Room
46425 Tyler Road
Draft Minutes**

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:

CALL TO ORDER

This meeting was called to order at 7:03 pm by Vice-Chairperson Amos Grissett

PLEDGE OF ALLEGIANCE

ROLL CALL:

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

Absent Excused: Charles Larocque, Aaron Sellers (Chair)

Staff: Dan Power (Director of Planning & Economic Development), Brittney Williams (Recording Secretary)

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

ACCEPTANCE OF AGENDA

Herman motioned, Jahr seconded to accept the agenda as presented. **Motion Carried**

APPROVAL OF MINUTES: October 12, 2021

Haase motioned, Martin seconded approve the minutes from the October 12, 2021 meeting. **Motion Carried**

CORRESPONDENCE: NONE

PUBLIC HEARING (for non-new business items)

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

No Public Comments

Jahr motioned, Haase seconded to close public hearing for non-new business items. **Motion Carried**

UNFINISHED BUSINESS: NONE

NEW BUSINESS

1. Election of Officers for 2022

Discuss to continue with officer elections tonight or hold until the current chair person is present. After discussion of not knowing when the next meeting will occur the election of officers will proceed tonight.

Haase motioned, Martin seconded continue with election of officers.

ROLL CALL:

Yeas (5): Grissett, Herman, Haase, Jahr, Martin

Nays (0): None

Absent (2): Larocque, Sellers

Motion Carried

Chair Person: Martin nominated, Haase seconded for John Herman.

ROLL CALL:

Yeas (5): Grissett, Herman, Haase, Jahr, Martin

Nays (0): None

Absent (2): Larocque, Sellers

Motion Carried

Vice-Chairperson: Herman nominated, Jahr seconded for Amos Grissett.

ROLL CALL:

Yeas (5): Grissett, Herman, Haase, Jahr, Martin

Nays (0): None

Absent (2): Larocque, Sellers

Motion Carried

Secretary: Herman nominated, Martin seconded for John Haase.

ROLL CALL:

Yeas (5): Grissett, Herman, Haase, Jahr, Martin

Nays (0): None

Absent (2): Larocque, Sellers

Motion Carried

2. Training Session

Board of Zoning Appeals Training Seminar presented by Vidya Krishnan, Senior Principal Planner for McKenna.

ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION: NONE

ADJOURNMENT

Martin motioned, Haase seconded to adjourn meeting at 8:58pm. **Motion Carried**

Respectfully submitted,

Brittney Williams, Recording Secretary



VAN BUREN CHARTER TOWNSHIP

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

46425 TYLER ROAD, VAN BUREN TOWNSHIP, MI 48111

PHONE (734) 699-8913 FAX (734) 699-8958

BOARD OF ZONING APPEALS APPLICATION

APPLICANT INFORMATION

NAME: <u>JOSEPH ALTMAN</u>	PHONE: <u>(313) 522-3042</u>
ADDRESS: <u>15633 HARPER AVE</u>	CELL PHONE: <u>(313) 522-3042</u>
CITY, STATE & ZIP: <u>DETROIT, MI. 48224</u>	FAX:
EMAIL: <u>altmanassoc@yahoo.com</u>	

PROPERTY OWNER INFORMATION (If different than the applicant)

NAME: <u>DAVID NUCULLA</u>	PHONE: <u>(734) 796-0994</u>
ADDRESS: <u>1916 WOODMONT</u>	CELL PHONE: <u>SAME</u>
CITY, STATE & ZIP: <u>CANTON, MI. 48188</u>	FAX:
EMAIL: <u>dnuculla@yahoo.com</u>	

SITE INFORMATION

PROJECT ADDRESS: <u>11511 BELLEVILLE ROAD</u>		
PROPERTY LOCATION: On the <u>SOUTH</u> Side of <u>JEANETTE</u> Road; Between <u>BELLEVILLE</u> Road and <u>JEANETTE</u> Road.		
SIZE OF LOT WIDTH:	SIZE OF LOT DEPTH:	ACREAGE OF SITE: <u>.78 ACRE</u>
DATE PROPERTY ACQUIRED: <u>1997 - MORTGAGE</u>	TYPE OF OWNERSHIP OF PROPERTY:	
STATE ALL DEED, SUBDIVISION IMPROVEMENT AND PROPERTY RESTRICTIONS IN EFFECT AT THIS TIME, TOGETHER WITH DATES OF EXPIRATION: <u>N/A</u>		

VARIANCE REQUEST

VARIANCE TO ZONING ORDINANCE SECTION(S): <u>3.112(CF)</u>
EXPLANATION OF THE PRACTICAL DIFFICULTY OF THE PROPERTY AS DEFINED IN SECTION 19.07 (OR EXPLANATION OF REQUEST FOR ADMINISTRATIVE REVIEW): <u>WE NEED ADDITIONAL STORAGE & IMPROVED TOILETROOM SPACES REQUIRING SIDEYARD VARIANCE.</u>
APPLICANT MUST ALSO SUBMIT PHOTOGRAPHS OF THE BUILDING AND/OR STRUCTURES ON SITE AS WELL AS SKETCH PLAN OR PLOT PLAN SHOWING THE DIMENSIONS OF THE LOT AND THE EXISTING AND PROPOSED SETBACKS.

OWNER'S AFFIDAVIT

<u>DAVID NUCULLA</u>	<u>DeVuculla</u>	<u>9-8-22</u>
PRINT PROPERTY OWNER'S NAME	SIGNATURE OF PROPERTY OWNER	DATE
STATE OF MICHIGAN COUNTY OF WAYNE		<div style="border: 1px solid black; padding: 5px;"> CHRISTINA ALTMAN NOTARY PUBLIC - STATE OF MICHIGAN COUNTY OF WAYNE My Commission Expires May 4, 2026 Acting in the County of Wayne </div>
<u>CHRISTINA ALTMAN</u> Notary Public, <u>WAYNE</u> County, Michigan		

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 8th day of SEPTEMBER 2022

CHRISTINA ALTMAN Notary Public, WAYNE County, Michigan

My Commission expires 05/04, 2026



MEMO

TO: Van Buren Township Board of Zoning Appeals (BZA)
FROM: Dan Power– Director of Planning and Economic Development
RE: 11511 Belleville Road Dimensional Variance Request
DATE: October 6, 2022

The BZA is asked to consider a request by Joseph Altman on behalf of David Nucullaj for 11511 Belleville Road (Mike's Kitchen Restaurant), Parcel ID# 83-086-99-0012-001, for a variance from Section 3.112 (E) for C-2 Extensive Highway Business District:

Side (South) Yard Setback:

- Required: 25.00 feet
- Existing: 5.00 feet
- Proposed (restroom addition): 5.00 feet, 7.50 feet (storage room addition)
- Variance requested: 20.00 feet

A completed BZA Application form; a memo from the Township Principal Planner / Planning Consultant dated September 27, 2022; submittals from the applicant including a narrative letter dated September 9, 2022, excerpts of submitted site plans and images; a copy of the public hearing notice for the October 11, 2022 meeting, and a **model motion sheet** are included in this packet for the BZA's reference. I encourage the BZA to use the model motion sheet as a template for their motion to act on this request.

Thank you for your consideration of this request.

Sincerely,

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

CC: Ron Akers, AICP – Municipal Services Director, Van Buren Charter Township
Vidya Krishnan – Planning Consultant / Principal Planner, Van Buren Charter Township



MCKENNA

September 27, 2022

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

Subject: Mike's Kitchen Restaurant/11511 Belleville Road /Variance Review; Application dated recd. 9/8/2022.

Dear Board Members:

We have reviewed the above referenced application submitted by Joseph Altman on behalf of David Nucullaj to construct additions to the existing Mike's Kitchen Restaurant. The proposal requires a variance from side yard setback standards. The following are our review comments based on the criteria in the Zoning Ordinance and the information provided:

File Number: VBT-19-039

Parcel Size and Tax ID: ≈0.78 Acres/Parcel ID# 83-086-99-0012-001

Property Owner: David Nucullaj

Zoning and Existing Use: C-2 Extensive Highway Business District. The parcel is currently occupied by a restaurant that is not operational.

Project Description: Applicant is proposing additions to the existing restaurant which necessitates a variance from the side yard setback. The applicant received approval for the requested variance in February 2020; however, due to the subsequent pandemic restrictions, was unable to proceed with the project in a timely fashion. As a result the variance expired and the applicant is required to re-apply for the same.

Notice: Notice for the public hearing was published in the Belleville Independent on September 22, 2022 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 September 17, 2022.

Variance Request:

Section 3.112 (E) Dimensional Regulations for C-2 District:

Side (South) Yard Setback: Required: 25.00 feet
Existing: 5.00 feet
Proposed: 5.00 feet (restroom addition); 7.50 feet (storage room addition)
Variance requested: 20.00 feet

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:

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

☎ 248.596.0920
F 248.596.0930
MCKA.COM

Communities for real life.



- 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 3.112 (D) of the Zoning Ordinance requires structures in the C-2 zoning district to have a minimum 25 rear yard setback. The subject site is a corner lot with frontage onto Belleville Road and I-94 S. Service Drive. The parcel is shaped like an inverted reverse "L", which poses a challenge for any structure located on it. The site has an existing building which was constructed in 1972 (per Assessor's records) and is currently non-conforming with a setback of 5 feet. The structure suffered severe water damage in 2018-19, and the restaurant has been shut down since then.

The applicant is proposing to make major renovations to the interior, update the façade and build additions to accommodate additional storage area and restrooms which per the applicant are required for its functioning. Due to the shape of the existing structure and its non-conforming footprint, non-conforming location of the existing restaurant, any addition on the rear side is also likely to be non-conforming. The existing floor plan allows for a kitchen and dining area but has very limited storage and utility space. The proposed addition is intended to provide for the restaurant's storage needs and also restroom facilities which are code compliant.

Strict compliance with the side yard setback would likely allow for the construction of a very small storage space, but would not allow for the construction of the restroom addition. The existing restaurant is located in the Belleville Road Overlay District, which has specific design requirements. The structure is outdated, in need of an upgrade and has remained vacant for a while which increases the state of disrepair. The proposed additions and interior renovations are intended to make the restaurant viable and also comply with all applicable building codes. Not allowing for an additions with could be as being 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 build the additions proposed which they consider essential for the viability of the restaurant. The subject site is located at a corner with street frontage to the north and west. The proposed addition is on the south/southeast side of the structure, which abut the drive-through of a bank and the restaurant parking lot, respectively. The proposed additions are located 50'+ from the bank building to the south and are not likely to impact emergency access or safety.

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

As noted previously, the subject site is an odd shaped parcel which poses a challenge for placement of structures. While there may be other commercially zoned parcels in the Township with an unusual configuration, at this time we are aware of the applicant site only.

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

The need for the variance is not a self-created problem. As noted previously, the restaurant on the subject site was a long standing fixture in the community till it suffered severe water damage and had to shut down. At this time the applicant is attempting to fix the structure and make changes that would bring it up to compliance with code and make it a viable business again.



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 impair an adequate supply of light and air to adjacent property or increase the congestion in the public streets. As previously noted, the proposed addition is located more than 50 feet from the bank building on the abutting site to the south. There are no other structures within close proximity to the proposed additions.

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

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

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

Renovation and remodeling of the restaurant which has remained closed since the water damage, would enhance the value of the subject site and 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 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 frontages. The site is located on Belleville Road just off the I-94 freeway, in an area with other commercial 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 to facilitate the re-opening of the restaurant.



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 variance for the property located at 11511 Belleville Road. The above recommendation is based on the following findings of fact:

1. Strict compliance with the required side yard setback would likely prevent the construction of the addition to accommodate the bathroom and would greatly reduce the storage addition, which can be construed as being unnecessarily burdensome.
2. A variance would provide substantial justice to the applicant and is not averse to the interests of other property owners in the district.
3. The subject site is an unusually shaped parcel.
4. The existing non-conforming building footprint limits the placement of any additions.
5. The structure suffered severe water damage (not self-created) which resulted in the need for a full renovation and remodeling.
6. The proposed variance is related to the valid exercise of police power.
7. The variance is not likely to impair light and air to adjacent property or increase the congestion in the public streets.
8. The variance is not likely to increase the hazard of fire or flood or endanger the public safety.
9. The variance is not likely to diminish or impair established property values within the surrounding areas.
10. The variance is not likely to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.
11. The variance is not likely to alter the essential character of the neighborhood.
12. The variance allows for the re-establishment of a long-standing business in the community.
13. The variance was previously granted and expired due to the pandemic related difficulties which were beyond the control of the applicant.

Respectfully,
McKENNA

Vidya Krishnan Senior
Principal Planner

Cc: Dan Power, Director of Planning and Economic Development

Altman and Associates
15633 Harper Ave.
Detroit, MI. 48224
(313) 522-3042
altmanassoc@yahoo.com

September 9, 2022

ATTN : Dan Power, AICP
Director of Planning and Economic Development
Department of Public Services
Charter Township of Van Buren
Van Buren, MI. 48111
(734) 699-8900 ext 9392
dpower@vanburen-mi.org

Re: Variance for Mike's Kitchen 11511 Belleville Road, Van Buren, Mi. 48111.

We are requesting a variance from the Board of Zoning Appeals for Mike's Kitchen located at 11511 Belleville road, Van Buren, Mi. 48111, in order to build a necessary addition to the existing building to house new handicapped toiletrooms and storage areas.

The existing building does not conform to the side yard requirement of the zoning ordinance which requires a 25 foot side yard setback. The present side yard setback is 5 feet.

The only way that this addition can be added to this property is through a variance to the side yard setback.

We believe that we have met the standards of Zoning ordinance –section 12.403 (C) and (D) as follows:

C. 1 Strict compliance to the sideyard setback 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.

2. A variance would provide the applicant, as well as the other nearby property owners substantial justice in that a restaurant can be continued instead of a shell building or vacant lot.

3. The plight of the owner is due to the unique non-conforming circumstances of the property

4. and is not a self created problem.

D. 1 The proposed variance (we believe) is a valid exercise of the police power and purposes of the BZA.

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

3. and will not increase the hazard of fire or flood or endanger the public safety

4. and will not unreasonably impair or diminish established property values within the surrounding area.

A variance was originally applied for and granted by the BZA in February 2020. Unfortunately, we were not able to complete the required construction drawings and documents in the allotted time due to State of Michigan mandated covid work restrictions. We restarted the project in 2021 with some changes to the scope of work and with prepared construction drawings and documents are requesting a approval of the variance to start construction and bring substantial justice to the owner and nearby residents.

Sincerely,

Joseph Altman

Joseph Altman

Altman and Associates



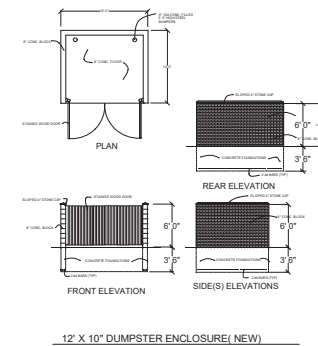
Owner's approval signature



Date

9.13.22

Received 9-13-22



SITE PLAN

PROJECT NAME
MIKE'S KITCHEN
11511 BELLEVILLE ROAD
BELLEVILLE, MICHIGAN 48111



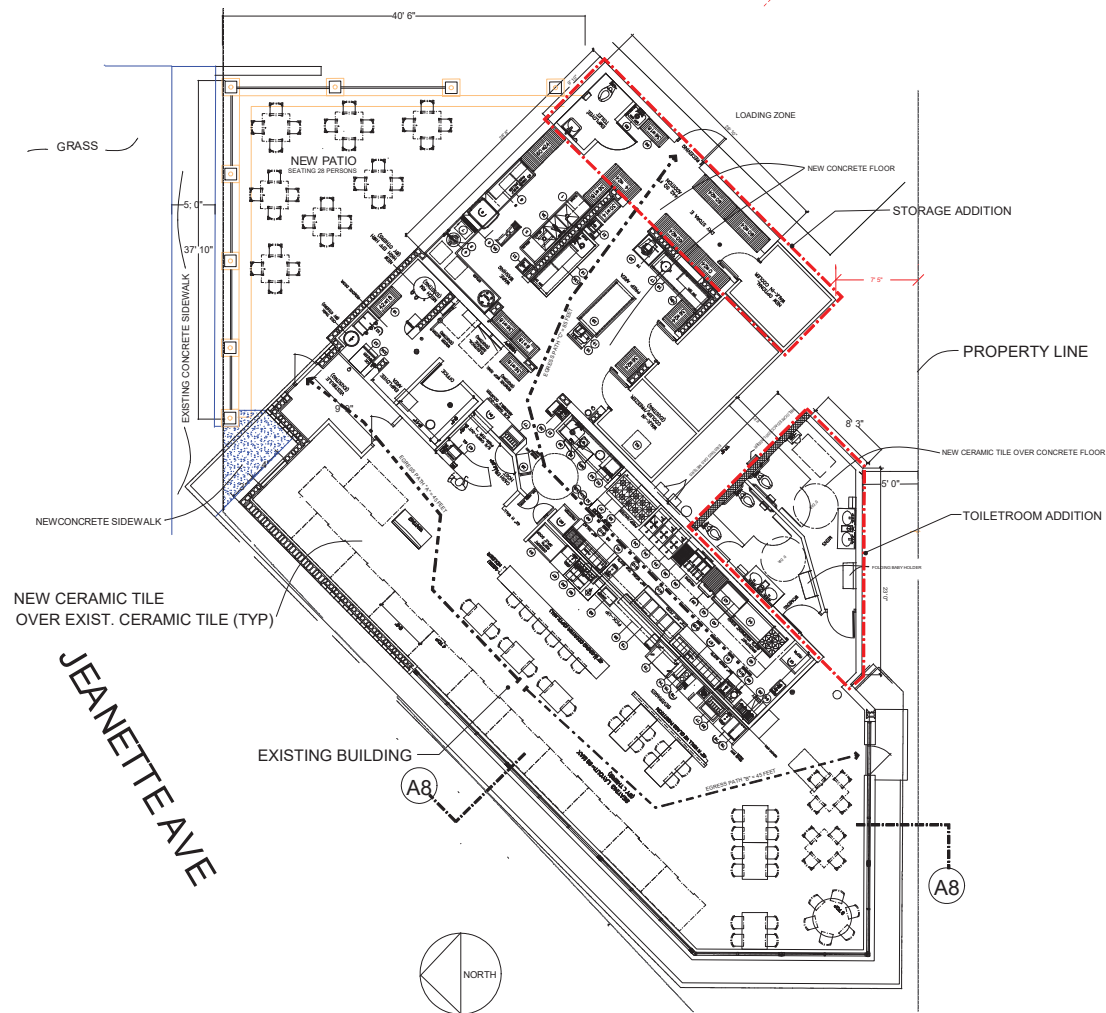
ALTMAN & ASSOCIATES
15633 HARPER AVE, DETROIT, MICHIGAN 48224
313 255-8690 EMAIL : ALTMANASSOC@YAHOO.COM
MICHIGAN LICENSE NO. 35089



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MIKE'S KITCHEN



FLOOR PLAN

PROJECT NAME

MIKE'S KITCHEN
11511 BELLEVILLE ROAD
BELLEVILLE, MICHIGAN 48111

ARCHITECT



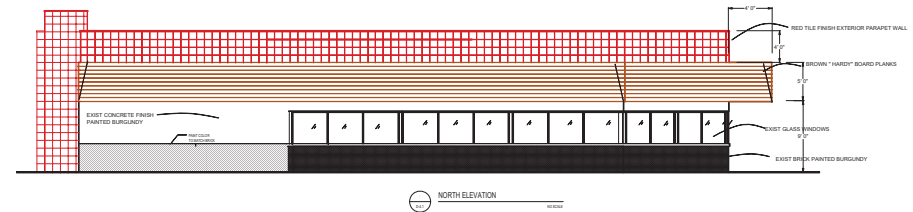
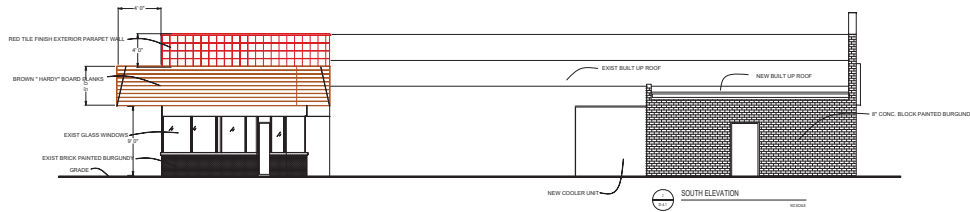
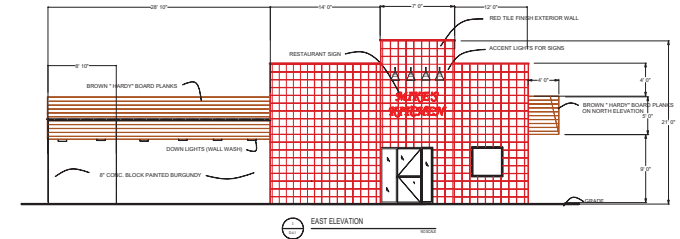
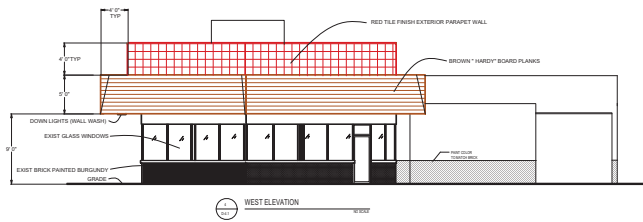
ALTMAN & ASSOCIATES
15633 HARPER AVE, DETROIT, MICHIGAN 48224
313 255-8690 EMAIL: ALTMANASSOC@YAHOO.COM
MICHIGAN LICENSE NO. 35089



PAGE

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MIKE'S KITCHEN



ELEVATIONS

PROJECT NAME
MIKE'S KITCHEN
11511 BELLEVILLE ROAD
BELLEVILLE, MICHIGAN 48111



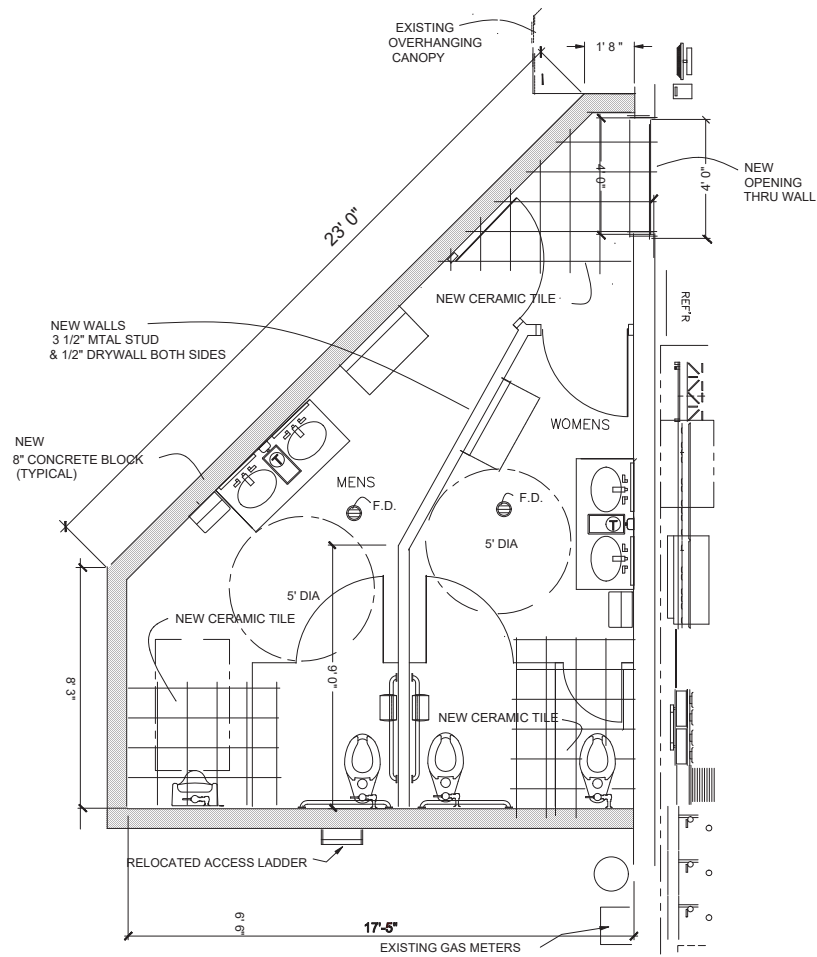
ALTMAN & ASSOCIATES
15633 HARPER AVE, DETROIT, MICHIGAN 48224
313 255-8690 EMAIL : ALTMANASSOC@YAHOO.COM
MICHIGAN LICENSE NO. 35089



PAGE

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MIKE'S KITCHEN



TOILETROOMS PLAN

**NEW
TOILETROOMS**

PROJECT NAME

MIKE'S KITCHEN
11511 BELLEVILLE ROAD
BELLEVILLE, MICHIGAN 48111

ARCHITECT



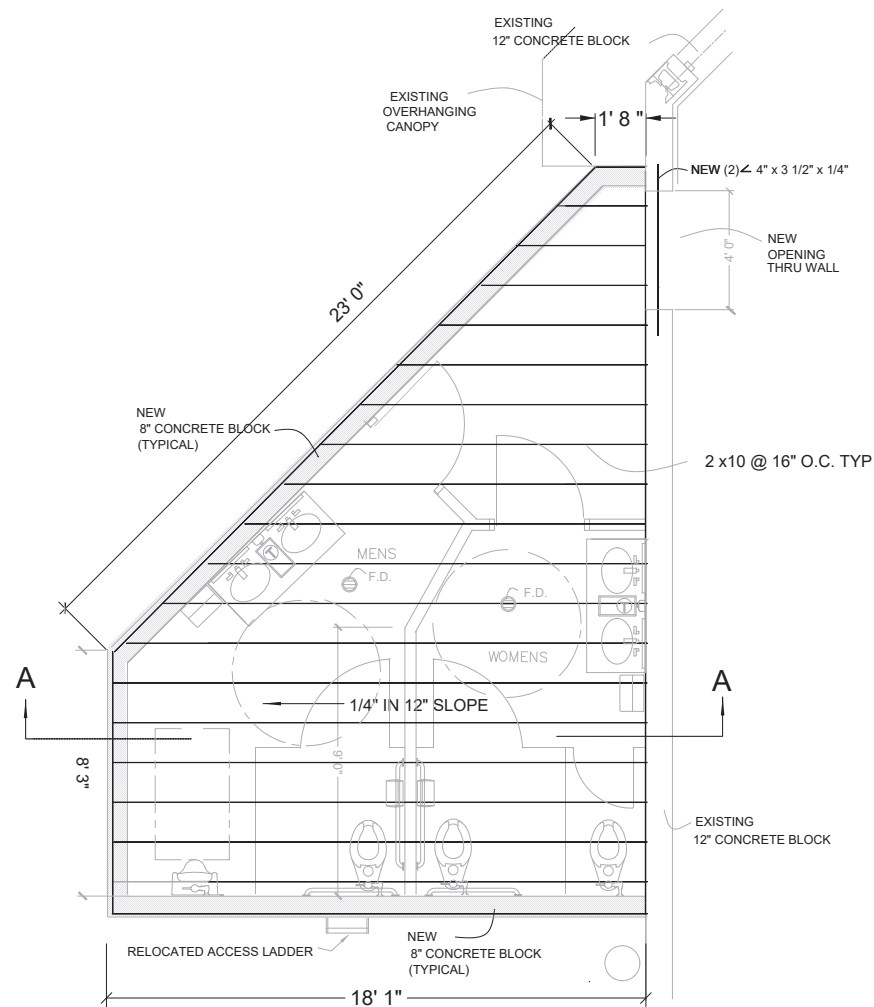
ALTMAN & ASSOCIATES
15633 HARPER AVE, DETROIT, MICHIGAN 48224
313 255-8690 EMAIL : ALTMANASSOC@YAHOO.COM
MICHIGAN LICENSE NO. 35089



PAGE

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MIKE'S KITCHEN



TOILETROOMS STRUCTURAL PLAN

TOILETROOM STRUCTURAL PLAN

PROJECT NAME

MIKE'S KITCHEN

11511 BELLEVILLE ROAD
BELLEVILLE, MICHIGAN 48111

ARCHITECT



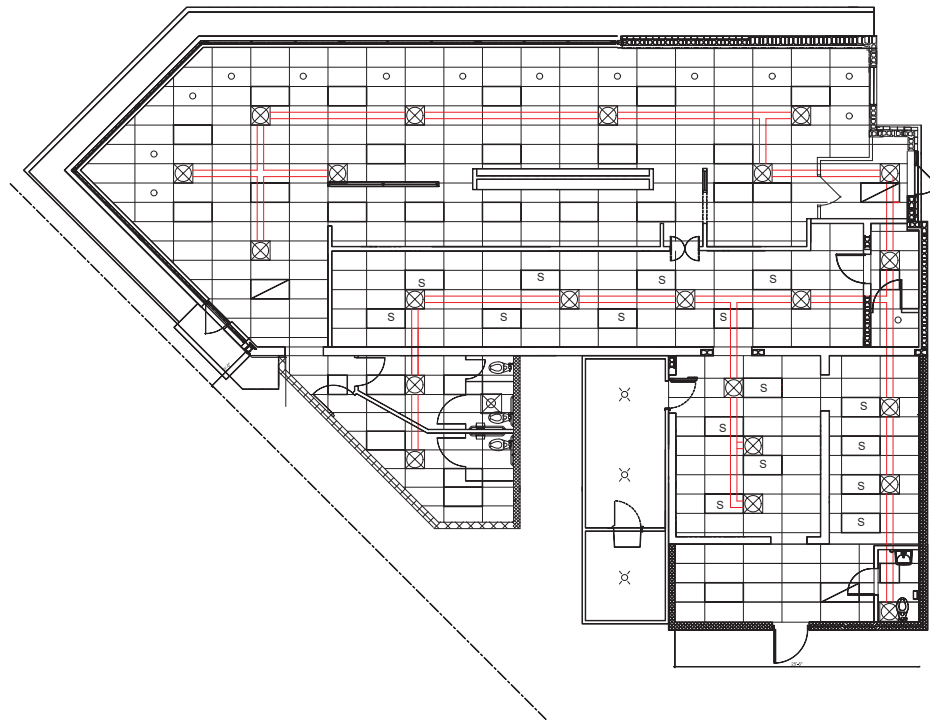
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313 255-8690 EMAIL : ALTMANASSOC@YAHOO.COM
MICHIGAN LICENSE NO. 35089



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MIKE'S KITCHEN



LEGEND

- NEW WALLS - 1/2" TYPE "X" DRYWALL
EACH SIDE BY 3 1/2" METAL STUDS
@ 16" O.C. (TYP)
- EXISTING WALLS
- HVAC UNIT
- 2 X 4 LAY IN FIXTURE
- 2 X 4 SURFACE MOUNTED LED FIXTURE
- 2 X 4 SURFACE MOUNTED LED FIXTURE NIGHT LIGHT
- 2 X 4 SURFACE MOUNTED LED FIXTURE SHIELDED
- RECESSED LIGHTING FIXTURE
- WALL SCONCE FIXTURE
- SURFACE MOUNTED HVAC DIFFUSER
- LAY IN CEILING HVAC DIFFUSER
- 2' X 4' LAY IN CEILING
- TOILET EXHAUST DIFFUSER

CEILING PLAN

CEILING
PLAN

PROJECT NAME

MIKE'S KITCHEN
11511 BELLEVILLE ROAD
BELLEVILLE, MICHIGAN 48111

ARCHITECT



ALTMAN & ASSOCIATES
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MICHIGAN LICENSE NO. 35089



PAGE

A9

MIKE'S KITCHEN



MIKE'S KITCHEN RESTAURANT
11511 BELLEVILLE ROAD
BELLEVILLE, MI. 48111

ALTMAN & ASSOCIATES ARCHITECTS
15633 HARPER AVE
DETROIT, MI. 48224
(313) 522-3042

PROPOSED BELLEVILLE ROAD VIEW
2 20 20

CHARTER TOWNSHIP OF VAN BUREN

BOARD OF ZONING APPEALS

PUBLIC HEARING

Notice is hereby given that the Charter Township of Van Buren Board of Zoning Appeals (BZA) will hold a public hearing on **Tuesday, October 11, 2022 at 7:00 p.m.**, at the Van Buren Township Hall, 46425 Tyler Road, Van Buren Township, MI 48111/ Members of the public may additionally participate in the meeting electronically 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. Instructions for attending the meeting electronically are provided in this notice. The BZA will meet to consider the following variance request:

1. **Case # 22-038-** A request by Joseph Altman on behalf of Marash-Ljuljah Nucullaj for 11511 Belleville Road (Mike's Kitchen Restaurant) Parcel ID# 83-086-99-0012-001 for a variance from Section 3.112 (E) for C-2 Extensive Highway Business District:

Side (South) Yard Setback:

- Required: 25.00 feet
- Existing: 5.00 feet
- Proposed (restroom addition): 5.00 feet, 7.50 feet (storage room addition)
- Variance requested: 20.00 feet

Members of the public may access the agenda materials via the Township website – www.vanburen-mi.org beginning **October 10, 2022**. On the meeting website, members of the public will also gain access to **means of participating in the electronic meeting. On the agenda for the meeting**, a unique Zoom weblink and dial-in phone number with a meeting ID for meeting videoconference or teleconference access will be provided. The meeting will be available to view live on the Van Buren Township YouTube Channel which can be reached from the live meeting link located on the Van Buren Township website home page (www.vanburen-mi.org). Closed captioning will be available after YouTube fully renders meeting video.

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

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: 9/17/2022

Published: 9/22/2022



Motion: Variance Request BZA 22-038

Case 22-038: I make a motion to (approve / deny) the request by Joseph Altman on behalf of David Nucullaj for 11511 Belleville Road (Mike's Kitchen Restaurant) Parcel ID# 83-086-99-0012-001 for a variance from Section 3.112 (E) for C-2 Extensive Highway Business District:

Side (South) Yard Setback:

- Required: 25.00 feet
- Existing: 5.00 feet
- Proposed (to restroom addition): 5.00 feet, (to storage room addition): 7.50 feet
- Variance requested: 20.00 feet

This motion is based on the findings of fact derived from Section 12.403(C) and (D) of the Van Buren Township Zoning Ordinance:

Practical difficulty is presented by the following findings

- (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;
- (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 just to others);
- (3) That plight of the owner is due to the unique circumstances of the property;
- (4) That the problem is not self-created.

Findings of fact: _____

Standards of approval. In consideration of all appeals and all proposed variances under this Ordinance, the BZA has determined the following:

- (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;
- (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;
- (3) 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;
- (5) Will not in any other respect 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; and
- (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.

Findings of fact: _____

Conditions: Recommended Condition (if variance is granted): The applicant agrees to the conditions noted in the Planning Consultant's letter dated September 27, 2022.

Additional condition: _____

Additional condition: _____

Motion made by: _____

Support from: _____

Ayes: _____ Nays: _____

Motion **carries** / **fails**



Case number
Dated submitted

22-039

Board of Zoning Appeals Application

APPLICANT INFORMATION

Applicant Huron-Clinton Metropolitan Authority **Phone** 810-227-2757
Property Owner (if different than applicant) _____ **Phone** _____
Address 13000 High Ridge Drive **Fax** _____
City, State Brighton, Michigan **Zip** 48114 **E-Mail Address** Jason.Bibby@metroparks.com

SITE INFORMATION

Property Location: On the South Side of Huron River Dr. Road; Between Haggerty Road
and Hannan Road. **Size of Lot** Width ~2850 feet Depth ~5000 feet Acreage 327
Date Property Acquired and the Type of Ownership 1953 Fee Simple

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

Entire park (1,256 acres) is encumbered for recreational use from previous MDNR grants

VARIANCE REQUEST

Variance to Zoning Ordinance Section (s) Section 7.202(A) which limits height of detached accessory to 20 feet in AG district

Explanation of the Practical Difficulty of the Property as defined in Section 19.07 see attached narrative

Explanation of request for Administrative Review Interpretation see attached narrative

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

Amy McMillan

Print Property Owners Name

Signature of Property Owner

Sept. 20, 2022

Date

STATE OF MICHIGAN
COUNTY OF WAYNE

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

Subscribed and sworn before me this _____ day of _____ 200__

_____, Notary Public, _____ County, Michigan

My Commission expires _____, 200__



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Administrative Office | 13000 High Ridge Drive, Brighton MI 48114-9058 | 810-227-2757 | metroparks.com

September 20, 2022

Variance Request:

Explanation of the Practical Difficulty of the Property:

Article 12. Chapter 4 (C)Variances:

To obtain a variance, the applicant must show "practical difficulty," by demonstrating:

- 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 strict compliance with height limitations of 20 feet is deemed unreasonable for the proposed accessory structure water slide located well within the interior of the 1,256 acre regional park and approximately 650 feet east from the closest property boundary within AG zoning district. Additional forested land screens the nearest property owners from the Lower Huron property boundary. Overall the water slide would have very minimal impacts on surrounding areas in terms of noise, light, and other nuisance impacts.

- 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 just to others);

The proposed accessory water slide structure at Turtle Cove Family Aquatic Center has been vetted through the Lower Huron Master Plan planning process with both community input and stakeholder engagement. The allowing of the variance would result in substantial justice in providing a public benefit in the continued use of the area and consistent with previous aquatic activities approved at the facility.

- 3) That plight of the owner is due to the unique circumstances of the property; and

The variance requested is based in part on the unique circumstances for Lower Huron Metropark, a regional park which was purchased in 1953 following the Huron-Clinton Metropolitan Authority sanctioned by the Michigan State Legislature in Act No. 147 of the Public Acts of 1939.

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

Lower Huron Metropark features a number of facilities that define its character and enhance the recreational experience of visitors. As will all park amenities, it is a priority to keep relevant with the public needs and expectations which significantly influence park improvements while keeping existing facilities well-maintained and replacements when no longer functional. One of the defining facilities of the entire 13 regional metroparks is the Turtle Cove Family Aquatic Center, constructed in 2007. It has been since its inception a popular destination for summer adventures in Wayne County. The center includes a lazy river, two waterslides, a zero-depth entry pool, and a play structure with a 300-gallon dumping bucket. The variance will allow the facility to be consistent with the historical activities.

(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;

BOARD OF COMMISSIONERS:

Jaye Quadrozzi
Oakland County

Bernard Parker
Wayne County

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Robert W. Marans
Washtenaw County

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The variance would relate to the valid exercise of the police power ensuring that affected public services and facilities are capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. The variance shall not eliminate the administrative site plan (previously electronically submitted for review) and permits from various agencies.

- 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;**

This variance, if granted, will not have a negative impact on surrounding properties or public streets.

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

This variance, if granted, will not increase the hazard of fire or flood or endanger public safety. Safety measures will be put in place to ensure the safety of slide users.

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

The site location within the interior of Lower Huron Metropark will have no viewshed from adjoining properties and not unreasonably diminish or impair established property values in the community.

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

The proposed slide will be built adhering to building code approvals and 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; and**
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 construction, and is necessary to ensure compliance with those standards.**

The proposed water slide will not alter the character of the surrounding neighborhoods and remain consistent with all park improvements intent to meet the purpose of the zoning regulations and related standards for recreational use and activities for the residents of southeastern Michigan.

Required Information:

Photographs of the building and/or structures on site

Sketch plan or plot plan showing dimensions of the lot and the existing and proposed setbacks

See attached

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Oakland County

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John Paul Rea
Macomb County

Robert W. Marans
Washtenaw County

William Bolin
Livingston County

Stephen Pontoni
Governor Appointee

Tiffany Taylor
Governor Appointee

Sketch Plan

Turtle Cove Family Aquatic Center Lower Huron Metropark 17879 Savage Road Van Buren Township, Wayne County

Schedule of Regulations

AG Zoning District

Min. Yard Setback	Proposed Setback
Front 50 feet	Front 540 feet
Side 10 feet (total 25)	Side 650 feet and 1990 feet
Rear 35 feet	Rear 4670 feet

2850 ft.

5000 ft.

**Turtle Cove Family
Aquatic Center**

17879 Savage Rd. (Subject Parcel 83141990001000)

Lower Huron Metropark Property Border-1,256 Acres

0 1,000 2,000 4,000
Feet

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



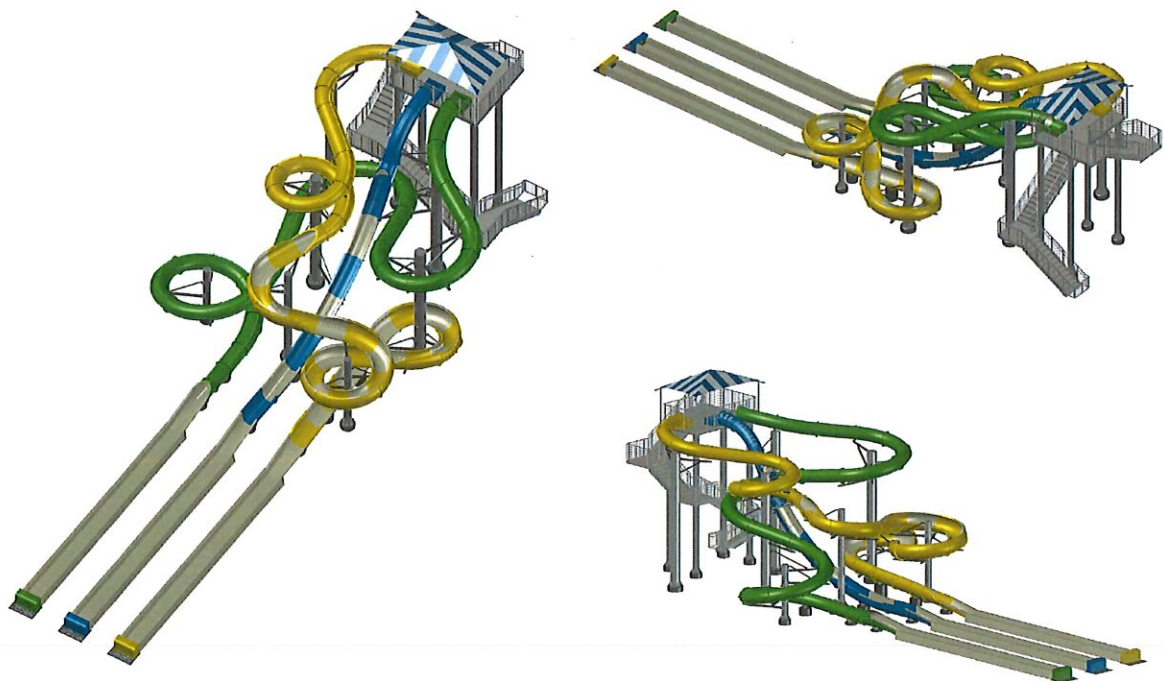
HURON-CLINTON METROPOLITAN AUTHORITY
13000 HIGH RIDGE DRIVE
BRIGHTON, MI 48114

NEW SLIDE STRUCTURE
FAMILY AQUATIC CENTER
PROPOSED SLIDES ADDITION
LOWER HURON METROPARK

PROJECT NO. 506-22-502

DRAWN BY: L. MARTIN

DATE: 2-23-2022





MEMO

TO: Van Buren Township Board of Zoning Appeals (BZA)
FROM: Dan Power– Director of Planning and Economic Development
RE: 17879 Savage Road Dimensional Variance Request
DATE: October 6, 2022

The BZA is asked to consider a request by Jason Bibby on behalf of owner Huron Clinton Metropark Authority for 17879 Savage Road (Parcel ID# 83-141-99-0001-000) for a variance from Section 7.202(A), Table 3 pertaining to detached accessory structures in the AG – Agricultural and Estates District, to construct a tower structure with three (3) slides that exceeds the allowable height as listed below:

- Maximum Detached Accessory Structure Height:
- Required: 20.00 feet
- Proposed: 35.58 feet
- Variance requested: 15.58 feet

A completed BZA Application form; a memo from the Township Principal Planner / Planning Consultant dated September 27, 2022; submittals from the applicant including a narrative letter dated September 20, 2022, excerpts of submitted site plans and images; a copy of the public hearing notice for the October 11, 2022 meeting, and a **model motion sheet** are included in this packet for the BZA's reference. I encourage the BZA to use the model motion sheet as a template for their motion to act on this request.

Thank you for your consideration of this request.

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: Ron Akers, AICP – Municipal Services Director, Van Buren Charter Township
Vidya Krishnan – Planning Consultant / Principal Planner, Van Buren Charter Township



MCKENNA

September 27, 2022

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

Subject: Huron-Clinton Metropolitan Authority/17879 Savage Road/Turtle Cove Family Aquatic Park /Variance Review; Application dated recd. 9/20/2022.

Dear Board Members:

We have reviewed the above referenced application submitted by Jason Bibby on behalf of Huron-Clinton Metropolitan Authority to construct a tower structure with three (3) water slides as an addition to the existing Turtle Cove Family Aquatic Park located within the Lower Huron Metropark. The proposal requires a variance maximum structure height. The following are our review comments based on the criteria in the Zoning Ordinance and the information provided:

File Number: VBT-22-039

Parcel Size and Tax ID: 327 Acres/Parcel ID# 83-141-99-0001-000

Property Owner: Amy McMillan (per application)

Zoning and Existing Use: AG, Agricultural and Estates District

Project Description: Applicant is proposing to add a tower style structure with 3 different water slides coming off the top, as an additional accessory structure to the existing Turtle Cover Water Park.

Notice: Notice for the public hearing was published in the Belleville Independent on September 22, 2022 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 September 17, 2022.

Variance Request:

Section 7.202 (A) Dimensional Regulations for AR District:

Side (South) Yard Setback:	Required: 20.00 feet
	Proposed: 35.88 feet
	Variance requested: 15.88 feet

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:

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM

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- 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 7.202 of the Zoning Ordinance limits the height of accessory structures in the AG district to 20 feet. The intent behind the standard is to allow for taller structures in the agricultural districts with larger lot sizes than single family residential districts; however, not allow such structures to be imposing in height.

The applicant is proposing to add a tower feature with three (3) different water slides coming off the top platform. The three (3) slides are of different designs to provide a fun experience to the visitors of the water park. In order to allow for adequate room for the curved tube slides and length, the height of the tower platform is 35+ feet. The required front, side and rear yard setbacks in the AG district are 50 feet, 10/25 feet and 35 feet, respectively. Per the applicant the slide has a front yard setback of 540 feet, a side yard of 650 feet and a rear yard setback of several thousand feet.

Strict compliance with the ordinance standards would likely eliminate two (2) of three (3) proposed slides and result in the project not being implemented. The proposed tower with slides is not a conventional accessory structure that can be commonly requested in other AG parcels and cannot easily be modified by merely adjusting a roof pitch, pillar height or other similar dimension. The structure is strictly accessory to the public recreation facility. The structure will be located at a significant setback from all property lines, rendering it practically invisible from any of the adjacent properties. Therefore, not allowing for the deviation from the height provision can be construed as being unnecessarily burdensome since it would render the project unfeasible.

- 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 build the proposed tower feature with three (3) slides as envisioned in the Lower Huron Master Plan planning process, which involved community input and stakeholder feedback, per the applicant. Allowing for the increased height would provide substantial justice to the public in general which will be the end user of the facility. Parks and public amenities definitely contribute to the quality of life of a community, and the proposed facility works towards that goal and secures a public benefit.

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

The Lower Huron Metropark is a 1,256-acre regional park which was established in 1953 and likely pre-dates the Township's zoning regulations. The park is a regional community facility and one of its kind within the Township boundaries. The ordinance limitation on maximum structure height was intended for AG based uses. The park facility with its size and operation presents a completely unique circumstance that is not be found on other similar zoned parcels within the Township.

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

The need for the variance is not a self-created problem. As noted previously, the subject site is a regional park. The accessory structure is being added on as an amenity to the Turtle Cover Water Park on the site. The slides are likely designed to specific dimensions to meet safety standards and the applicant cannot arbitrarily decide on a different height that may not be safe or suitable.



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 impair an adequate supply of light and air to adjacent property or increase the congestion in the public streets. As previously noted, the proposed addition is located hundreds to several thousand feet from all property lines. The proposed water slide feature is part of the Turtle Cove Water Park and placed well inside the Lower Huron Metropark.

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

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

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

Addition of the taller water slides are 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 variance from accessory structure height 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 structure is located inside the large Lower Huron Regional Metropark and is not visible from any major arterial such as Haggerty Road. The proposed addition will have no impact on the existing character of the neighborhood.

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

The purpose of zoning regulations is to provide for orderly and planned use of land. The request at this time does not alter the use of the land and is intended to enhance the existing public recreational amenity.



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 variance for the Turtle Cove Family Aquatic Park located at 17879 Savage Road Belleville Road. The above recommendation is based on the following findings of fact:

1. Strict compliance with the required side yard setback would likely prevent the construction of the slide structure, which can be construed as being unnecessarily burdensome.
2. A variance would provide substantial justice to the applicant and provides a definite public benefit to all citizens who use the regional park facility.
3. The use of the site is unique.
4. The Lower Huron Metropark within which the subject facility is located was established in 1953, likely pre-dating Township zoning regulations.
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. The variance is not likely to diminish or impair established property values within the surrounding areas.
9. The variance is not likely to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.
10. The variance is not likely to alter the essential character of the neighborhood.
11. The variance does not alter the use of land and is intended to enhance a public recreational facility.

Respectfully,
McKENNA

Vidya Krishnan Senior
Principal Planner

Cc: Dan Power, Director of Planning and Economic Development



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September 20, 2022

Variance Request:

Explanation of the Practical Difficulty of the Property:

Article 12. Chapter 4 (C)Variances:

To obtain a variance, the applicant must show "practical difficulty," by demonstrating:

- 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 strict compliance with height limitations of 20 feet is deemed unreasonable for the proposed accessory structure water slide located well within the interior of the 1,256 acre regional park and approximately 650 feet east from the closest property boundary within AG zoning district. Additional forested land screens the nearest property owners from the Lower Huron property boundary. Overall the water slide would have very minimal impacts on surrounding areas in terms of noise, light, and other nuisance impacts.

- 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 just to others);

The proposed accessory water slide structure at Turtle Cove Family Aquatic Center has been vetted through the Lower Huron Master Plan planning process with both community input and stakeholder engagement. The allowing of the variance would result in substantial justice in providing a public benefit in the continued use of the area and consistent with previous aquatic activities approved at the facility.

- 3) That plight of the owner is due to the unique circumstances of the property; and

The variance requested is based in part on the unique circumstances for Lower Huron Metropark, a regional park which was purchased in 1953 following the Huron-Clinton Metropolitan Authority sanctioned by the Michigan State Legislature in Act No. 147 of the Public Acts of 1939.

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

Lower Huron Metropark features a number of facilities that define its character and enhance the recreational experience of visitors. As will all park amenities, it is a priority to keep relevant with the public needs and expectations which significantly influence park improvements while keeping existing facilities well-maintained and replacements when no longer functional. One of the defining facilities of the entire 13 regional metroparks is the Turtle Cove Family Aquatic Center, constructed in 2007. It has been since its inception a popular destination for summer adventures in Wayne County. The center includes a lazy river, two waterslides, a zero-depth entry pool, and a play structure with a 300-gallon dumping bucket. The variance will allow the facility to be consistent with the historical activities.

(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;

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The variance would relate to the valid exercise of the police power ensuring that affected public services and facilities are capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. The variance shall not eliminate the administrative site plan (previously electronically submitted for review) and permits from various agencies.

- 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;**

This variance, if granted, will not have a negative impact on surrounding properties or public streets.

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

This variance, if granted, will not increase the hazard of fire or flood or endanger public safety. Safety measures will be put in place to ensure the safety of slide users.

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

The site location within the interior of Lower Huron Metropark will have no viewshed from adjoining properties and not unreasonably diminish or impair established property values in the community.

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

The proposed slide will be built adhering to building code approvals and 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; and**
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 construction, and is necessary to ensure compliance with those standards.**

The proposed water slide will not alter the character of the surrounding neighborhoods and remain consistent with all park improvements intent to meet the purpose of the zoning regulations and related standards for recreational use and activities for the residents of southeastern Michigan.

Required Information:

Photographs of the building and/or structures on site

Sketch plan or plot plan showing dimensions of the lot and the existing and proposed setbacks

See attached

BOARD OF COMMISSIONERS:

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Macomb County

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Washtenaw County

William Bolin
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Tiffany Taylor
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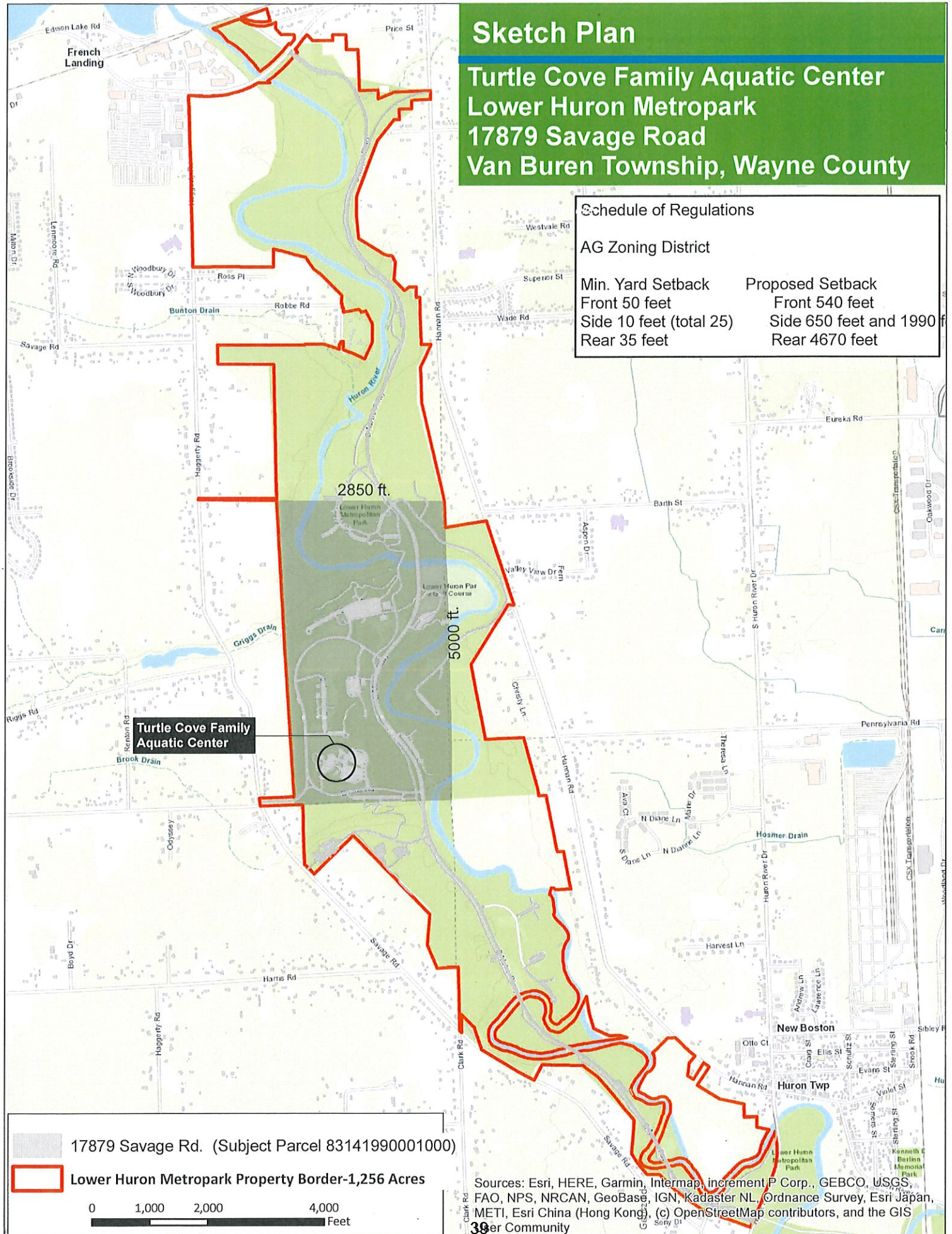
Sketch Plan

Turtle Cove Family Aquatic Center
Lower Huron Metropark
17879 Savage Road
Van Buren Township, Wayne County

Schedule of Regulations

AG Zoning District

Min. Yard Setback	Proposed Setback
Front 50 feet	Front 540 feet
Side 10 feet (total 25)	Side 650 feet and 1990 feet
Rear 35 feet	Rear 4670 feet





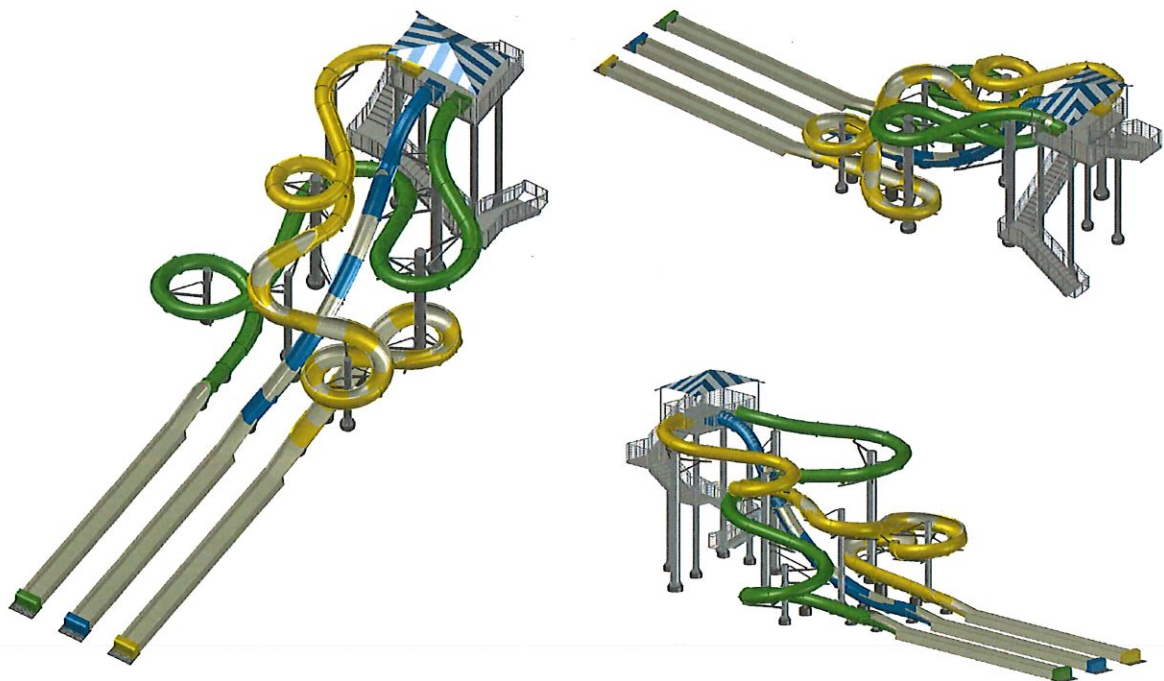
HURON-CLINTON METROPOLITAN AUTHORITY
13000 HIGH RIDGE DRIVE
BRIGHTON, MI 48114

NEW SLIDE STRUCTURE
FAMILY AQUATIC CENTER
PROPOSED SLIDES ADDITION
LOWER HURON METROPARK

PROJECT NO. 506-22-502

DRAWN BY: L. MARTIN

DATE: 2-23-2022



CHARTER TOWNSHIP OF VAN BUREN

BOARD OF ZONING APPEALS

PUBLIC HEARING

Notice is hereby given that the Charter Township of Van Buren Board of Zoning Appeals (BZA) will hold a public hearing on **Tuesday, October 11, 2022 at 7:00 p.m.**, at the Van Buren Township Hall, 46425 Tyler Road, Van Buren Township, MI 48111/ Members of the public may additionally participate in the meeting electronically 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. Instructions for attending the meeting electronically are provided in this notice. The BZA will meet to consider the following variance request:

1. **Case # 22-039-** A request by Jason Bibby on behalf of owner Huron Clinton Metropark Authority for 17879 Savage Road (Parcel ID# 83-141-99-0001-000) for a variance from Section 7.202(A), Table 3 pertaining to detached accessory structures in the AG – Agricultural and Estates District, to construct a tower structure with three (3) slides that exceeds the allowable height as listed below:

Maximum Detached Accessory Structure Height:

- Required: 20.00 feet
- Proposed: 35.58 feet
- Variance requested: 15.58 feet

Members of the public may access the agenda materials via the Township website – www.vanburen-mi.org beginning **October 10, 2022**. On the meeting website, members of the public will also gain access to **means of participating in the electronic meeting**. **On the agenda for the meeting**, a unique Zoom weblink and dial-in phone number with a meeting ID for meeting videoconference or teleconference access will be provided. The meeting will be available to view live on the Van Buren Township YouTube Channel which can be reached from the live meeting link located on the Van Buren Township website home page (www.vanburen-mi.org). Closed captioning will be available after YouTube fully renders meeting video.

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

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: 9/17/2022

Published: 9/22/2022



Motion: Variance Request BZA 22-039

Case 22-039: I make a motion to (approve / **deny**) the request by Jason Bibby on behalf of owner Huron Clinton Metropark Authority for 17879 Savage Road (Lower Huron Metropark – Turtle Cove Playground) / Parcel ID# 83-141-99-0001-000 for a variance from Section 7.202(A), Table 3 pertaining to detached accessory structures in the AG – Agricultural and Estates District, to construct a tower structure with three (3) slides that exceeds the allowable height as listed below:

Maximum Detached Accessory Structure Height:

- Required: 20.00 feet
- Proposed: 35.58 feet
- Variance requested: 15.58 feet

This motion is based on the findings of fact derived from Section 12.403(C) and (D) of the Van Buren Township Zoning Ordinance:

Practical difficulty is presented by the following findings

- (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;
- (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 just to others);
- (3) That plight of the owner is due to the unique circumstances of the property;
- (4) That the problem is not self-created.

Findings of fact: _____

Standards of approval. In consideration of all appeals and all proposed variances under this Ordinance, the BZA has determined the following:

- (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;
- (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;
- (3) 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;
- (5) Will not in any other respect 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; and
- (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.

Findings of fact: _____

Conditions: Recommended Condition (if variance is granted): The applicant agrees to the conditions noted in the Planning Consultant's letter dated September 27, 2022.

Additional condition: _____

Additional condition: _____

Motion made by: _____

Support from: _____

Ayes: _____ Nays: _____

Motion **carries** / **fails**