

**CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS AGENDA
Tuesday, January 10, 2023 – 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 the link below to join the webinar: <https://us06web.zoom.us/j/82302737561>

Or One tap mobile :

US: +13052241968,,82302737561# or +13092053325,,82302737561#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 305 224 1968

Webinar ID: 823 0273 7561

International numbers available: <https://us06web.zoom.us/j/kcaczfGuVq>

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. Brian Cullin	—
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 December 13, 2022

CORRESPONDENCE

PUBLIC HEARING (new business items)

1. Case Number: 22-042 – Tyler Edwards on behalf of Menard’s, Inc.

Location: 10010 Belleville Road (Parcel ID# 83 061 99 0005 726), zoned C-2 – Extensive Highway Business District

Request: Tyler Edwards on behalf of Menard’s, Inc. seeks to install an addition to an existing accessory canopy, which is attached to the principal building, to within fifteen (15) feet of the side lot line. The project is proposed to be located at 10010 Belleville Road, located on the west side of Belleville Road between Westlake Circle and Tyler Road. The site has tax parcel ID # 83 061 99 0005 726 and is zoned

C-2 – Extensive Highway Business District. This is contrary to the requirements of Section 3.112(E) of the Van Buren Township Zoning Ordinance as described below:

- Required side yard setback: 25 feet
- Existing side yard setback: 35 feet
- Proposed side yard setback: 15 feet
- Variance requested: 10 feet

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

2. Case Number: 22-057 – Bazo Construction on behalf of Meijer, Inc

Location: 9701 Belleville Road (Parcel ID# 83 058 99 0006 710), zoned C-2 – Extensive Highway Business District

Request: Bazo Construction on behalf of Meijer, Inc. for 9701 Belleville Road (Parcel ID# 83 058 99 0006 710) requests to install a combined total wall sign area of 628.77 square feet. The site is zoned C-2 – Extensive Highway Business District. This is contrary to Section 11.108(B) (Sign Regulations Applicable to the C, C-1, C-2, and FS Districts) as described below:

- Allowable maximum wall sign area: 3 sq. ft. per linear ft. of building frontage, not to exceed 300 sq. ft. per business or 50% of the façade exclusive of window and door openings.
- Existing total wall sign area of Meijer store and gasoline station: 266.07 square feet
- Proposed total wall sign area of Meijer store and gasoline station: 628.77 square feet
- Variance requested: 328.77 square feet

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

3. Case Number: 22-056 – Belleville Yacht Club

Location: Township Lake Property adjacent to 831 East Huron River Drive (Parcel ID# 83 088 99 0005 000), zoned Belleville Lake Shoreline District B – Non-Single Family Residential (BLB). *Adjacent property at 831 East Huron River Drive is zoned R-1C – Single Family Residential District.*

Request: A request for exception, modification, or appeal by Belleville Yacht Club to install two (2) dock structures each with a length not to exceed 120 feet, subject to approval by the State of Michigan, in contrast to the requirements of Section 3.120(D)(5) of the Van Buren Township Zoning Ordinance which limits the dock length to 40 feet into Belleville Lake, measured perpendicularly from the shoreline, unless greater length is necessary to reach water with a depth of three feet. The subject site is Township Lake Property adjacent to 831 East Huron River Drive (parcel ID number 83 088 99 0005 000), on the north side of East Huron River Drive between Loza Lane and Evelyn Court. The site is zoned Belleville Lake Shoreline District B – Non-Single Family Residential (BLB). The request will be reviewed by the BZA per the requirements of Section 3.120(F)(7) of the Van Buren Township Zoning Ordinance.

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

UNFINISHED BUSINESS

NEW BUSINESS

1. Election of Officers for 2023

2. Case Number: 22-042 – Tyler Edwards on behalf of Menard's, Inc.

Location: 10010 Belleville Road (Parcel ID# 83 061 99 0005 726), zoned C-2 – Extensive Highway Business District

Request: Tyler Edwards on behalf of Menard's, Inc. seeks to install an addition to an existing accessory canopy, which is attached to the principal building, to within fifteen (15) feet of the side lot line. The project is proposed to be located at 10010 Belleville Road, located on the west side of Belleville Road between Westlake Circle and Tyler Road. The site has tax parcel ID # 83 061 99 0005 726 and is zoned C-2 – Extensive Highway Business District. This is contrary to the requirements of Section 3.112(E) of the Van Buren Township Zoning Ordinance as described below:

- Required side yard setback: 25 feet
- Existing side yard setback: 35 feet
- Proposed side yard setback: 15 feet
- Variance requested: 10 feet

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

3. Case Number: 22-057 – Bazo Construction on behalf of Meijer, Inc

Location: 9701 Belleville Road (Parcel ID# 83 058 99 0006 710), zoned C-2 – Extensive Highway Business District

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- Proposed total wall sign area of Meijer store and gasoline station: 628.77 square feet
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- A. Presentation by Township Staff.
- B. Presentation by the Applicant.
- C. Board of Zoning Appeals Discussion.
- D. Board of Zoning Appeals Action.

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Request: A request for exception, modification, or appeal by Belleville Yacht Club to install two (2) dock structures each with a length not to exceed 120 feet, subject to approval by the State of Michigan, in contrast to the requirements of Section 3.120(D)(5) of the Van Buren Township Zoning Ordinance which limits the dock length to 40 feet into Belleville Lake, measured perpendicularly from the shoreline, unless greater length is necessary to reach water with a depth of three feet. The subject site is Township Lake Property adjacent to 831 East Huron River Drive (parcel ID number 83 088 99 0005 000), on the north side of East Huron River Drive between Loza Lane and Evelyn Court. The site is zoned Belleville Lake Shoreline District B – Non-Single Family Residential (BLB). The request will be reviewed by the BZA per the requirements of Section 3.120(F)(7) of the Van Buren Township Zoning Ordinance.

- 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, December 13, 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:

CALL TO ORDER

This meeting was called to order at 7:00pm by Chairperson John Herman

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: John Herman (Chair), John Haase, Kevin Martin, Charles Larocque, Aaron Sellers, Jeff Jahr (Planning Commission Rep.)

Absent Excused: Amos Grissett, Medina Atchinson (Planning Commission Alt.)

Staff: Ron Akers (Director of Municipal Services), Brittney Williams (Recording Secretary)

ACCEPTANCE OF AGENDA

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

ROLL CALL:

Yeas (5): Herman, Haase, Sellers, Martin, Larocque, Jahr

Nays (0): None

Absent (2): Grissett, Atchinson

Motion Carried

APPROVAL OF MINUTES:

Haase motioned; Sellers seconded to approve the minutes from October 11, 2022 as presented.

ROLL CALL:

Yeas (5): Herman, Haase, Sellers, Martin, Larocque, Jahr

Nays (0): None

Absent (2): Grissett, Atchinson

Motion Carried

CORRESPONDENCE

Director Power brought to record for the public hearing there is signed petition documentation from the neighbors.

PUBLIC HEARING (new business items)

1. Case Number: 22-050 – Guy and Deborah Ransom

Location: 47760 West Huron River Drive (Parcel ID# 83 113 99 0009 000), zoned R-1B Single Family Residential Zoning District

Request: Applicants Guy and Deborah Ransom are requesting to complete the construction of an addition to a principal dwelling which will be separated by a distance of 10'4" from a detached accessory garage which will have a floor area of 780 square feet upon completion, and therefore requesting a variance from the following section of the Charter Township of Van Buren Zoning Ordinance:

Section 7.202(A), Table 3 pertaining to minimum required separation between detached accessory buildings greater than 768 square feet and dwellings in the R-1B Single Family Residential Zoning District:

- Required: 24.00 feet
- Existing: 21.92 feet
- Proposed: 10.33 feet
- Variance requested: 13.67 feet

Jahr motioned; Haase seconded to open public hearing for New Business item 22-050 Guy and Deborah Ransom.

ROLL CALL:

Yeas (5): Herman, Haase, Sellers, Martin, Larocque, Jahr

Nays (0): None

Absent (2): Grissett, Atchinson

Motion Carried

Haase motioned; Sellars seconded to accept letters of support from nearby residents located at 47712 W Huron River Drive, 47776 W Huron River Drive, 47624 W Huron River Drive and 47930 W Huron River Drive in support of the applicant.

ROLL CALL:

Yeas (5): Herman, Haase, Sellers, Martin, Larocque, Jahr

Nays (0): None

Absent (2): Grissett, Atchinson

Motion Carried

No further public comments

Jahr motioned; Sellars seconded to close the public hearing for New Business item 22-050 Guy and Deborah Ransom.

ROLL CALL:

Yeas (5): Herman, Haase, Sellers, Martin, Larocque, Jahr

Nays (0): None

Absent (2): Grissett, Atchinson

Motion Carried

UNFINISHED BUSINESS: None

NEW BUSINESS

1. Case Number: 22-050 – Guy and Deborah Ransom

Location: 47760 West Huron River Drive (Parcel ID# 83 113 99 0009 000), zoned R-1B Single Family Residential Zoning District

Request: Applicants Guy and Deborah Ransom are requesting to complete the construction of an addition to a principal dwelling which will be separated by a distance of 10'4" from a detached accessory garage which will have a floor area of 780 square feet upon completion, and therefore requesting a variance from the following section of the Charter Township of Van Buren Zoning Ordinance:

Section 7.202(A), Table 3 pertaining to minimum required separation between detached accessory buildings greater than 768 square feet and dwellings in the R-1B Single Family Residential Zoning District:

- Required: 24.00 feet
- Existing: 21.92 feet
- Proposed: 10.33 feet
- Variance requested: 13.67 feet

Presentation by Township Staff

Director Power presented updated staff memo letter dated December 7, 2022/Revised December 12, 2022.

We have reviewed the above referenced application submitted by Guy and Deborah Ransom to complete the construction of an addition to a principal dwelling. The proposed addition will be separated by a distance of 10'4" from an existing detached garage which has a floor area of 780 square feet. The following are my review comments based on the criteria in the Zoning Ordinance and the information provided:

File Number: VBT-22-050

Parcel Size and Tax ID: 0.42 acres / Parcel ID# 83 113 99 0009 000

Property Owner: Guy and Deborah Ransom

Zoning and Existing Use: R-1B (Single Family Residential District). The parcel is currently improved with two (2) buildings - a single-family residential dwelling with a footprint of 2,229 square feet, and a garage with a floor area of 780 square feet.

Project Description: The applicant is proposing to construct an addition with a footprint of 258.97 square feet and a total area of approximately 485 square feet. The proposed addition will be separated by 10'4" from the existing 30' x 26' (780 square foot) detached garage.

Notice: Notice for the public hearing was published in the Belleville Area Independent on November 23, 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 November 28, 2022.

Variance Request:

Section 7.202(A), Table 3 pertaining to minimum required separation between detached accessory buildings greater than 768 square feet and dwellings in the R-1B Single Family Residential Zoning District:

- Required: 24.00 feet
- Existing: 21.92 feet
- Proposed: 10.33 feet
- Variance requested: 13.67 feet

The applicant has stated that they have lived in the subject property for 53 years. In 2005—2006, a

building permit was issued to replace a previous 26' x 26' (676 square foot) detached garage with the current 26' x 30' (780 square foot) garage, and this work was completed. The applicant now seeks to complete the construction of an addition to the dwelling. The applicant attributes the need for the addition to health issues which present an inability to navigate stairs, and the need to build an accessible bedroom / bath area on the main floor. The applicant has submitted a detailed variance request narrative which provides additional background and justification for the requested variance. The narrative is included with this application packet.

The applicant originally submitted a building permit application which included the removal and relocation of the north wall of the existing detached garage by 6 inches. This would result in a reduction in the garage dimensions to 25.5' x 30', for a total area of 765 square feet. By making such a change, the applicant would reduce the garage to an area below 768 square feet. For detached accessory buildings that are under 768 square feet in area, the minimum required separation distance between the principal dwelling and accessory building is only 10 feet. Therefore, the relocation of the north wall would have brought the garage into compliance with the Van Buren Township Zoning Ordinance.

During construction, the applicant sought to amend the previous building permit application by leaving the north wall of the garage in place rather than removing it and relocating it 6 inches inward, as was originally proposed. The applicant has indicated in their application materials that the relocation of the north / backside of the existing garage would lead to disruption of existing gas and electrical services to the dwelling as well as the need for a new foundation.

For detached accessory buildings that are over 768 square feet in area, the minimum required separation distance between the principal dwelling and accessory building is 24 feet. By maintaining and not relocating the north wall of the garage, the garage area will remain at 780 square feet. With a separation distance less than 24 feet between the garage and the principal dwelling, the requested construction is in violation of the Zoning Ordinance as described above in the "variance request" section.

Staff has recently researched the origins of these specific required separation distances. It appears that the Zoning Ordinance that was in place in July 2005 at the time the permit was issued for the current garage's construction required a separation distance of 50 feet for garages greater than 768 square feet in area, or a distance equal to the longest length of the accessory building, whichever is greater. This version of the Zoning Ordinance also provided a process for Planning Commission consideration of modifications to standards for accessory buildings, which does not appear in the current version of our Zoning Ordinance.

Despite the stated limitations involved with relocating the exterior wall 6 inches, the applicant and staff will continue to coordinate and explore possible options, if any, for reducing the size of the garage to less than 768 square feet, thus avoiding the need for a variance. Regardless of these efforts, the BZA is asked to review the request as submitted and evaluate the request on its merits.

COMMENTS

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

- 1) That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a

permitted purpose and would thereby render the conformity unnecessarily burdensome for other than financial reasons.

The applicant provides some justification for the claim that the strict compliance with the 24 foot separation distance would prevent the owner from using their property for their permitted purposes. The filed floor plan for the dwelling shows that the main floor currently includes an existing living room, dining room, kitchen, and a 9' x 13' bedroom. The main floor does not include a master bedroom or an accessible bathroom. Due to mobility issues, the property owner cannot use the upper story and requires these amenities on the main floor. Further, the property is constrained by topography / grade limitations and setbacks. These constraints are more clearly illustrated in point 3 below.

For the applicant to provide the accessibility upgrades they seek in a way that complies with the Zoning Ordinance, they could possibly alter the area of the detached garage by either demolishing it, or reducing its size by relocating walls or other means.

Based on this background information, the applicant has provided some evidence for the BZA to consider that there are inhibitions to providing an accessible dwelling area for a person with mobility issues at ground level. To approve this finding completely, it must be found that these requirements constitute reasonable use of the property for a permitted use, and that the only reasonable means of constructing these improvements is to do so in an area that triggers the requested variance, without reducing the size of the garage below 768 square feet.

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).

The requested variance would enable the applicant to create a more accessible living space on the ground floor of their principal dwelling where constraints of topography and setbacks are present. The site that is the subject of the variance has an existing garage which exceeds the maximum floor area threshold for allowing a 10-foot setback from the home by 12 square feet (780 square feet). The original floor plan was created and home was built in the 1930s. When considering the "substantial justice" criterion, the BZA should consider whether the granting of this type of variance in properties with a similar set of circumstances would be justifiable. A brief survey of nearby single-family residential dwellings in this zoning district reveals the following:

- 47900 West Huron River Drive: Bi-Level with Master Suite on Upper Level
- 47818 West Huron River Drive: Unknown layout at time of writing this report
- 47776 West Huron River Drive: One-story home
- 47712 West Huron River Drive: One-story home
- 47670 West Huron River Drive: Two-story home, includes two bedrooms on ground floor and master bedroom on upper floor.

The BZA must consider whether a comparable reduced separation distance between dwellings and detached accessory buildings on these properties would be acceptable, if the properties are similarly constrained by physical characteristics of their sites, such that an expansion can occur only within an area designated as required separation distance.

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

The property's current building footprint and setbacks would only feasibly allow expansion of the principal dwelling toward the rear / lakeside or between the principal dwelling and the

detached garage, as shown on the application included herein.

The applicant has submitted photographs that document a substantial downward slope in the rear / lakeside portion of the house that would be considered buildable, in terms of being able to expand in compliance with the allowable setbacks under the Van Buren Township Zoning Ordinance. See the images below:

The above information provides some justification for the “unique circumstances” criteria.

4) That the problem is not self-created.

At this time, the owner is seeking to expand the footprint of the home in a manner that encroaches within the required separation distance to the detached garage. The past garage construction expansion, in combination with the current construction of an addition to the dwelling, led to the problem that warranted this variance request. In order to adequately prove that the hardship was not self-created, it should be demonstrated the past and current construction was and is necessary for the viable use of the property, and that the past construction activities could not have reasonably been anticipated to cause a future zoning issue.

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 expansion will not affect a setback to an adjacent property. The proposed addition will also not result in the lot being covered by an area that approaches the maximum 30 percent lot coverage in the R1B zoning district.

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, so long as a minimum 10-foot separation is maintained between the dwelling and the detached garage.

4) Will not unreasonably diminish or impair established property values within the surrounding area. The proposed addition is not anticipated to 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. The BZA must find that the reduced separation will not impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township for this criterion to be met. Minimum separation distances between principal and accessory buildings on a lot are intended to

maintain a certain standard of safety in conjunction with the currently adopted building codes. A garage with a 10'4" separation distance (3.3% greater than the minimum required 10' separation distance for buildings less than or equal to 768 square feet in area), which exceeds the area of a 768 square foot garage by 12 square feet (1.6%), will provide sufficiently scaled separation from the principal dwelling.

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

The proposed addition will not negatively alter the essential character of the neighborhood.

The proposed construction materials are consistent with the materials that are currently present on the principal dwelling.

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. For the BZA to grant the requested variance, they must find that the variance will continue to fulfill the purpose of zoning regulations to provide for the orderly and planned use of land.

Recommendation

For the BZA to consider granting the requested variance, they will need to conclude that there are positive findings for all four (4) "practical difficulty" criteria and all seven (7) listed standards of approval. I find that additional information may be required to justify positive findings regarding the following required criteria for establishing "practical difficulty":

- Section 12.403(C)(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; and

- 12.403(C)(4). That the problem is not self-created.

I have provided a motion template with this report to assist the BZA in making their decision on this variance request. The BZA may grant the requested variance, with or without conditions, postpone their decision, or deny the request. If the BZA decides to postpone their decision on the request, they should provide specific tabling conditions to instruct staff and the applicant regarding what is required to return for further consideration of the request by the BZA.

Haase asked for clarification on how far the wall would have to be moved to be in compliance. Director Power stated it would have to be moved 6 inches to be in compliance.

Presentation by Applicant:

Deborah Ransom presented to the Board that Guy Ransom is a Vietnam Vet and when he came back to the states he moved to Van Buren Township into this home that was built in 1936 and would like this to be his forever home. Guy has health issues including severe neuropathy in both of his legs, virtually no feeling in his feet he is a fall risk. With the bedroom being on the upper floor with steep stairs and small steps to stand on he does have issues. This addition is to keep Guy safe and in this home the rest of his life.

Kurt Cullin, friends with Guy, stated he started this renovation because he had to help Guy out as quickly as possible. The whole project they knew they would have to request this variance for the 6 inches that doesn't affect any visual items or anyone's neighborhood or subdivisions as Director Power stated in his letter.

Jahr asked for clarification that the garage itself was demolished and rebuilt in 2005 at which time the garage was extended the 6 inches.

Applicant responded that this is correct.

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

Case 22-050: I make a motion to approve the request by Guy and Deborah Ransom for 47760 West Huron River Drive / Parcel ID# 83 113 99 0009 000 for a variance from Section 7.202(A), Section 7.202(A), Table 3 pertaining to minimum required separation between detached accessory buildings greater than 768 square feet and dwellings in the R-1B Single Family Residential Zoning District:

Required: 24.00 feet

Existing: 21.92 feet

Proposed: 10.33 feet

Variance requested: 13.67 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.

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 with in 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.

Conditions: Recommended Condition variance is granted: The applicant agrees to the conditions

noted in the Planning and Economic Development Director's letter dated December 5, 2022.

Jahr asked for clarification from staff since not 100% sure he agrees with the not self created point. The garage that was demolished in 2005 and rebuilt in 2005 is a legal non-conforming use. Director Power stated yes, it is true this garage is a legal non-conforming use. Section 14 does not apply to this case.

ROLL CALL:

Yeas (5): Herman, Haase, Sellers, Martin, Larocque, Jahr

Nays (0): None

Absent (2): Grissett, Atchinson

Motion Carried

ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION

Director Power spoke about soon completing the full Zoning Ordinance and Bylaw binders that were spoke about in June 2022. After the Planning Commission is finished updating the Zoning Ordinance he will hand out these binders.

ADJOURNMENT

Haase motioned; Larocque seconded to adjourn the meeting at 746pm.

ROLL CALL:

Yeas (5): Herman, Haase, Sellers, Martin, Larocque, Jahr

Nays (0): None

Absent (2): Grissett, Atchinson

Motion Carried



MEMO

TO: Van Buren Township Board of Zoning Appeals

FROM: Dan Power– Director of Planning and Economic Development

RE: Election of Officers

DATE: January 6, 2023

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 2022 Officers are as follows:

Chairperson – John Herman
Vice-Chairperson – Amos Grissett
Secretary – John Haase

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'.

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



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>Menard, Inc - Tyler Edwards</u>	PHONE: <u>715 - 876 - 2143</u>
ADDRESS: <u>5101 Menard Drive</u>	CELL PHONE:
CITY, STATE & ZIP: <u>Eau Claire WI 54703</u>	FAX:
EMAIL: <u>tedwards@menard-inc.com</u>	

PROPERTY OWNER INFORMATION (If different than the applicant)

NAME: <u>Menard, Inc.</u>	PHONE: <u>715 - 876 - 2143</u>
ADDRESS: <u>5101 Menard Drive</u>	CELL PHONE:
CITY, STATE & ZIP: <u>Eau Claire WI 54703</u>	FAX:
EMAIL: <u>tedwards@menard-inc.com</u>	

SITE INFORMATION

PROJECT ADDRESS: <u>10010 Belleville Rd</u>		
PROPERTY LOCATION: On the <u>West</u> Side of <u>Belleville Rd</u> Road; Between <u>Tyler</u> Road and <u>44 Service</u> Road.		
SIZE OF LOT WIDTH: <u>990'</u>	SIZE OF LOT DEPTH: <u>1,359'</u>	ACREAGE OF SITE: <u>23A</u>
DATE PROPERTY ACQUIRED: <u>8/3/15</u>	TYPE OF OWNERSHIP OF PROPERTY: <u>Deed owner</u>	
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>4.102</u>
EXPLANATION OF THE PRACTICAL DIFFICULTY OF THE PROPERTY AS DEFINED IN SECTION 19.07 (OR EXPLANATION OF REQUEST FOR ADMINISTRATIVE REVIEW): <u>Please see attached letter</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

Tyler Edwards - Menard, Inc. [Signature] 8/3/22
PRINT PROPERTY OWNER'S NAME SIGNATURE OF PROPERTY OWNER DATE

STATE OF MICHIGAN
COUNTY OF WAYNE

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

Subscribed and sworn before me this _____ day of _____, 20____.

_____, Notary Public, _____ County, Michigan

My Commission expires _____, 20____.



MEMO

TO: Van Buren Township Board of Zoning Appeals (BZA)
FROM: Dan Power– Director of Planning and Economic Development
RE: 10010 Belleville Road Dimensional Variance Request
DATE: January 4, 2023

The BZA is asked to consider a request by Tyler Edwards on behalf of Menard's, Inc. to install an addition to an existing accessory canopy, which is attached to the principal building, to within fifteen (15) feet of the side lot line. The project is proposed to be located at 10010 Belleville Road, located on the west side of Belleville Road between Westlake Circle and Tyler Road. The site has tax parcel ID # 83 061 99 0005 726 and is zoned C-2 – Extensive Highway Business District. This is contrary to the requirements of Section 3.112(E) of the Van Buren Township Zoning Ordinance as described below:

- Required side yard setback: 25 feet
- Existing side yard setback: 35 feet
- Proposed side yard setback: 15 feet
- Variance requested: 10 feet

A completed BZA Application form; a memo from the Township Principal Planner / Planning Consultant dated January 4, 2023; submittals from the applicant including a narrative letter dated August 9, 2022; a copy of the public hearing notice for the January 10, 2023 meeting, minutes from a preliminary Planning Commission discussion regarding this request on December 14, 2022, 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: Vidya Krishnan – Planning Consultant / Principal Planner, Van Buren Charter Township



MCKENNA

January 4, 2023

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

Subject: Menard's Inc./10010 Belleville Road /Variance Review; Application dated recd. 8/3/2022; authorized for review by Township on 12/18/2022.

Dear Board Members:

We have reviewed the above referenced application submitted by Tyler Edwards on behalf of Menard's Inc. to construct 20' wide covered addition on the north side of the existing Menard's store on Belleville Road. The proposal requires a variance from side yard setback standard. The following are our review comments based on the criteria in the Zoning Ordinance and the information provided:

File Number: VBT-22-042

Parcel Tax ID: Parcel ID# 83-061-99-0005-726

Property Owner: Menard's Inc.

Zoning and Existing Use: C-2 Extensive Highway Business District. The parcel is currently occupied by a Menard's retail store.

Project Description: Applicant is proposing to install an addition to an existing accessory canopy on the north side of the building, which is attached to the principal building, to within fifteen (15) feet of the side lot line.

Notice: Notice for the public hearing was published in the Belleville Independent on December 21, 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 December 20, 2022.

Variance Request:

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

Side (South) Yard Setback:	Required: 25.00 feet
	Existing: 35.00 feet
	Proposed: 15.00 feet
	Variance requested: 10.00 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

O 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 side yard setback. The subject site has an existing retail store with an accessory canopy structure providing access to the rear lot of the store, at a setback of 35 feet. The ordinance requires a 20' wide greenbelt along the north property line, which was granted a modification to a reduced width of 10 feet when the site plan was originally approved. As a result, the north side of the site has a 10' wide greenbelt and a 25' wide paved area. The applicant proposes to cover 20' of this paved area with an extension of the canopy structure to provide a third covered lane for entry and exit from the rear of the lot.

The applicant's justification in requesting the variances is that changing market conditions over the past few years has increased focus on online orders and pick-ups rather than the traditional mode of shopping in-store only. The two existing lanes are manned by a guard. The addition of a third lane is to provide a fully automated lane with a kiosk that will enable customers to scan the barcode or receipt from their online purchase and gain entry in the rear yard without having to wait for a guard. The applicant appeared before the PC in December 2022 to obtain feedback on the proposal as required of all projects that go before the BZA and also require site plan approval. In response to questions posed by the commissioners, the applicant stated that the intent of the addition is to help customers save "a few minutes" of their time by using an automated lane instead of a manned lane. The PC also questioned why an automatic kiosk could not be placed in the third lane, without an overhang, like it is done for some ATM machines and other stand-alone kiosks?

The applicant's contention that not adding a third lane would "*puts the store at a disadvantage and make it outdated*" is without merit because there is no data provided to substantiate such a claim. The two lanes currently provide required service to the lot. The applicant's statement at the PC meeting in response to a query, that it would help a customer save 2-3 minutes of their time by using an automated lane, is not adequate to justify deviating from an Ordinance standard. Menard's is a one-of-its-kind retail store in the Belleville Road corridor and regional area. To state that the lack of a third covered automated lane will place the store at a disadvantage and make it less competitive is not reasonable. Compliance with the Ordinance standards would in no way hinder the applicant's ability to operate the business as permitted by the Ordinance. The applicant's goal to provide increased customer service can be accomplished through an automated kiosk, without a canopy cover extending across the entire lane width and is not construed 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 an addition into the setback area but is not in the equitable to all the other property owners who have been required to meet the setbacks. As previously noted, the applicant can accomplish providing the service to customers as desired, without the need for the canopy structure addition.

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

There are no unique circumstances associated with the property. The need for the variance is due to the applicant's desire to construct an addition which would make the store at the subject site, compliant with Menard's corporate standards, as stated by the applicant at the PC meeting.



4) That the problem is not self-created.

Based on the arguments presented in the applicant's detailed narrative and at the Planning Commission meeting, the need for the variance is entirely self-created at this time due to the applicant's desire to provide a third automated lane, which appears to be the current standard for all Menard's stores nationwide.

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. However, granting of such a variance sets a dangerous precedent for reducing setback distances between commercial and residentially zoned properties, irrespective of the distance to the nearest structure on the residentially zoned site.

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

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

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

Approval of the variance 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 addition 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.

Approval of a variance from the side yard setback requirement would alter the character of the neighborhood. The subject site is located in an area of C-2 zoned parcels which are all required to comply with the setbacks. Granting of a variance for a reduced setback on the subject site without adequate justification will set a precedent for similar requests from other parcels in the Belleville Road corridor. Many of the parcels in this corridor are much smaller in size and a deviation from the side yard setback would provide them with increased building envelope and room for other improvements, essentially altering the design characteristics of the area.

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 meet the test and is not essential to meet the intent and purpose of the zoning ordinance.



Recommendation

Subject to any additional information presented and discussed by the applicant, Board, and/or the public during the public hearing and incorporated into the record prior to any findings being made, we recommend that the Board of Zoning Appeals **deny** the requested variance for the property located at 10010 Belleville Road. The above recommendation is based on the following findings of fact:

1. Strict compliance with the required side yard setback does not prevent the applicant from adding an automatic kiosk and lane as desired.
2. The applicant's contention that not providing the addition would create a significant disadvantage to the business is without merit.
3. A variance would provide substantial justice to the applicant but is averse to the interests of other property owners in the district.
4. There are no unusual circumstances associated with the parcel.
5. The need for the variance is self-created with the applicant's desire to match Menard's corporate design standards.
6. Allowing customers to save "2-3 minutes" of time is not adequate justification for non-compliance with ordinance standards.
7. The proposed variance is related to the valid exercise of police power.
8. The variance is not likely to impair light and air to adjacent property or increase the congestion in the public streets but can set a precedent for similar requests from other property owners in the corridor. Reducing the setbacks between a commercial and a residentially zoned parcel is not desirable.
9. The variance is not likely to increase the hazard of fire or flood or endanger the public safety.
10. The variance is not likely to diminish or impair established property values within the surrounding areas.
11. The variance is not likely to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.
12. The variance is likely to alter the essential character of the neighborhood.
13. The variance is not necessary to meet the intent of the zoning ordinance.

Respectfully,
McKENNA

Vidya Krishnan Senior
Senior Principal Planner

Cc: Dan Power, Director of Planning and Economic Development



August 9, 2022

VIA US MAIL

Charter Township of Van Buren
Attn: Dan Power
46425 Tyler Road
Van Buren Township, MI 48111

Re: Menards Setback Variance

Dear Mr. Power,

Please find enclosed the Menards setback variance application information.

1. Project Narrative (1 Copy);
2. Variance Application (1 Copy);
3. Site Photos (2 Pages);
4. 11x17 Site Plan (3 Copies);
5. 11x17 Setback Detail (3 Copies);
6. 24x36 Overall Plan (3 Copies).

Please let me know if you need anything else. Thank you.

Sincerely,
Menard, Inc.

A handwritten signature in black ink, appearing to read "Tyler Edwards".

Tyler Edwards
Real Estate Representative
Menard, Inc. 5101 Menard Drive Eau Claire, WI 54703
O: 715.876.2143 C: 715.579.6699 tedwards@menard-inc.com

Enclosures



August 9, 2022

RE: Menards Expansion Project

Dear Mr. Power,

Menard, Inc. is submitting information regarding the proposed yard gate expansion project.

History

Menards first approached the township on this gate expansion project in 2020 and after reviewing and sharing plans with the staff Menards was directed to submit the administrative review application. That administrative review application and the fee was submitted. In 2021 the Menards construction department submitted a building permit application but was told that the project did not meet the 20' greenbelt requirement in the zoning ordinance between the commercial and residential districts. That Menards employee left shortly after that exchange and the information was never shared. When the project was first submitted in 2020 only the 10' greenbelt was discussed and I was not aware of additional setback requirements. In 2022 Menards again submitted building plans and was made aware of the 2021 correspondence and the need for the 20' greenbelt adjacent to the residential property. Menards was able to create a 15' greenbelt and that was going to be reviewed by the Planning Commission but the day of the meeting Menards was told there was also a 25' structure setback requirement from the property line. That required did not come up during any of the previous reviews however that is what led to this submission.

Need for Expansion

Menards is a retail store that has to make changes and adapt to stay competitive and remain open. It is no secret that internet sales have impacted physical retail stores. Those that could not compete had to close. As a home improvement store it is much more difficult for Menards to sell merchandise on the internet. Most materials are far too big to be sold online and shipped. So Menards created the shop online and pick up at the store option. This is a program seen and almost all other box retail stores now. Those large products sold at Menards still create a challenge for the pick up and loading process. At a store like Target it is simple for a cart of groceries and goods to be pushed to the parking lot and loaded into a vehicle. Menards handles all of that loading behind the store, the large materials are loaded from the back of the store so they do not have to be moved far and multiple team members or forklifts can be used. Imagine the difference in pushing a cart full of plywood or a washing machine over 100 yards to the parking spaces or 10 feet to a vehicle behind the store. It makes big difference.

Gate Expansion Project

The existing yard gate at Menards consists of an entrance lane and an exit lane that are both operated by the gate guard. The guard checks vehicles and trucks in to make sure they belong in the yard. The guard also checks people out to make sure they only took the materials listed on their receipt. The guard controls all traffic in and out of the yard and at times that can be a high volume of traffic. The new entrance lane is an exact replica of the rest of the gate and simply adds one more entrance lane to the gate. This expansion project removes the gate guard from the automated online entrance procedure. A kiosk scanner is located with this additional entrance lane and the barcode from the receipt or phone



can be scanned to gain entry to the yard. That scan at the entrance also notified the order pickup department which guest has entered the yard so their order can be brought out as they pull up to the door and loaded immediately. The guest still needs to be checked out by the guard when they exit the yard. The new entrance is a means of speeding up the order pickup process but it also is a notification system for the loading and unloading process. The gate guard still oversees that new entrance lane in the event a guest can't use the scanner or there is some sort of malfunction. For that reason the gate guard still needs to oversee the new entrance lane.

Expansion Details

By strict definition the gate at the Menards store is a structure. It has a roof and is held up by 4x4 posts that have footings in the ground. In reality the gate is little more than a canopy that needs to have posts holding up the roof because of the snow load weights. I have attached the photos of the existing gate and you can see there are no walls on any side and only the front has a garage door that closed when the store is closed. The height of the expanded gate is only 20' tall. The exterior materials of the gate are the same green steel siding and white steel roof found on the existing gate.

Setback Details

My understanding is there is an overall 25' setback requirement for all structures in this zoning district and on the Menards property. When Menards first started this store and ultimately opened in 2018 online order pickup was not prevalent at many retailers and did not exist at Menards. The original store was designed to fit on the available land and as there had been two gate entrances for the past 60 years of Menards existence it was not anticipated there would need to be additional space saved for setbacks. Even with the expanded gate and a reduced setback the gate would not be visible from the adjacent residential buildings or the Sage Circle roadway through that development. A large pond with significant trees around it is immediately adjacent to this expansion project. The closest roadway is 130' away and the closest building is 180' away. Photos from that side of the store have been included and you can see it is 100% screened by existing landscaping.

Ordinance

The purpose and intent of the setback distances within the zoning ordinance is to protect the neighboring property owners. Having a structure less than 25' from the property line could end up being a large imposing building if it was built to its full height allowed by code. This is a different situation because while technically a structure due to the footings this is a canopy that is only slightly taller than the fence surrounding the Menards yard. The intent of the ordinance protecting the neighboring property is met due to the large pond and wetland area immediately adjacent to this expansion area. While the setback to the property line is 15' the true setback to anything on the neighbor's lot is over 100' and it would be impossible for them to build any closer because of that pond. The roof over the gate addition is also not an enclosed structure, it is a canopy to protect the drive lanes from the elements. The intent of the ordinance is also met through the landscaping. The existing landscaping in the pond screens this expansion area from view on the neighbor's side. Menards is also adding the one tree per 20' on the Menards side of the property line that is required by code.



Alternatives

As a company Menards has existed for over 60 years by continuously adapting to the changing market demands and competition. Not having this order pickup lane would put this store at a disadvantage and make it outdated before its 5th birthday. It is easy to imagine a store that can't compete with internet sales is in a troubled position. All other Menards store locations across the country have already had this gate installed or approved in the three lane format that is proposed on these plans. Menards is unable to move the existing gate or new addition from this location for several reasons. There is an emergency exit door and staircase on the north side of the building and semi trucks need enough room to maneuver around that and get out the exit lane. Any further west and there is not enough room to maneuver. There is also a ground level door that connects the inside of the yard to the store and gate area that needs to remain inside of the yard for security reasons. It is also not possible to offset the new entrance lane further into the yard. Primarily because the gate guard needs to be able to oversee all three lanes at the same time and offsetting the gate addition far enough west to meet the ordinance would put it out of view.

In Review

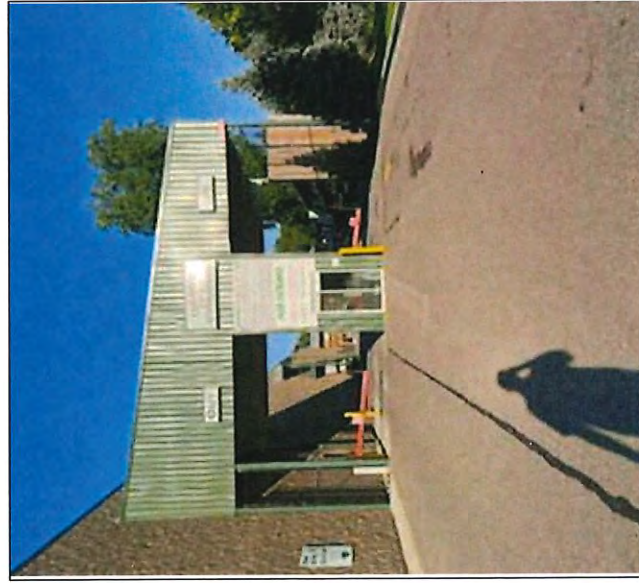
Menards understands that asking for relief from an ordinance standard is not a small request. However given the nature of this request with the minimal impact of the canopy with no walls and the significant landscaping and setback distance this is a request that can be supported. Menards would not make this request if the expansion was not vital to the long term success of this store location. Menards has proven there is no impact on the neighboring property owner through natural setback distances and landscaping. Additionally this expansion would result in the continuation of a successful Menards store at this location. Please review all of this information and let me know if you have any questions or comments on our path forward. Thank you.

Sincerely,
Menard, Inc.

A handwritten signature in black ink, appearing to read "Tyler Edwards", with a stylized flourish at the end.

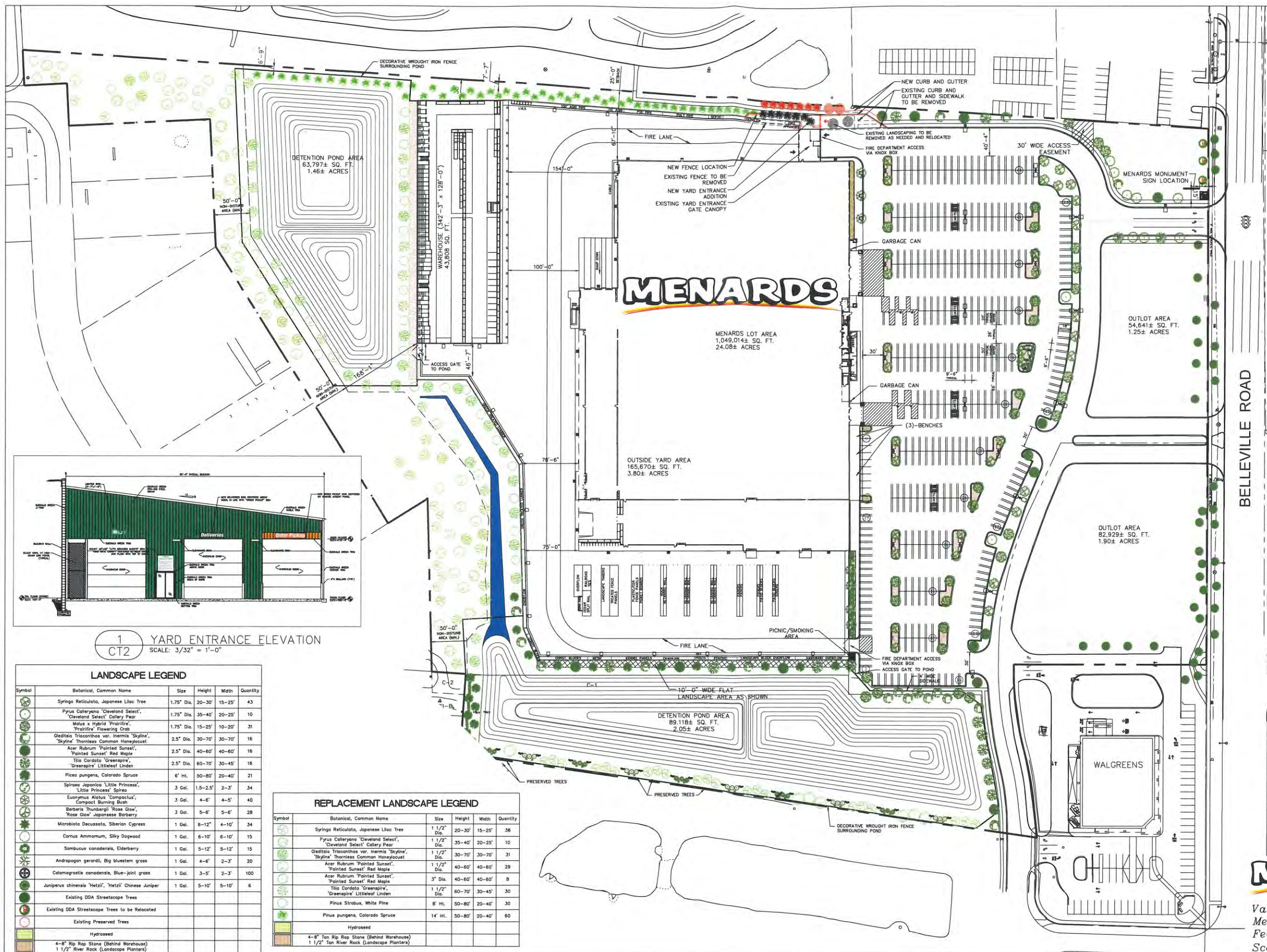
Tyler Edwards
Real Estate Representative
Menard, Inc. 5101 Menard Drive Eau Claire, WI 54703
O: 715.876.2143 C: 715.579.6699 tedwards@menard-inc.com

Menards Gate Landscaping View



Residential Landscaping View of Menards





NOTE:
ALL PARKING SPACES ARE TO BE DOUBLE STRIPED

ALL LANDSCAPING TO BE IRRIGATED WITH EITHER AN IRRIGATION SOAKER OR DRIP TYPE SYSTEM

NOTE:
THE FOREBAY-DETENTION BASIN LANDSCAPE MATERIALS (VARIETIES AND QUANTITIES) MEET OR EXCEED THE MINIMUM REQUIREMENTS OF THE WAYNE COUNTY STORM WATER ORDINANCE.

EMERGENT/AQUATIC PLANTS TOTAL 1624 USING THE FOLLOWING SPECIES IN EQUAL NUMBER (406 EACH), WHITE WATER LILY, SAGO PONDWEED, TAPE GRASS AND YELLOW POND LILY.

PLANTS ARE TO BE PLANTED ON THE OUTER 15 FEET OF THE POND ZONE. PLANTED 36 INCHES ON CENTER TO COVER 25% OF THE POND AREA.

THE TOTAL AREA OF POND ZONE IS 58,988 SQ. FT.

Petitioner:
Menard, Inc.
Attn: Scott Nuttelman
5101 Menard Drive
Eau Claire, WI 54601
Phone: 715-876-2383

Civil Engineer:
Metro Consulting Associates, LLC
Attn: Matt Bush
719 Griswold, Suite 820
Detroit, MI 48226
Phone: 734-217-4658



Van Buren Township, MI
Menards Site Landscape Plan
February 27, 2020
Scale: 1" = 60'-0" CT2

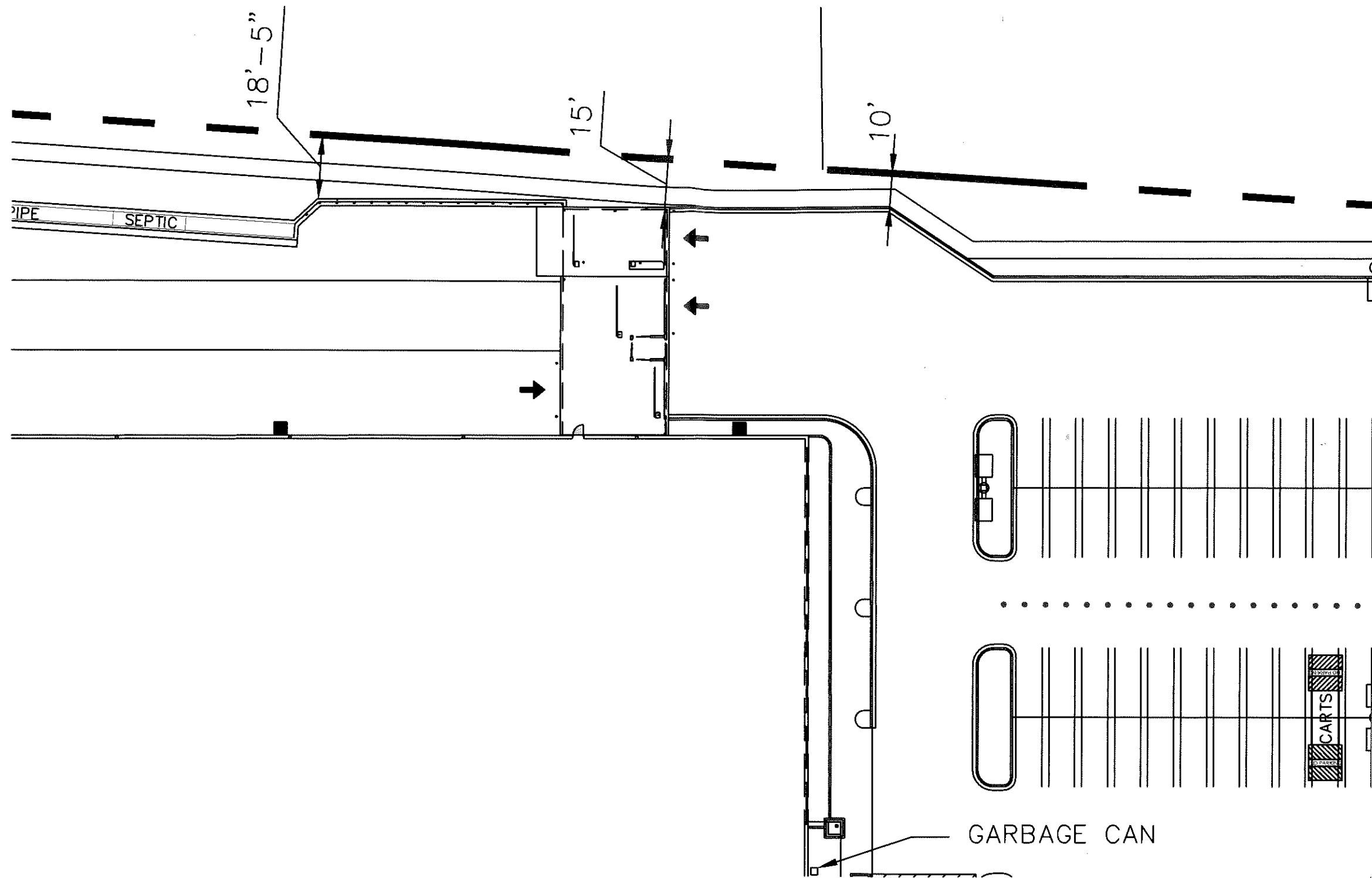
1 YARD ENTRANCE ELEVATION
CT2 SCALE: 3/32" = 1'-0"

LANDSCAPE LEGEND

Symbol	Botanical, Common Name	Size	Height	Width	Quantity
	Syringa reticulata, Japanese Lilac Tree	1.75" Dia.	20-30'	15-25'	43
	Pyrus calleryana 'Cleveland Select', 'Cleveland Select' Callery Pear	1.75" Dia.	35-40'	20-25'	10
	Malus x Hybrid 'Prairie Fire', 'Prairie Fire' Flowering Crab	1.75" Dia.	15-25'	10-20'	31
	Gleditsia triacanthos var. inermis 'Skyline', 'Skyline' Thornless Common Honeylocust	2.5" Dia.	30-70'	30-70'	16
	Acer rubrum 'Painted Sunset', 'Painted Sunset' Red Maple	2.5" Dia.	40-60'	40-60'	16
	Thuja occidentalis 'Green Spire', 'Green Spire' Littleleaf Linden	2.5" Dia.	60-70'	30-45'	16
	Picea pungens, Colorado Spruce	6" Ht.	50-80'	20-40'	21
	Spiraea japonica 'Little Princess', 'Little Princess' Spirea	3 Gal.	1.5-2.5'	2-3'	34
	Euonymus alatus 'Compactus', 'Compactus' Burning Bush	3 Gal.	4-6'	4-5'	40
	Berberis thunbergii 'Rose Glow', 'Rose Glow' Japanese Barberry	3 Gal.	5-8'	5-6'	28
	Microbiota decussata, Siberian Cypress	1 Gal.	6-12"	4-10"	34
	Cornus amomum, Silky Dogwood	1 Gal.	6-10'	6-10'	15
	Sambucus canadensis, Elderberry	1 Gal.	5-12"	5-12"	15
	Andropogon gerardii, Big bluestem grass	1 Gal.	4-6'	2-3'	20
	Calamagrostis canadensis, Blue-joint grass	1 Gal.	3-5'	2-3'	100
	Juniperus chinensis 'Hetzi', 'Hetzi' Chinese Juniper	1 Gal.	5-10'	5-10'	6
	Existing DDA Streetscape Trees				
	Existing DDA Streetscape Trees to be Relocated				
	Existing Preserved Trees				
	Hydrossed				
	4-8" Rip Rap Stone (Behind Warehouse)				
	1 1/2" Ton River Rock (Landscape Planters)				

REPLACEMENT LANDSCAPE LEGEND

Symbol	Botanical, Common Name	Size	Height	Width	Quantity
	Syringa reticulata, Japanese Lilac Tree	1 1/2" Dia.	20-30'	15-25'	36
	Pyrus calleryana 'Cleveland Select', 'Cleveland Select' Callery Pear	1 1/2" Dia.	35-40'	20-25'	10
	Gleditsia triacanthos var. inermis 'Skyline', 'Skyline' Thornless Common Honeylocust	1 1/2" Dia.	30-70'	30-70'	31
	Acer rubrum 'Painted Sunset', 'Painted Sunset' Red Maple	1 1/2" Dia.	40-60'	40-60'	29
	Thuja occidentalis 'Green Spire', 'Green Spire' Littleleaf Linden	1 1/2" Dia.	60-70'	30-45'	30
	Pinus strobus, White Pine	8" Ht.	50-80'	20-40'	30
	Pinus pungens, Colorado Spruce	14" Ht.	50-80'	20-40'	60
	Hydrossed				
	4-8" Rip Rap Stone (Behind Warehouse)				
	1 1/2" Ton River Rock (Landscape Planters)				



CHARTER TOWNSHIP OF VAN BUREN - CORRECTED
BOARD OF ZONING APPEALS
PUBLIC HEARINGS

Notice is hereby given that the Charter Township of Van Buren Board of Zoning Appeals (BZA) will hold public hearings on **Tuesday, January 10, 2023 at 7:00 p.m.**, at the Van Buren Township Hall, 46425 Tyler Road, Van Buren Township, MI 48111. The BZA will meet to consider the following requests:

1. **Case # 22-042- A dimensional variance** request by Tyler Edwards on behalf of Menard's, Inc. to install an addition to an existing accessory canopy, which is attached to the principal building, to within fifteen (15) feet of the side lot line. The project is proposed to be located at 10010 Belleville Road, located on the west side of Belleville Road between Westlake Circle and Tyler Road. The site has tax parcel ID # 83 061 99 0005 726 and is zoned C-2 – Extensive Highway Business District. This is contrary to the requirements of Section 3.112(E) of the Van Buren Township Zoning Ordinance as described below:
 - Required side yard setback: 25 feet
 - Existing side yard setback: 35 feet
 - Proposed side yard setback: 15 feet
 - Variance requested: 10 feet
2. **Case # 22-057- A dimensional variance** request by Bazo Construction on behalf of Meijer, Inc. for 9701 Belleville Road (Parcel ID# **83 058 99 0006 710**) to install a combined total wall sign area of 628.77 square feet. The site is zoned C-2 – Extensive Highway Business District. This is contrary to Section 11.108(B) (Sign Regulations Applicable to the C, C-1, C-2, and FS Districts) as described below:
 - Allowable maximum wall sign area: 3 sq. ft. per linear ft. of building frontage, not to exceed 300 sq. ft. per business or 50% of the façade exclusive of window and door openings.
 - Existing total wall sign area of Meijer store and gasoline station: 266.07 square feet
 - Proposed total wall sign area of Meijer store and gasoline station: 628.77 square feet
 - Variance requested: 328.77 square feet
3. **Case # 22-056- A request for exception, modification, or appeal** by Belleville Yacht Club to install two (2) dock structures each with a length not to exceed 120 feet, subject to approval by the State of Michigan, in contrast to the requirements of Section 3.120(D)(5) of the Van Buren Township Zoning Ordinance which limits the dock length to 40 feet into Belleville Lake, measured perpendicularly from the shoreline, unless greater length is necessary to reach water with a depth of three feet. The subject site is Township Lake Property adjacent to 831 East Huron River Drive (parcel ID number 83 088 99 0005 000), on the north side of East Huron River Drive between Loza Lane and Evelyn Court. The site is zoned Belleville Lake Shoreline District B – Non-Single Family Residential (BLB). The request will be reviewed by the BZA per the requirements of Section 3.120(F)(7) of the Van Buren Township Zoning Ordinance.

Members of the public may 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. Members of the public may access the agenda materials via the Township website – www.vanburen-mi.org by **January 9, 2023**. On the meeting webpage, 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. 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: 12/20/2022

Published: 12/21/2022

ITEM #6: TYLER EDWARDS / MENARD'S, INC. – PRELIMINARY VARIANCE DISCUSSION.

TITLE: TYLER EDWARDS ON BEHALF OF MENARD'S, INC. SEEKS A DIMENSIONAL VARIANCE TO INSTALL AN ADDITION TO THE EXISTING ACCESSORY DRIVE-THRU CANOPY, WHICH IS ATTACHED TO THE PRINCIPAL BUILDING, TO WITHIN FIFTEEN (15) FEET OF THE SIDE LOT LINE, CONTRARY TO THE REQUIREMENTS OF SECTION 3.112 (E) OF THE VAN BUREN TOWNSHIP ZONING ORDINANCE WHICH REQUIRES A 25 FOOT SIDE YARD SETBACK.

THE PROJECT IS PROPOSED TO BE LOCATED AT 10010 BELLEVILLE ROAD, LOCATED ON THE WEST SIDE OF BELLEVILLE ROAD, BETWEEN WESTLAKE CIRCLE AND TYLER ROAD ON A 24.0-ACRE SITE. THE SITE HAS TAX PARCEL ID NUMBER 83-061-99-0005-726 AND IS ZONED C-2 (EXTENSIVE HIGHWAY BUSINESS DISTRICT).

Director Power gave a brief presentation. The applicant, Tyler Edwards, has applied for a dimensional variance, to install an addition to the existing accessory drive-thru canopy which is attached to the principal building. The proposed addition would be located within fifteen (15) feet of the side lot line, contrary to the requirements of Section 3.112 (E) of the Van Buren Township Zoning Ordinance which requires a 25-foot side yard setback. The proposed expansion area is intended to serve an extended drive-up lane for the Menards store.

Tyler Edwards on behalf of Menards, Inc. gave his presentation. Shortly after the Menards store was built, ordering online and picking up in the store increased. Currently you have to go through the gate to pick up items ordered online. The applicant is seeking to add another entrance lane that is automated where a barcode can be scanned. If they had known the volume of online ordering beforehand, they would have shifted the building prior to being built. The landscaping will replicate the existing landscape, there are several hundred feet from the neighboring property dwellings. Their addition will include four (4) 4 x 4 posts and the entrance will have a garage door. There are a couple options with a wall or without a wall. Mr. Edwards displayed a photo of what is being requested.

Commissioners had the following questions and comments:

- Commissioner inquired if the applicant is looking for feedback? Director Power informed, yes. Commissioners can provide feedback at the meeting or send comments to staff by email.
- It's not a matter of the 4 posts, it would still encroach into the setback. Director Power confirmed, it's the addition of the structure.
- Vidya Krishnan of McKenna Associates informed that she has never seen a wait line, she's not sure what kind of convenience that it provides. Mr. Edwards explained that it advances the technology to prepare orders for pickup and provides tracking.
- What is the difference with the bar code scanner and the employee that is already there, to save time? Mr. Edwards confirmed, to save time, the employees are taxed.
- Commission commented it seems all you need to do is a bypass lane, don't need a full covered canopy.

- Is this also for compliance and consistency? Yes. Would the variance be required if the drive was encroaching with no canopy? No. If there was a fence or gate, that would be different as well.
- Commissioners are ok with modifying the greenbelt standards. If the applicant is able to get a variance, they are not against it.

ITEM #7: 2022 PLANNING COMMISSION ANNUAL REPORT.

Director Power is making some revisions to the annual report included in the commissioner's packet, he will save the details and bring the final report back to the Commission in January.

Motion Jahr, Cullin second to postpone review of the 2022 Planning Commission Annual Report. Motion Carried.

ITEM #8: 2023 PLANNING COMMISSION MEETING SCHEDULE.

Director Power presented the 2023 Planning Commission meeting schedule. The Planning Commission regularly meets on the 2nd and 4th Wednesdays of each month at 5:30 p.m., except for November and December have meetings only on the 2nd Wednesday.

Commissioner inquired if we should add additional dates in the months of November and December. Commissioners have the option to schedule special meetings if they are needed.

Motion Grant, Atchinson second to approve the 2023 Planning Commission Meeting Schedule. Motion Carried.

GENERAL DISCUSSION:

Director Power informed that Van Buren Township is kitty corner from Augusta Township, Commissioners are invited to take a look at their Master Plan which is up for review and provide comments by January 2, 2023.

Commissioner mentioned looking at the Planning Commission By-Laws and possibly shifting the election of officers to the end of the last meeting in December.

ADJOURNMENT:

Motion Budd, Cullin second to adjourn the meeting at 9:55 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary



Motion: Variance Request BZA 22-042

Case 22-042: I make a motion to (approve / deny) the request by Tyler Edwards on behalf of Menard's, Inc. for 10010 Belleville Road (Parcel ID# 83 061 99 0005 726) for a variance from Section 3.112 (E) for C-2 Extensive Highway Business District:

North (Side) Yard Setback:

- Required side yard setback: 25 feet
- Existing side yard setback: 35 feet
- Proposed side yard setback: 15 feet
- Variance requested: 10 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 with in 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):

Condition: _____

Condition: _____

Motion made by: _____

Support from: _____

Ayes: _____ Nays: _____

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



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>Bazo Construction</u>	PHONE: <u>313-584-8842</u>
ADDRESS: <u>12645 Delta St, Taylor, MI</u>	CELL PHONE:
CITY, STATE & ZIP: <u>48180</u>	FAX: <u>313-584-8847</u>
EMAIL: <u>smheisen@bazconstruction.com</u>	

PROPERTY OWNER INFORMATION (if different than the applicant)

NAME: <u>Meijer</u>	PHONE: <u>734-697-1500</u>
ADDRESS: <u>9701 Belleville Rd.</u>	CELL PHONE:
CITY, STATE & ZIP: <u>Belleville, MI 48111</u>	FAX:
EMAIL:	

SITE INFORMATION

PROJECT ADDRESS: <u>9701 Belleville Rd Belleville, MI 48111</u>		
PROPERTY LOCATION: On the <u>West</u> Side of <u>Belleville</u> Road; Between <u>Tyler</u> Road and <u>West Lake Circle</u>		
SIZE OF LOT WIDTH: <u>+/- 1,100 Ft.</u>	SIZE OF LOT DEPTH: <u>+/- 1,300 Ft.</u>	ACREAGE OF SITE: <u>39.352</u>
DATE PROPERTY ACQUIRED: <u>January 2021</u>	TYPE OF OWNERSHIP OF PROPERTY: <u>Commercial</u>	
STATE ALL DEED, SUBDIVISION IMPROVEMENT AND PROPERTY RESTRICTIONS IN EFFECT AT THIS TIME, TOGETHER WITH DATES OF EXPIRATION:		

N/A

VARIANCE REQUEST

VARIANCE TO ZONING ORDINANCE SECTION(S): <u>Sec. 11.116, 12.403(D) & 12.403(C)</u>
EXPLANATION OF THE PRACTICAL DIFFICULTY OF THE PROPERTY AS DEFINED IN SECTION 19.07 FOR EXPLANATION OF REQUEST FOR ADMINISTRATIVE REVIEW:

Please see attached letter.

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

PRINT PROPERTY OWNER'S NAME: <u>REBECCA FEDENA - PROGRAM MGR</u>	SIGNATURE OF PROPERTY OWNER: <u>Rebecca Fedena</u>	DATE: <u>12/13/22</u>
STATE OF MICHIGAN		
COUNTY OF WAYNE		

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

Subscribed and sworn before me this 13 day of December 2022

Mary E Vanderlind

Notary Public Kent County, Michigan

My Commission Expires 1/7, 2028

MARY E VANDERLIND
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF KENT
My Commission Expires January 07, 2028
Acting in the County of Kent



MEMO

TO: Van Buren Township Board of Zoning Appeals (BZA)
FROM: Dan Power– Director of Planning and Economic Development
RE: 9701 Belleville Road Dimensional Variance Request
DATE: January 4, 2023

The BZA is asked to consider a request by Bazo Construction on behalf of Meijer, Inc. for 9701 Belleville Road (Parcel ID# 83 058 99 0006 710) to install a combined total wall sign area of 628.77 square feet. The site is zoned C-2 – Extensive Highway Business District. This is contrary to Section 11.108(B) (Sign Regulations Applicable to the C, C-1, C-2, and FS Districts) as described below:

- Allowable maximum wall sign area: 3 sq. ft. per linear ft. of building frontage, not to exceed 300 sq. ft. per business or 50% of the façade exclusive of window and door openings.
- Existing total wall sign area of Meijer store and gasoline station: 266.07 square feet
- Proposed total wall sign area of Meijer store and gasoline station: 628.77 square feet
- Variance requested: 328.77 square feet

A completed BZA Application form; a memo from the Township Principal Planner / Planning Consultant; submittals from the applicant including a narrative letter and various plan and sign detail graphics; a copy of the public hearing notice for the January 10, 2023 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', written in a cursive style.

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

CC: Vidya Krishnan – Planning Consultant / Principal Planner, Van Buren Charter Township



MCKENNA

January 4, 2023

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

Subject: Meijer Inc./9701 Belleville Road /Variance Review; Application dated 12/13/2022.

Dear Board Members:

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

File Number: VBT-22-057

Parcel Tax ID: ID# 83 058 99 0006 710

Property Owner: Meijer Inc.

Zoning and Existing Use: C-2 Extensive Highway Business District. The parcel is currently occupied by a grocery store and associated gas station.

Project Description: Applicant is proposing wall signage which exceeds the maximum permissible for the C-2 district.

Notice: Notice for the public hearing was published in the Belleville Independent on December 21, 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 December 20, 2022.

Variance Request:

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

Maximum Area:	300.00 sq. ft* permitted
	266.07 sq. ft existing (266.07 sq. ft for retail store + 0 sq. ft for gas stn)
	628.77 sq. ft proposed (599.88 sq. ft for retail store + 28.89 sq. ft for gas stn)
	328.77 sq. ft variance requested

*Note - 3 sq. ft. per linear ft. of building frontage, not to exceed 300 sq. ft. per business or 50% of the façade exclusive of window and door openings.

COMMENTS

Per Section 11.116 and 12.403.C of the Township Zoning Ordinance and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, the Board must, prior to acting on a proposed variance, consider and make findings regarding several factors. The Board may grant a dimensional or non-use variance upon a finding that practical



difficulties exist. To meet the test of practical difficulty, the applicant must demonstrate compliance with the following:

Section 11.116 Appeals.

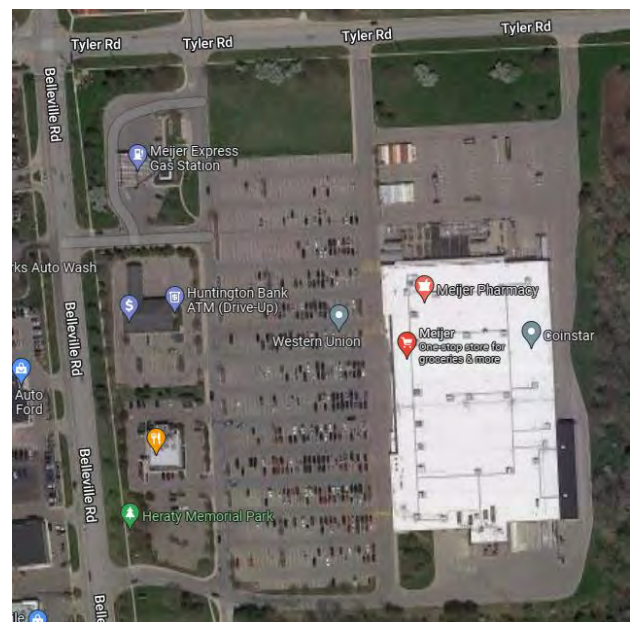
Any person aggrieved by any decision, ruling or order from the Building Department, may make an appeal to the Board of Zoning Appeals (BZA) in accordance with Article 12, Chapter 4 of the Ordinance. In determining whether a variance is appropriate, the BZA shall also study the sign proposal, giving consideration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

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

Per the applicant, the existing square footage of the signs on the store and the gas station are 266.07 sq. ft and 91.26 sq. ft respectively. The proposed wall sign area for the store and the gas station are 599.88 sq. ft and 28.89 sq. ft, respectively. The applicant is reducing some of the signage on the gas station building while significantly increasing the amount of wall signage on the main retail store building as part of their current remodeling efforts. This signage amount does not include signage on the gas station canopy. The applicant's justification in requesting the variances is that the existing building is located over 600 feet from Belleville Road and behind other businesses and the large sign will allow customers to identify which section of the store they may need to access for quick shopping.

The Meijer store in Van Buren Township was established several decades ago, long before most of the other businesses along Belleville Road corridor. The store provides for the needs of the residents of the community and is well known in the area.

Having wall signage more than double what currently exists because the store needs additional visibility does not seem a reasonable justification. While having signage on the façade to help direct customers for convenience is desirable, it is not a necessity. The store still has only two-main entrances. The garden center and the pharmacy drive-through are obvious from the exterior itself. The applicant's contention that "lack of signage on this property will hinder business and sales" holds no merit. The signage allowance of 300 square feet is the maximum signage allowable for any business in the C-2 District and can be effectively used to install signage that would identify the business from customer convenience. A proliferation of larger signs on the façade will not eliminate the businesses along the site's frontage or the trees, which the





applicant contends are a hinderance.

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

As noted above, the Meijer is a landmark business in the township. The site has an area of approximately 40 acres and multiple entrances off Belleville Road and Tyler Road allowing customers numerous opportunities for turning into the site. Belleville Road along the site's frontage is a 5-lane roadway. A customer traveling north or south on Belleville Road has significant distance to move into the center lane and make a turn into the business. With the remodeling of the store and re-configuration of the parking lot recently approved, customers will be able to park where desired and access one of two main entrances into the store. Excessive wall signage is not going to provide any benefit in terms of site safety or access.

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

Existing signs on nearby parcels will not reduce the visibility or advertising impact of a conforming sign on the parcel. In addition to the wall signs, the subject property is also allowed a monument sign along each street frontage. In fact, approving a variance for the sign will set a precedent for excessive wall sign proliferation in the Belleville Road Corridor, with no justification. The Township has approved numerous businesses on Belleville Road in the past few years, all of which have complied with the sign ordinance regulations. Another recent request for a sign variance was also denied.

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

Conformance with the wall signage requirements would not result in the removal or alteration of natural feature son the site. The trees on the site are part of the requirement for landscaping of parking lot islands, greenbelt landscaping and frontage landscaping along Belleville Road. Belleville Road is part of the Township's core downtown area and the streetscape plan with trees goes a long way towards creating that image. Removal of mature trees or removal of any vegetation for "sign visibility" is not sound planning.

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

The variance is related to a wall sign, not monument sign; therefore, construction of a conforming sign would not obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.

Section 12.403 (C) Appeals.

- 1) **That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose and would thereby render the**



conformity unnecessarily burdensome for other than financial reasons.

Strict compliance with the wall sign area requirements would permit the applicant to provide a large amount of signage on the building facades, in addition to the monument signage allowable for the site. The volume of signage allowable is far greater than most businesses in the Belleville Road corridor. As discussed previously, the applicant's reasoning regarding lack of visibility and ability to direct customers based on sign area alone, holds no merit.

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

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

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

There are no unique circumstances associated with the subject property. The subject site is one of the largest C-2 zoned parcels within the Township and is also a corner lot. As a result, the amount of wall and ground signage allowed by the Ordinance is significantly higher than most other parcels in the area.

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

The applicant's contention that the signage is required to direct customer traffic and increase business to the site and benefit customers is not substantiated by any facts or data. The need for the variance is due to the applicant's desire for large signs on their newly renovated stores, which is a self-created problem. As previously noted, the subject site is located within the core downtown area where street trees and outlots form an important component of the overall streetscape design.

Section 12.403 (D) Standards of approval.

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

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

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

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

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

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



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

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

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

Allowing the proposed sign height and sign area is not likely to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

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

Approval of a larger wall signs without adequate justification will alter the character of the Belleville Road commercial corridor and set an undesirable precedent.

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

The purpose of zoning regulations is to provide for orderly and planned use of land. The request at this time is contrary to the interest of the Zoning Ordinance and sound planning principles.

Recommendation

Subject to any additional information presented and discussed by the applicant, Board, and/or the public during the public hearing and incorporated into the record prior to any findings being made, we recommend that the Board of Zoning Appeals **deny** the requested variance for the Meijer Inc. property located at 9701 Belleville Road. The above recommendation is based on the following findings of fact:

1. The signage permitted by the ordinance will have as much visibility on Belleville Road as any of the other businesses.
2. The applicant's statement that larger signs will increase business is not supported by any facts or data.
3. The subject site has multiple points of access.
4. There is no data to substantiate the statement that the sign as allowed by the ordinance will impede the applicant's ability to service customers.
5. The wall signage allowed is in addition to two (2) monument signs allowable for the site.
6. Strict compliance with the sign area requirements would allow for a substantial sign similar to all other commercial properties on Belleville Road.
7. The requested variance would provide substantial justice to the applicant, but is not reasonable to other property owners who have complied with the Ordinance standards.
8. There are no unique circumstances associated with the subject parcel.
9. The problem necessitating the variances is self-created.
10. The proposed variances are related to the valid exercise of police power.
11. The proposed variances will not impair an adequate supply of light and air to adjacent property or increase the congestion in public streets.
12. The proposed variances will not increase the hazard of fire or flood or endanger the public safety.
13. The variances are likely to have long term impact on the Belleville Road corridor for sign proliferation.
14. The variances are not likely to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.



15. The variances are likely to alter the essential character of the neighborhood.
16. The variances requested are contrary to the intent of the Zoning Ordinance and sound planning principles.

Respectfully,
McKENNA

Vidya Krishnan Senior
Senior Principal Planner

Cc: Dan Power, Director of Planning and Economic Development

Meijer Store #72 - Van Buren Township, Wayne Co., Michigan

Owner: Meijer, Inc. (successor by merger with Good Will Co., Inc.)

Store/Gas Station Parcel as of January 2021

Part of the Northwest Quarter of Section 15, Township 3 South, Range 8 East, Van Buren Township, Wayne County, Michigan being more particularly described as follows:

Commencing at the Northwest corner of said Section 15; thence North 86 degrees 37 minutes 41 seconds East (this and all subsequent bearings are referenced to the Michigan State Plane Coordinate System of 1983, South Zone), 60.13 feet along the north line of said Northwest Quarter to the east line of the Bellville Road being the first parcel described in a Grant of Right of Way to the Board of County Road Commissioners of the County of Wayne recorded in Liber 29410, Page 364, Wayne County Records; thence South 07°06'22" East, 60.13 feet along the east line of said Bellville Road to the south line of Tyler Road being the second parcel described in said Grant of Right of Way document and the POINT OF BEGINNING; thence North 86°37'44" East, along said south line, 277.96 feet; thence South 03°28'48" East, 196.11 feet; thence North 86°39'38" East, 302.62 feet; thence North 03°09'41" West, 196.28 feet to said south line of Tyler Road; thence North 86°37'41" East, along said south line, 500.61 feet; thence South 03°22'19" East, 353.88 feet; thence North 87°45'01" East, 260.76 feet; thence North 27°33'51" East, 197.02 feet; thence North 02°56'09" West, 190.00 feet to said south line of Tyler Road; thence North 86°37'41" East, along said south line, 300.00 feet; thence South 02°56'09" East, 1209.31 feet; thence South 87°45'17" West, 1660.18 feet to said east line of Belleville Road; thence North 07°06'22" West, along said east line, 130.07 feet; thence South 89°43'56" East, 52.75 feet; thence 60.18 feet along a curve to the right having a radius of 402.00 feet and a chord bearing South 76°41'13" East, 60.12 feet; thence South 74°02'18" East, 33.00 feet; thence 53.42 feet along a curve to the left having a radius of 28.00 feet and a chord bearing North 51°17'58" East, 45.68 feet; thence North 03°21'47" West, 648.11 feet; thence 43.99 feet along a curve to the left having a radius of 28.00 feet and a chord bearing North 48°21'47" West, 39.60 feet; thence South 86°38'13" West, 194.54 feet to said east line of Belleville Road; thence North 07°06'22" West, 376.75 feet along said east line to the Point of Beginning. Containing: 39.35 Acres, more or less.

Tax Parcel Number: 83-058-99-0006-710 (formerly 83-058-99-0006-705)

Address: 9701 Belleville Road, Belleville, MI 48111



Jennifer Carper
Project Manager | Blair Image Elements
5107 Kissell Avenue, Altoona, PA 16601
jcarper@blairimage.com
P: 814-283-2264 | C: 814-312-8560

Dear BZA,

On behalf of our customer, Meijer, we are requesting a variance for the upgrade of current signage at the existing Meijer store, located at 9701 Belleville Rd, Belleville, MI 48111.

The signage proposed is based on a brand standard that the Meijer Company uses uniformly across all of their store locations. Meijer uses this branding to not only to identify their store, but to identify their values to the customers. Meijer is well-known for the freshness of their products, and they take pride in reflecting the same reputation with their company branding and store image across all locations. Therefore, we kindly request for this variance to be granted for the proposed signage below.

Building Signage

Currently Existing: 266.07 ft²

Proposed: 599.88 ft²

→

→

Gas Station Signage

Currently Existing: 0 ft²

Proposed: 28.89 ft²

Total Proposed Signage: 628.77 ft²

In order to reduce the overall square footage of signage, some of the current signage has been reduced and/or eliminated. For example, we have eliminated the existing "Parcel Pick-up" and "Bellacino's" signage from the building. Also, the gas station currently has three canopy signs. We are proposing only one canopy sign as a replacement. We have also proposed to eliminate the lit "Welcome" signage from the building, but instead add vinyl "Welcome" graphics to the glass area located above the entrance doors.

Regarding Sec. 11.116

Meijer customarily requests large signage for their locations due to the unique circumstances of their properties. Their buildings are typically located at a far distance from the road. In this instance, the building sits 600+ feet from the main road (Belleville Rd) and behind multiple businesses. A tree line along the front of the parcel obstructs the direct view to the building. The large signage proposed will allow the customers to identify the building given the significant distance from the road. The additional signage (Home, Fresh & Pharmacy) is key in letting the customer identify which part of the store they may need to access for quick shopping.

Regarding Sec. 12.403(D)

The request for larger signage will not require a change in use or activity. This proposed signage will increase the value of the property and properties surrounding. The upgraded signage will have new LED lighting, which will decrease the risk of fire hazard.

Regarding Sec. 12.403(C)

The lack of signage on this property will hinder the customer flow into the business, in-turn hindering the number of sales. The signage purposed is also used to save the customer time by identifying the different sections of the store to enter--i.e., Fresh, Home, Pharmacy. This time saving technique drives the business.

In conclusion, we hope that you will consider accepting the signage as proposed. The upgrades will drive business for Meijer, and in-turn increase profits for the Township.

Thank you,

A handwritten signature in cursive script that reads "Jennifer Carper".

Jennifer Carper, Project Manager, Blair Image Elements

BRANDBOOK CHECKLIST

BRANDBOOK

CLIENT: Meijer Store 72
LOCATION: 9701 Belleville Rd
Belleville, MI. 48111
DATE: 11/21/22
VARIANCE: YES

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PAGE 4 - ARCHITECTURAL DRAWINGS
PAGE 5 - S1 Existing / Proposed Element
PAGE 6 - S1 Sign Proportions
PAGE 7 - S2 /S4 Existing / Proposed Element
PAGE 8 - S2 Sign Proportions
PAGE 9 - S3/S4 Existing / Proposed Element
PAGE 10 - S3 Sign Proportions
PAGE 11 - S4 Sign Proportions
PAGE 12 - S5 Existing / Proposed Element
PAGE 13 - S5 Sign Proportions
PAGE 14 - S6 Existing / Proposed Element
PAGE 15 - S6 Sign Proportions
PAGE 16 - S7 Existing / Proposed Element
PAGE 17 - S7 Sign Proportions
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PAGE20 - S9 Existing / Proposed Element
PAGE21 - S9 Sign Proportions
PAGE22 - S10 Existing / Proposed Element
PAGE23 - S10 Sign Proportions
PAGE24 - Code Check
PAGE25 - Safety Criteria

CONTACTS

Project Manager: Jennifer Carper
Email: jcarper@blairimage.com
Phone: 814-283-2264

DOCUMENT INFO

BLAIR PROJECT#: 98903
SALES ORDER #: N/A
DOC #: AD-MEI-98903-220526-6



DESIGNER CHECK

(initials)

DATE CHECKED

PjM CHECK

(initials)

DATE CHECKED

1. INFORMATION ACCURACY

- a) Client Name
- b) Site Address / Location
- c) Project and Sales Order Number
- d) Date and Rendering Revisions w/ Revision Note(s)
- e) Required Item Notes or N/A

2. BRANDING ELEMENTS

- a) Brand Standard document number and revision or N/A
- b) Branding Elements and / or services meet current revision of Brand Standard identified
- c) Branding Elements and descriptions contained in Rendering match Branding Elements and descriptions in Proposal / Quote

CUSTOMER APPROVAL

☐ Approved

☐ Approved as Noted

☐ Not Approved
Resubmit with Changes

Print Name

Title

Signature

Date



BRANDBOOK

CLIENT: Meijer Store 72
LOCATION: 9701 Belleville Rd
Belleville, MI. 48111
DATE: 11/21/22
VARIANCE: YES

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PAGE20 - S9 Existing / Proposed Element
PAGE21 - S9 Sign Proportions
PAGE22 - S10 Existing / Proposed Element
PAGE23 - S10 Sign Proportions
PAGE24 - Code Check
PAGE25 - Safety Criteria

CONTACTS

Project Manager: Jennifer Carper
Email: jcarper@blairimage.com
Phone: 814-283-2264

DOCUMENT INFO




BLAIR PROJECT#: 98903
SALES ORDER #: 67563
DOC #: AD-MEI-98903-220526-6

BRAND STANDARD
REVISION DATE:

All provided image elements and / or services meet the current brand revision.

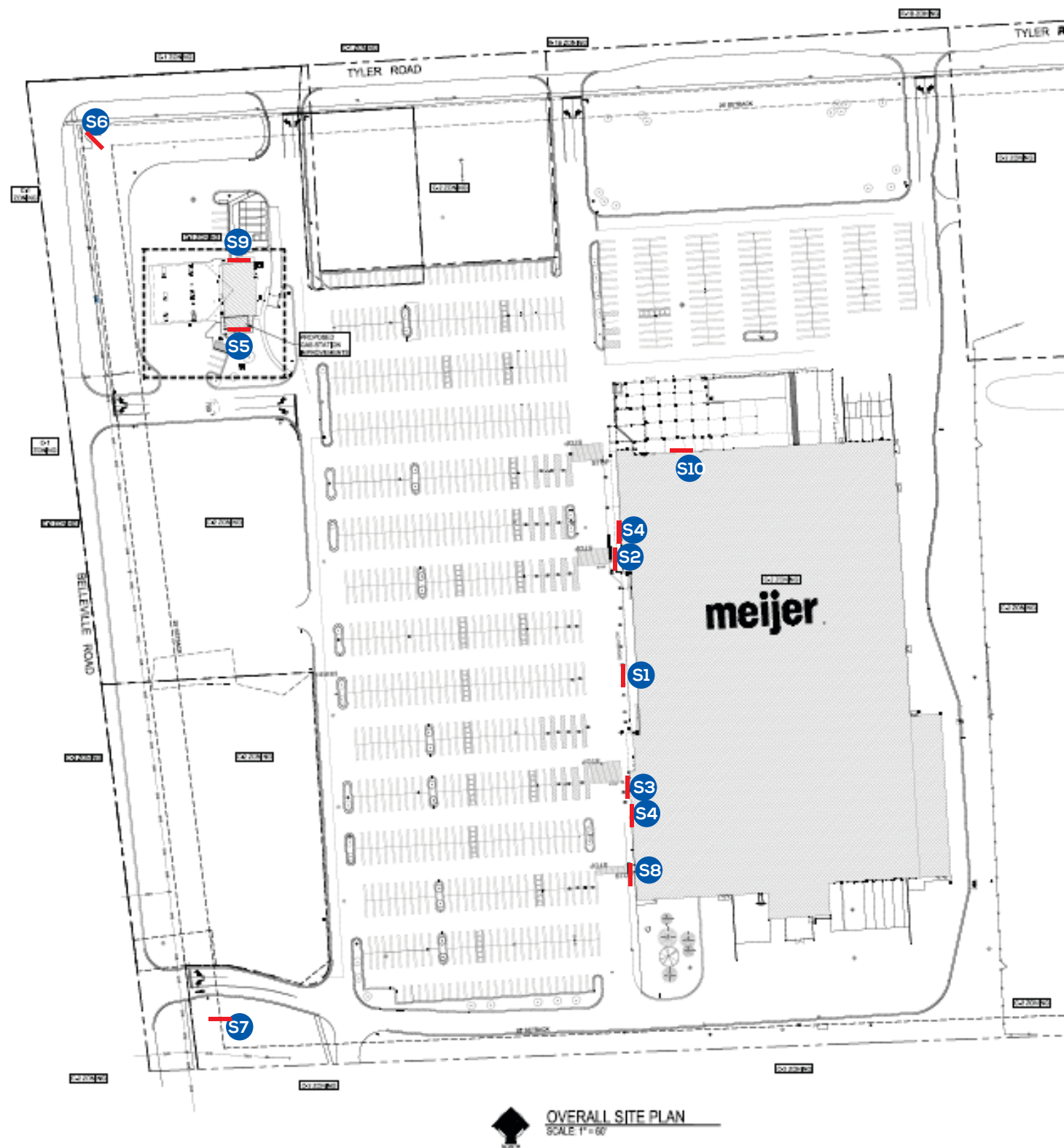
The following image elements and / or services do not meet the current brand standard due to municipal code and / or specific site conditions.



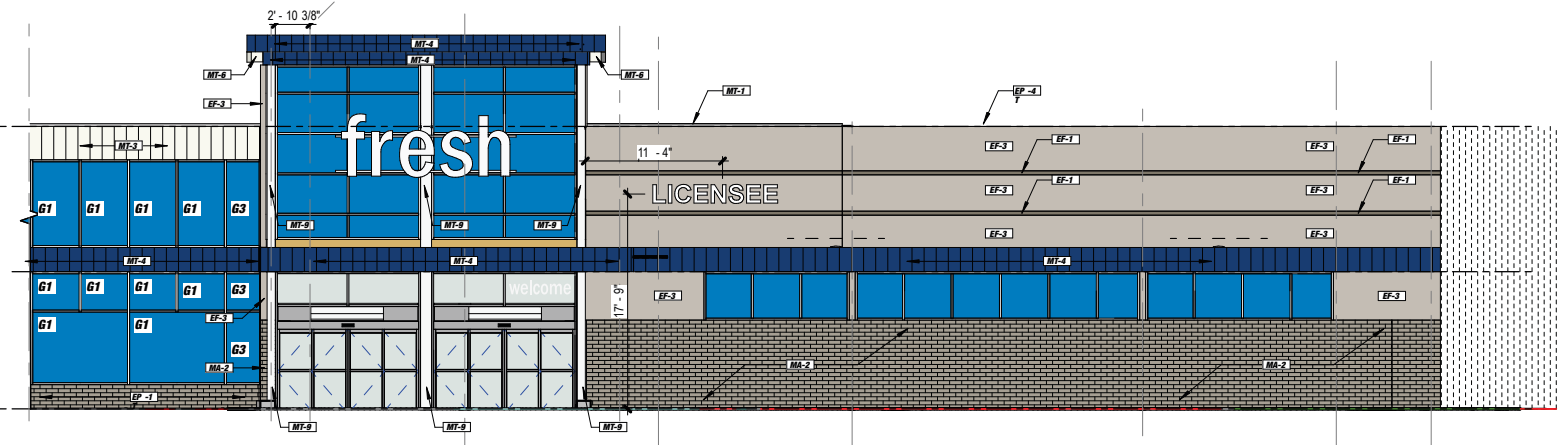
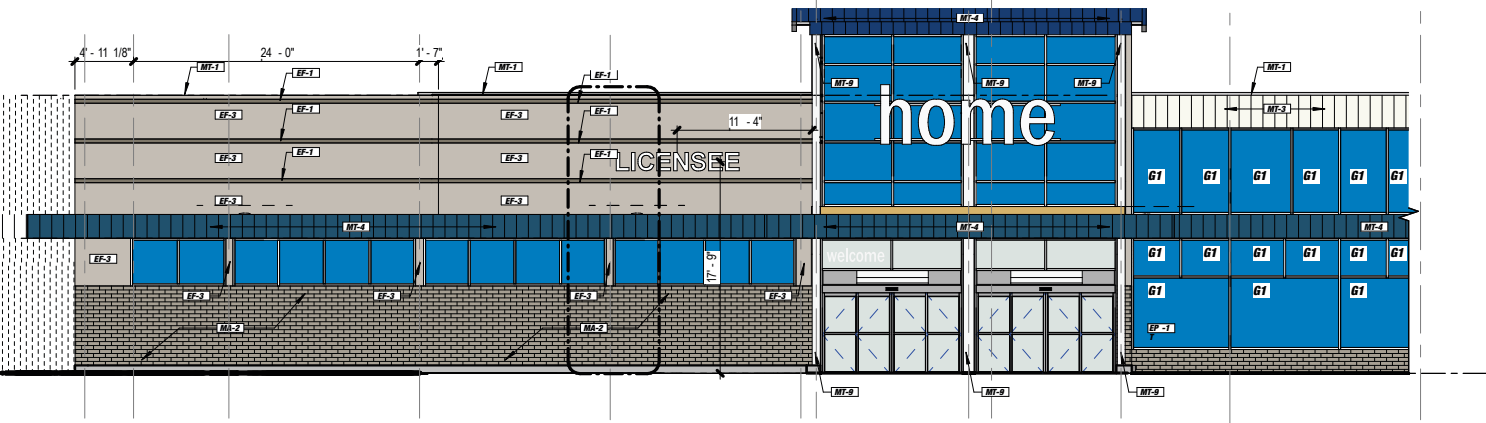
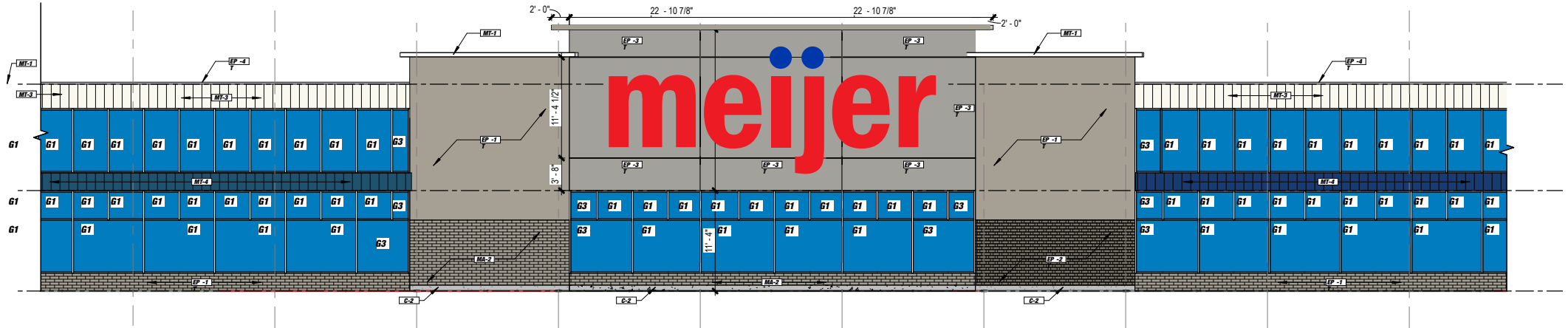
COLOR SPECIFICATIONS	
	MEIJER BLUE (PMS 286 C)
	MEIJER RED (PMS 485 C)
	WHITE



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[illegible]

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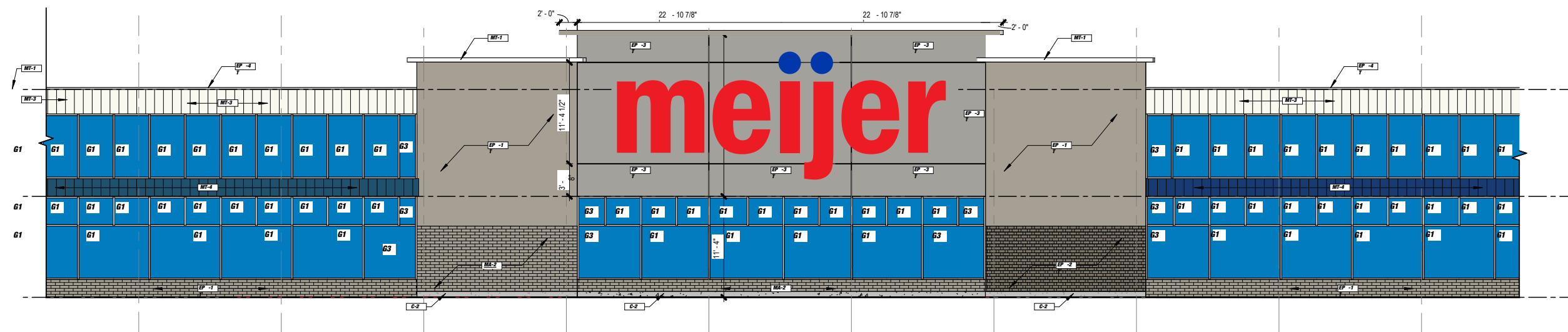


SCOPE OF WORK

1. Remove existing channel letters (by GC)
2. Install new channel letters on new facade

GC to provide electrical

EXISTING SIGNAGE



PROPOSED SIGNAGE

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Meijer Store 72
9701 Belleville Rd
Belleville, MI. 48111

STORE #
72

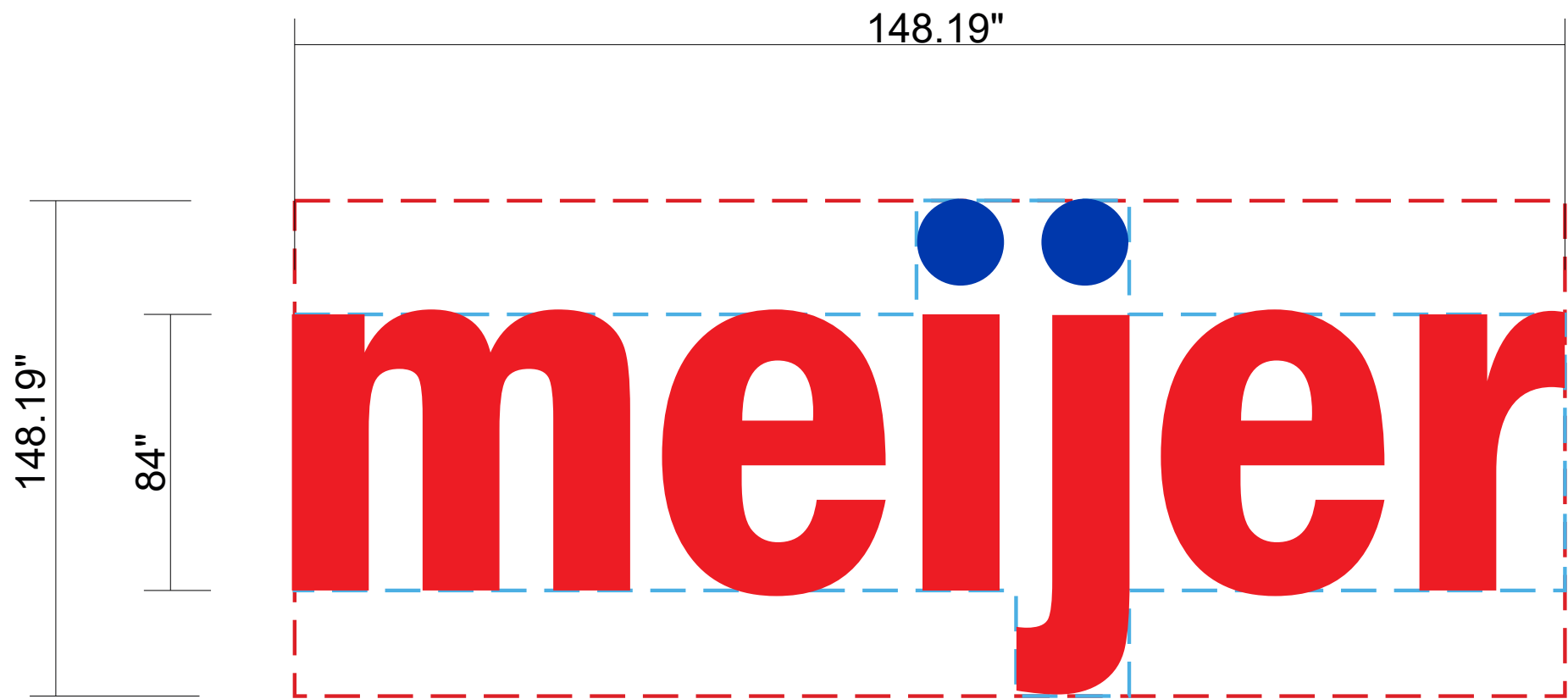
S1 - EXISTING / PROPOSED
SITE ELEMENTS

Page 5

Rev: 6
Date: 11/21/22
Doc #: AD-MEI-98903-220526-6
Blair Project #: 98903
Blair Sales Order #: 67563

Blair Image Elements
5107 Kissell Avenue
Altoona, PA 16601
P: (814) 949.8287
blairimage.com

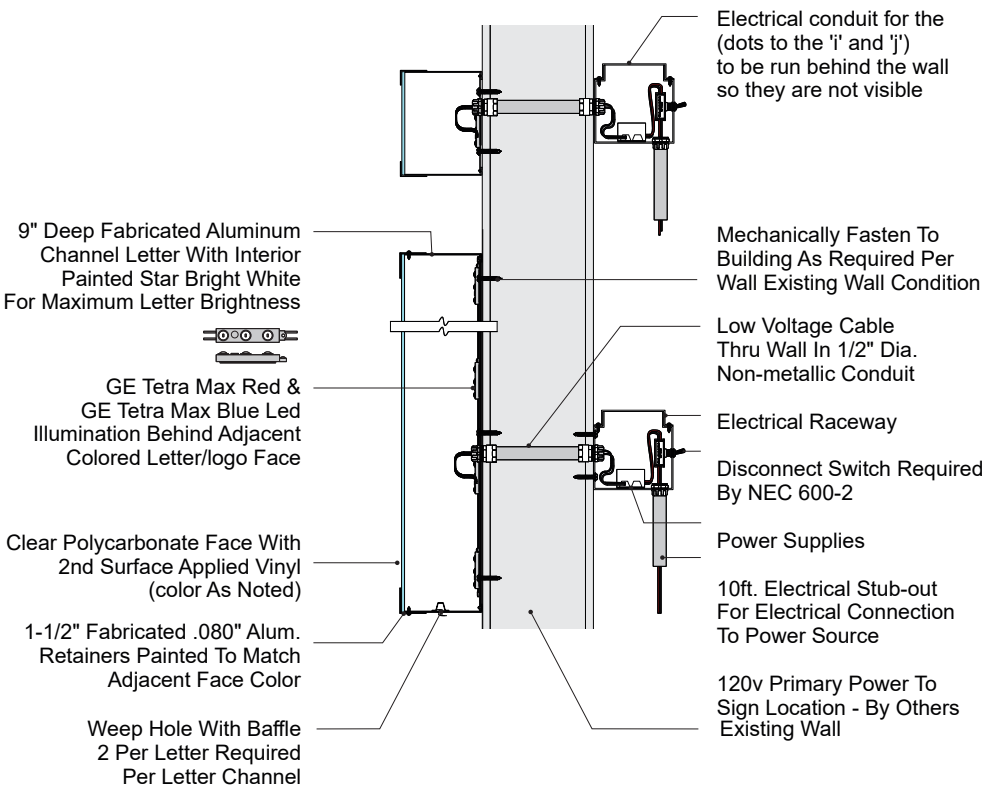




LED Face Lit Wall Logo

392 sq ft

Front Elevation



SECTION DETAIL: Coordinate With Civil Engineer For Final Approval And Processing
Not To Scale:

"MEIJER" COPY:

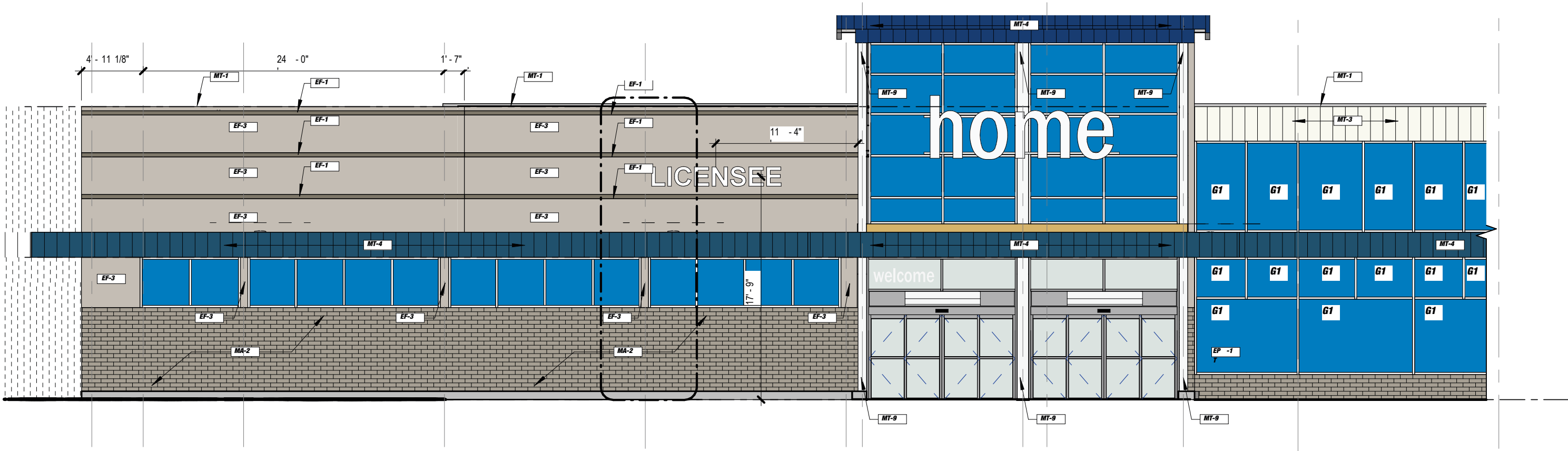
- FACES:** .177 Clear Polycarbonate With 2nd Surface applied Translucent Red Vinyl Overlays
- RETAINERS:** 1-1/2" Fabricated .080" Alum. Retainers Painted Red (per Spec)
- BACKS:** .100" Alum. - Interior Painted Star Brite White
- RETURNS:** 9" Deep Fabricated .063" Alum. - Interior Painted Star Brite White,
- "MEIJER" LIGHTING:** GE Tetra Max Red LED (qty. & Layout As Req. By Manufacturer)
- DOTS :** GE Tetra Max Blue LED (qty. & Layout As Req. By Manufacturer)
- GENERAL SPECS:** Flush Mounted Letters And Logo, Mechanical Fasteners As Req. Per Wall Type
Remote Located Led Power Supplies (in Box As Required)
120v Primary Electrical Feed With Disconnect By Others

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SCOPE OF WORK

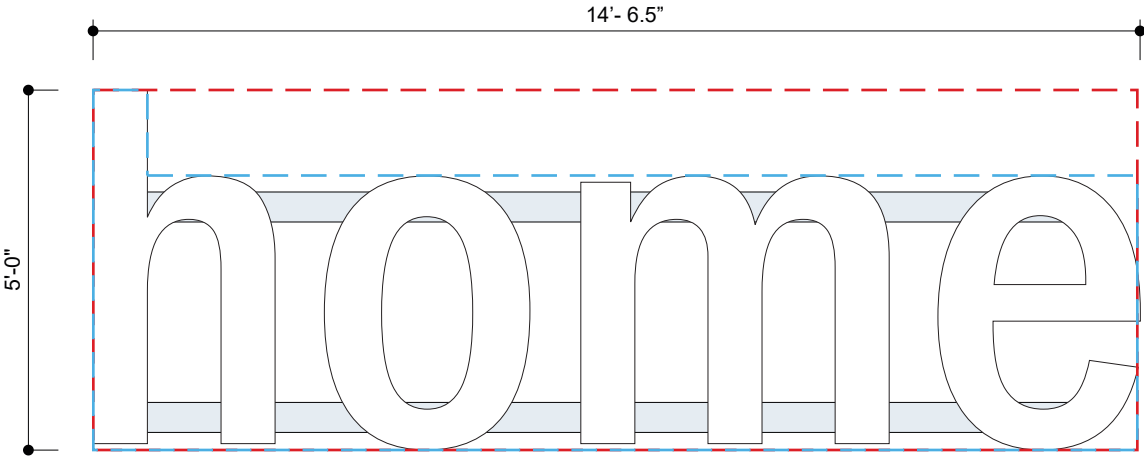
1. Manufacture and install new HOME channel letters

GC to provide electrical

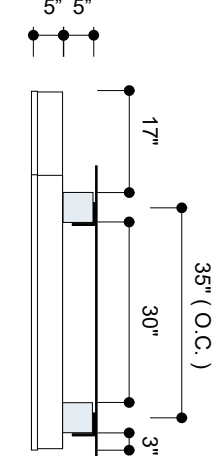


PROPOSED SIGNAGE

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Front Elevation



Side Elevation
Scale: 3/8"=1'-0"

LED Face Lit “Home” Letters
Channel Letters on Raceway

72.71 sq ft



INSTALLED RENDERING NEW SIGN

LETTER SPECS:

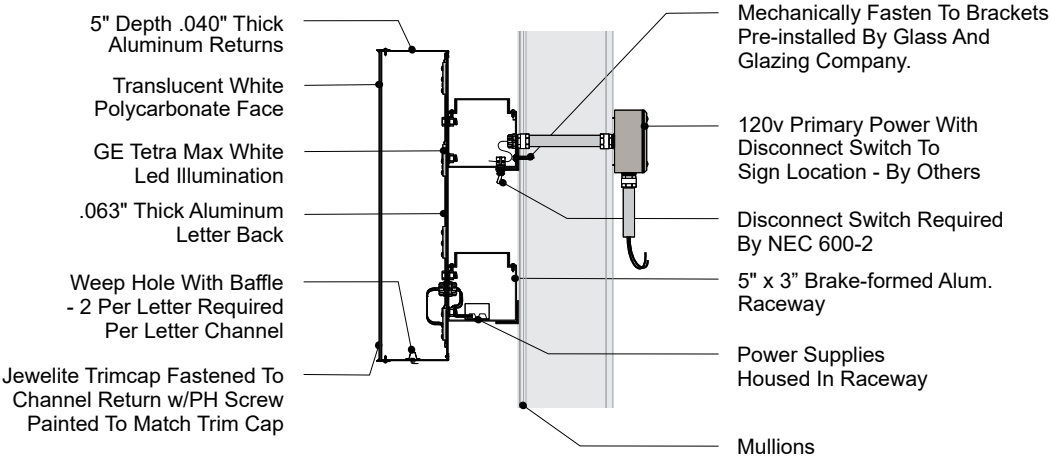
- FACES:** .177 White polycarbonate
- TRIM CAP:** 1" White Jewelite trim cap
- BACKS:** .063" alum. - prefinished White interior
- RETURNS:** 5" deep .040" White alum. Coil Prefinished White interior
- LIGHTING:** GE Tetra Max White LED (Qty. & Layout by manufacturer)
- RACEWAY:** 5"x 3" Brake-formed .063" Aluminum, Painted Akzo Nobel Brushed Aluminum

GENERAL SPECS:

Raceway mounted letters mounted to upper glass of entry tower
New channel letters to be installed on Brackets pre-installed by glass and glazing company.

LED power supplies contained within raceway

120V primary electrical feed with disconnect by others

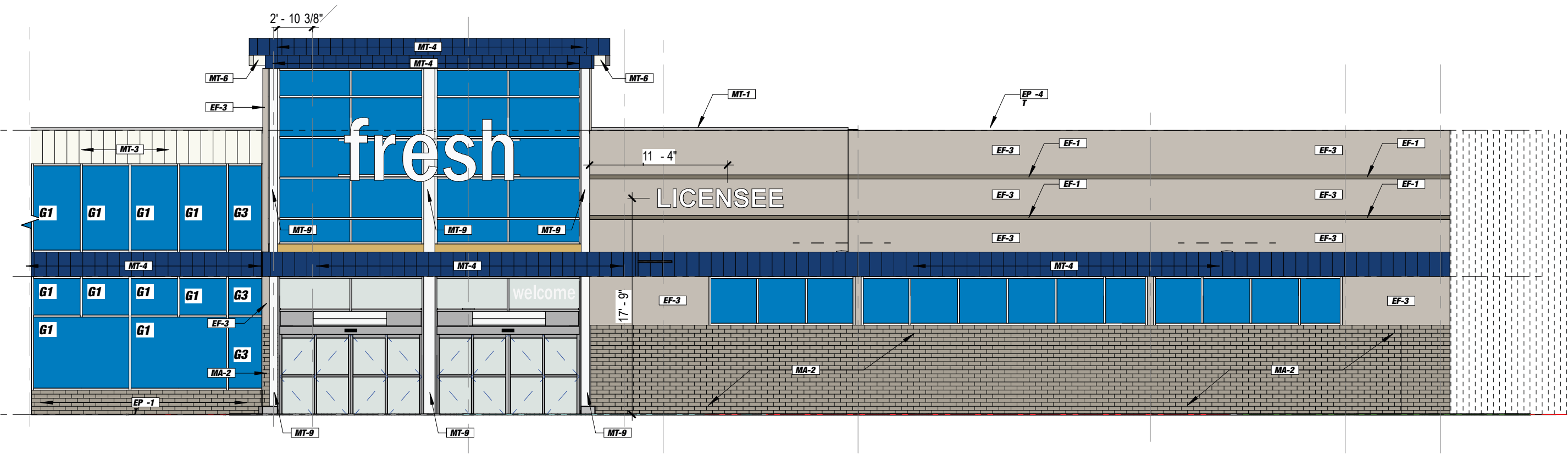


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SCOPE OF WORK

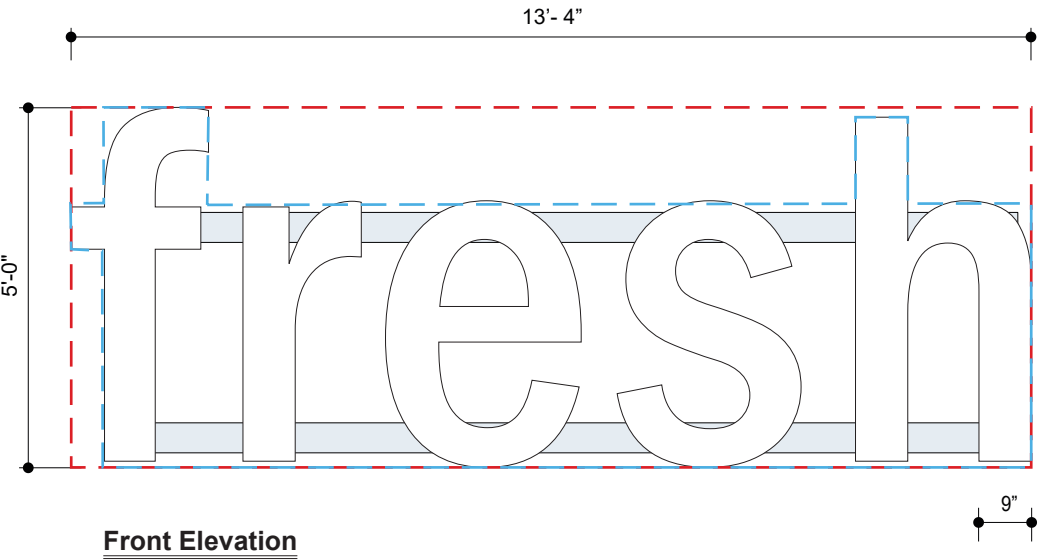
1. Manufacture and install new FRESH channel letters

GC to provide electrical

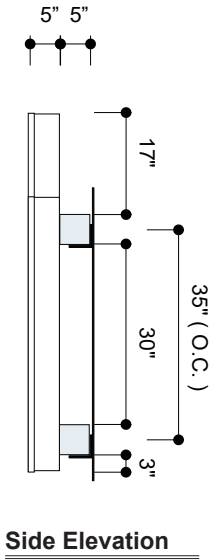


PROPOSED SIGNAGE

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Front Elevation



Side Elevation
Scale: 3/8"=1'-0"

LED Face Lit “Fresh” Letters 66.67 sq ft

LETTER SPECS:

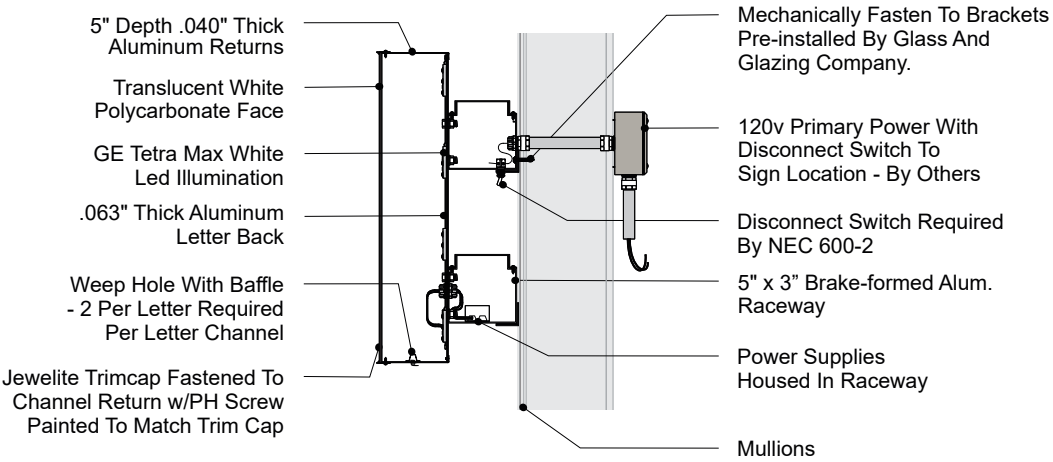
- FACES:** .177 White polycarbonate
- TRIM CAP:** 1" White Jewelite trim cap
- BACKS:** .063" alum. - prefinished White interior
- RETURNS:** 5" deep .040" White alum. Coil
Prefinished White interior
- LIGHTING:** GE Tetra Max White LED
(Qty. & Layout by manufacturer)
- RACEWAY:** 5"x 3" Brake-formed .063" Aluminum,
Painted Akzo Nobel Brushed Aluminum

GENERAL SPECS:

Raceway mounted letters mounted to upper glass of entry tower
New channel letters to be installed on Brackets pre-installed by
glass and glazing company.

LED power supplies contained within raceway

120V primary electrical feed with disconnect by others



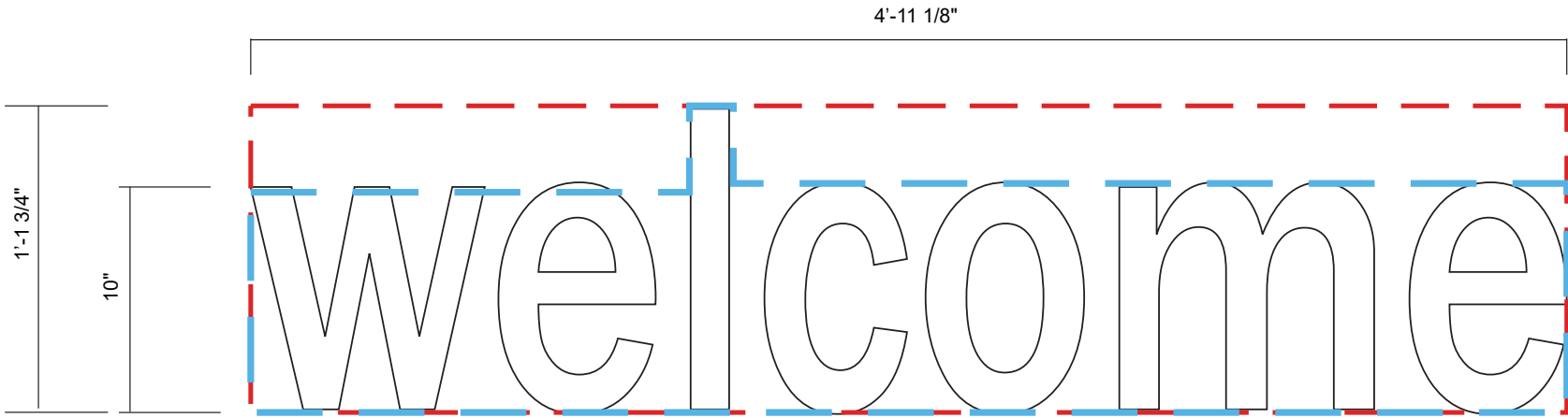
INSTALLED RENDERING NEW SIGN

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SCOPE OF WORK

1. Manufacture and install new vinyl graphic

QUANTITY 2



WELCOME SIGN: VINYL

5.65 sq ft

COPY: Die-cut high performance
White vinyl graphics

INSTALL: Surface applied to window
as required



INSTALLED RENDERING NEW SIGN

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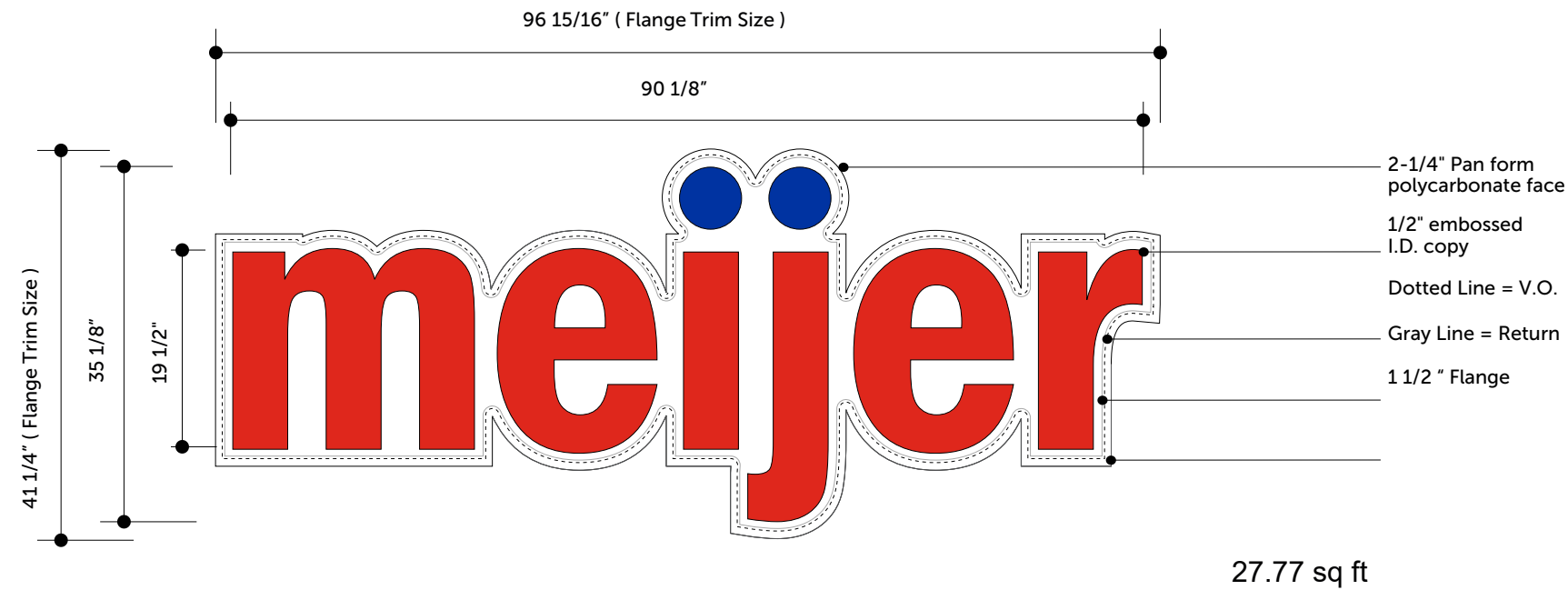


PROPOSED SIGNAGE

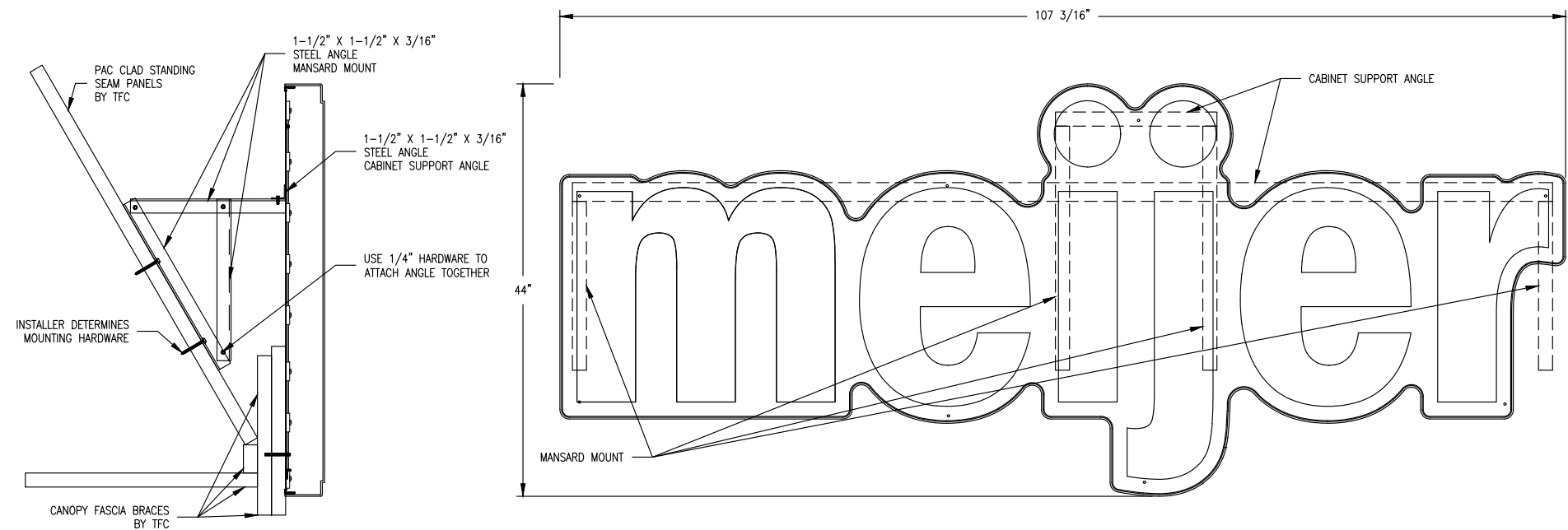


EXISTING SIGNAGE

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Front Elevation: Blue Banding Detail
Gas Canopy Sign Layout



SCOPE OF WORK

1. Install new sign cabinet

TFC Canopy to provide electrical

.063" Acn Backer Painted Map White (by Others) 24" Tall Vinyl Banding Centered Vertically On Canopy Installed Around Perimeter Of Canopy

Panel To Be Die Cut To Accept Pan Formed Sign Face Pan Formed Polycarbonate 2-1/4" Deep Pan With 1-1/2" Flanges, Copy & Dots To Be 1/2" Embossed And Reverse Sprayed Red & Blue As Shown; Backsprayed White

EXISTING lighted gas canopy sign cabinet with hinge

Brake formed aluminum pan with routed "cloud" I.D. graphic mech. fastened to existing hinged cabinet

Aluminum weld studs for polycarbonate I.D. logo mounting

2" polycarbonate pan form (push thru) "cloud" I.D. graphic

1/2" embossed I.D. copy

Section Detail - nts

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SCOPE OF WORK

- 1. Remove existing pricer panels and install new product panels.
- 2. Install new pricer panels to match format.

Reuse existing electrical

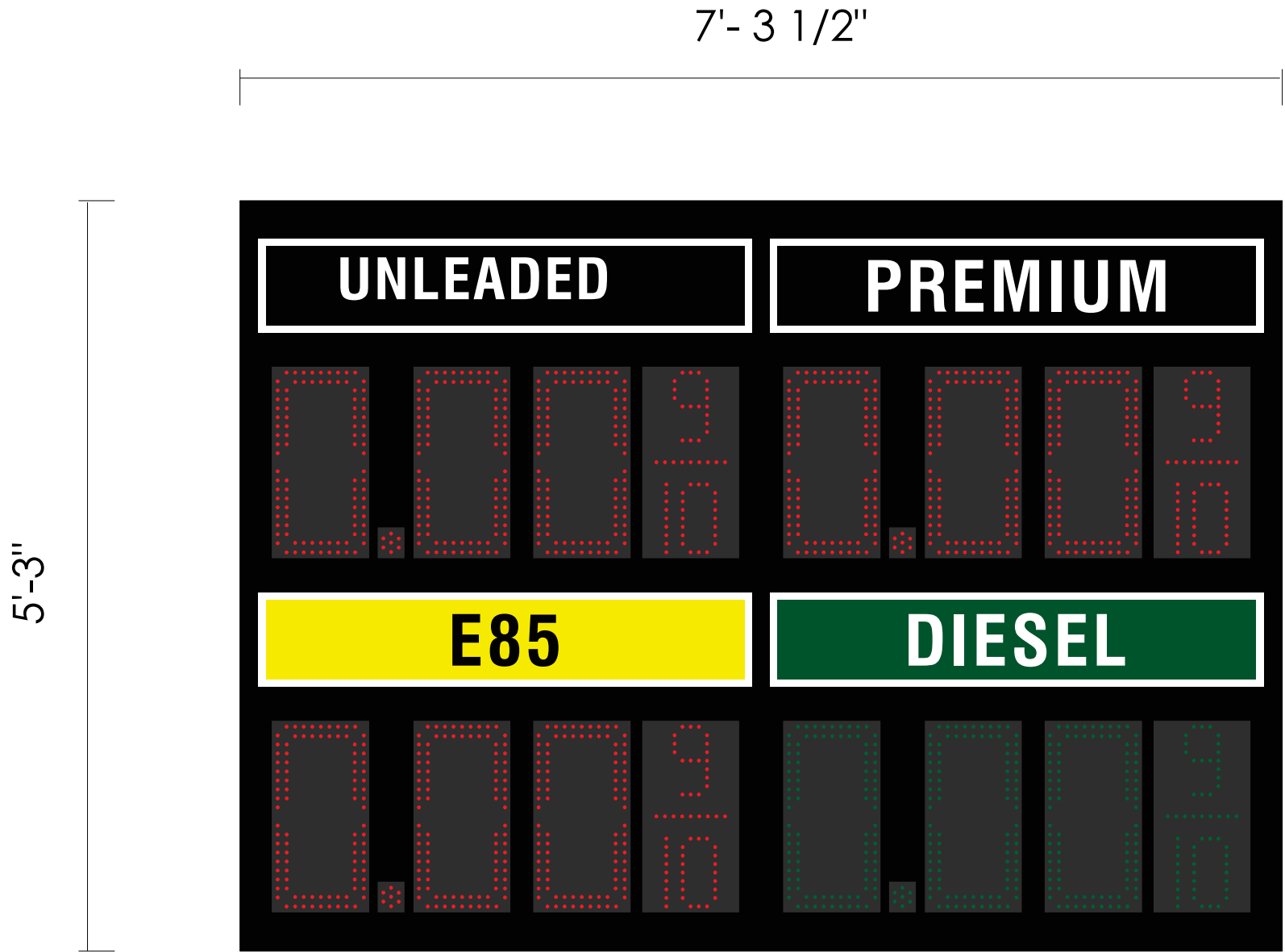


PROPOSED SIGNAGE



EXISTING SIGNAGE

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GAS PRICER: 24" deep D/F Sunshine gas pricer (as shown) with Red and Green LEDs, 20" numerals
Headers with vinyl overlays to match colors as shown Pricer cabinets provided by Sunshine and installed by BIE

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PROPOSED SIGNAGE

SCOPE OF WORK

1. Remove existing flex faces.

2. Install new flex faces w/ new clips.

3. Paint entire pylon to include poles and cabinet.

4. LED Retrofit.

Reuse existing electrical

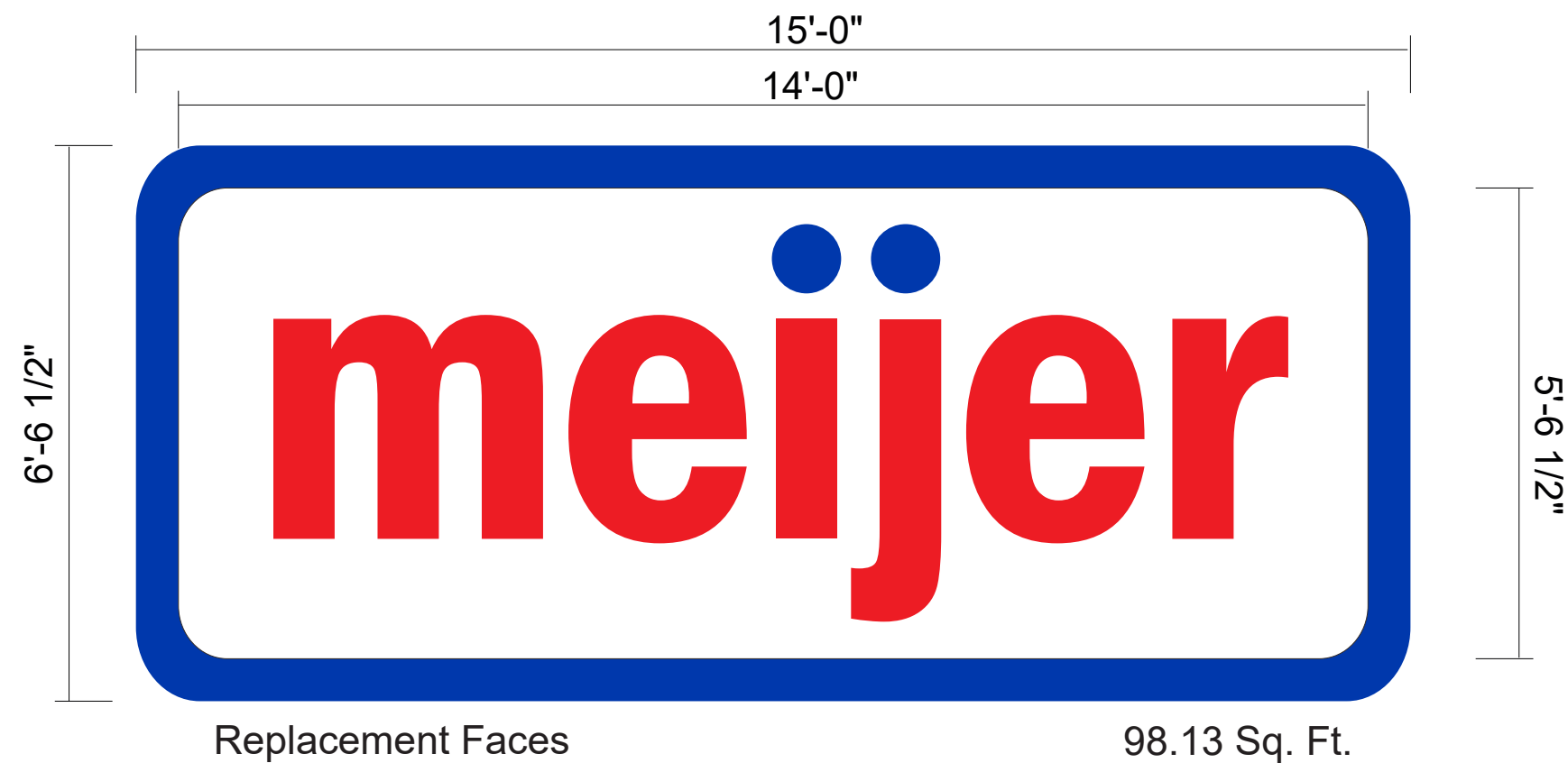


EXISTING SIGNAGE

PAINT SPECIFICATIONS:

MEIJER BLUE (PMS 286 C)

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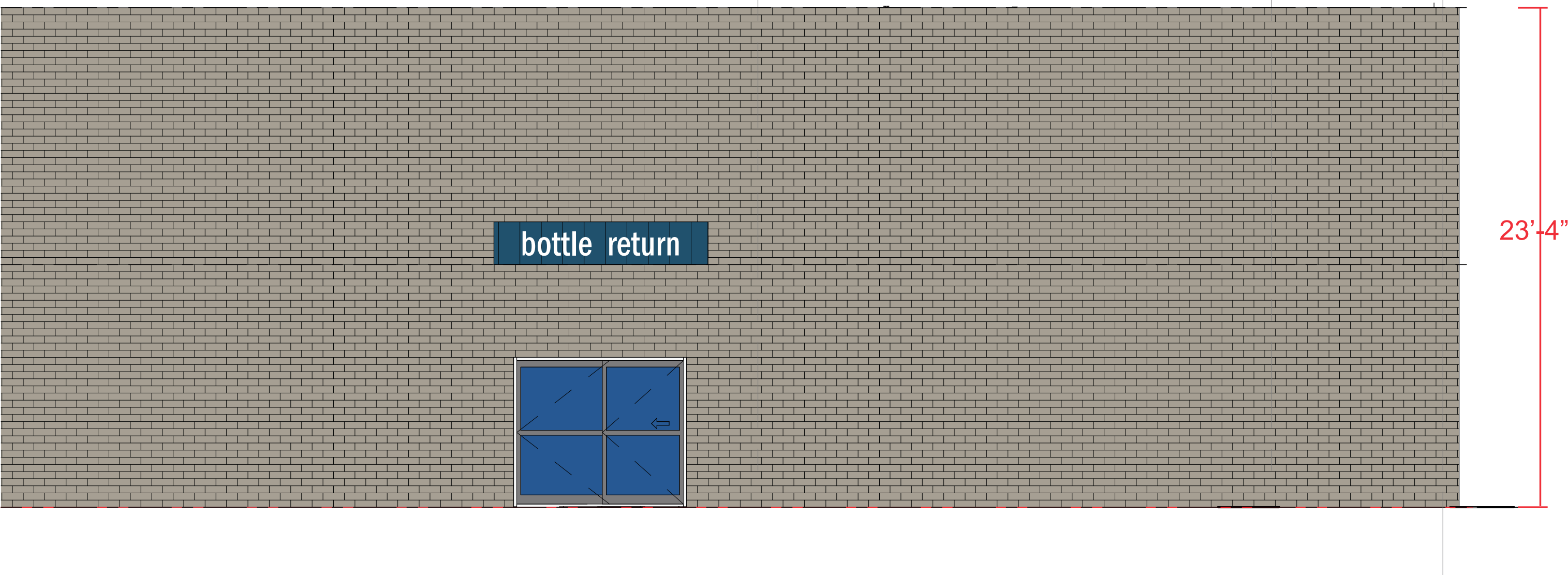


- FACE:** Flex Faces with surface applied vinyl graphics (colors as shown per spec)
- LIGHTING:** GE Tetra Power Strip 7100k White Led With Power Supplies Housed In Sign Cabinet

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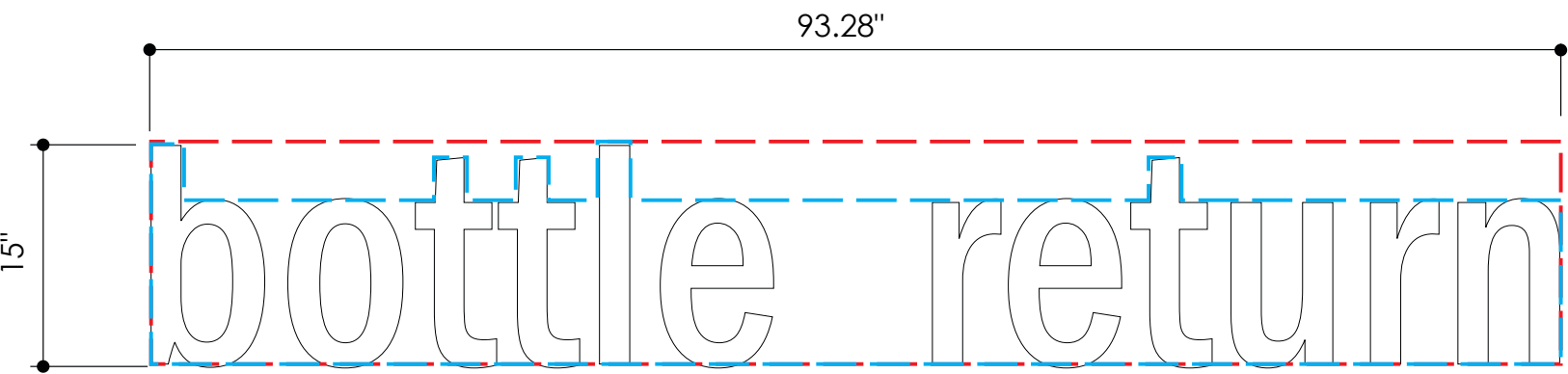
SCOPE OF WORK

- 1. Manufacture and install new BOTTLE RETURN non-lit letters on awning



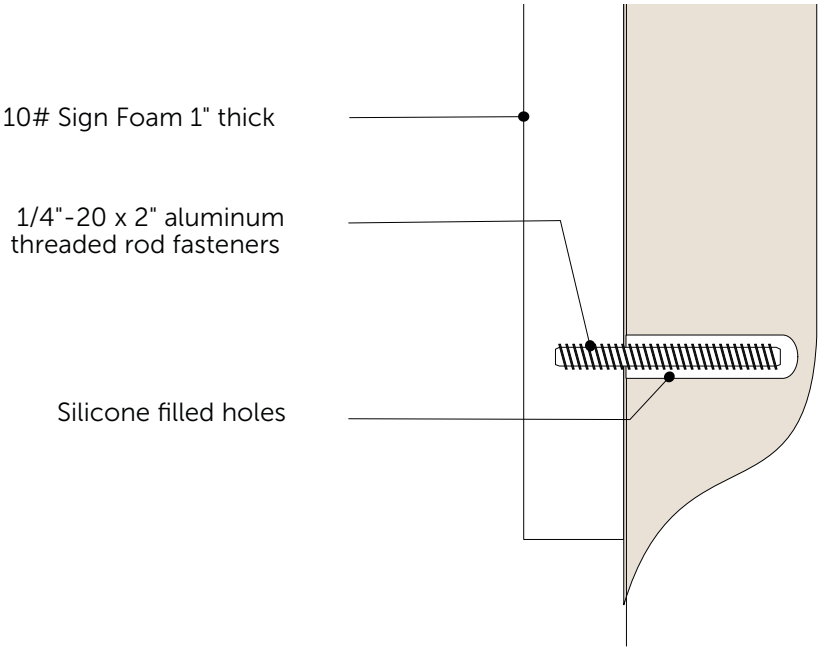
PROPOSED SIGNAGE

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BOTTLE RETURN: NON-ILLUMINATED LETTERS
9.72 Sq. Ft.

- COPY:** #10 Pound 1" Deep Sign Foam Flat Cut Letters Face &
- FINISH:** Returns Painted To Match Colors As Shown
- MOUNTING:** Flush Mounted With 1/4"-20 Aluminum Threaded (rod) Stud Fasteners In Silicone Filled Holes



SECTION DETAIL

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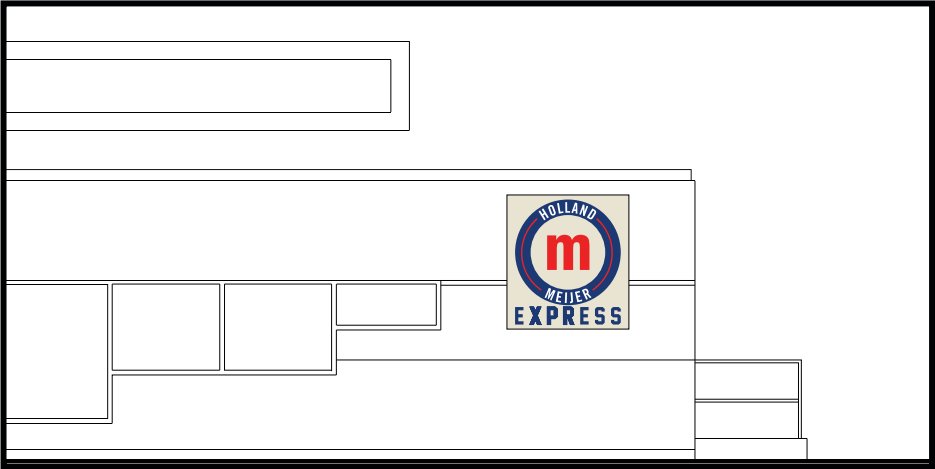
PROPOSED SIGNAGE

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SCOPE OF WORK

1. Manufacture and install new sign

GC to provide electrical



PROPOSED NEW EXPRESS SIGN:



LED Face Lit Wall Logo - N6

Channel Letters on Aluminum Backer

LETTER SPECS:

- FACES:** .177 White Polycarbonate
- TRIM CAP:** 1" White Jewelite Trim Cap, Painted As Noted
- BACKS:** .063" Alum. - Prefinished White Interior
- RETURNS:** 5" Deep .040" Alum. - Prefinished White Interior
Exterior Painted As Noted
- LIGHTING:** GE Tetra Max White LED
(Qty. & Layout by manufacturer)

GENERAL SPECS:

Flush Mounted Letters on 6" Deep Aluminum Pan Mechanical Fasteners As Req.
1 Penetrations Into The Wall For Conduits
120V primary electrical feed with disconnect by others

FABRICATION NOTES:

5" deep lighted channel letters w/ vinyl graphics
Letters flush mounted to fascia. Remote located power supplies.

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SCOPE OF WORK

- 1. Manufacture and install new PHARMACY DRIVE UP non-lit letters



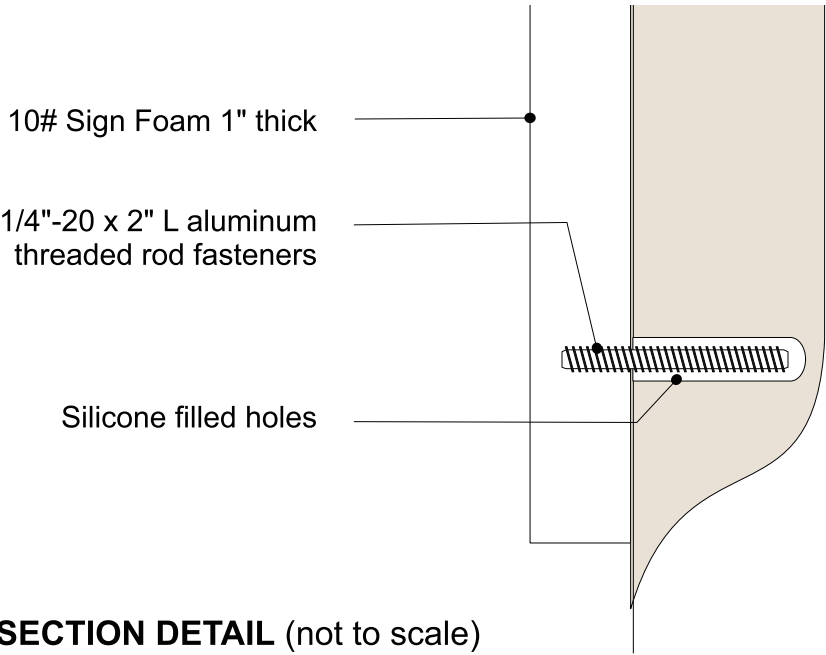
PROPOSED SIGNAGE

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Pharmacy Sign Drive Up: Non-Illuminated Letters
47.48 Sq. Ft.

- COPY:** #10 Pound 1" Deep Sign Foam Flat Cut Letters
- FINISH:** Face & Returns Painted To Match Colors As Shown
- MOUNTING:** Flush Mounted With 1/4"-20 Aluminum Threaded (rod) Stud Fasteners In Silicone Filled Holes



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	ALLOWED total sf	CURRENTLY INSTALLED	PROPOSED	CODE	VARIANCE (Y/N)
	ALLOWED total sf	CURRENTLY INSTALLED	PROPOSED	CODE	VARIANCE (Y/N)

COMMENTS

Variance info:
Time Required to Process: 2-3 Months
Variance Meeting Date: 2nd and 4th
Wednesday of each month.

!Permit leads times: Due before Issuance

Est Cost For Both:
Permits: \$200.00 per Sign + Plan
Review Variance Cost \$350.00

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JOBSITE CODE OF CONDUCT and BASIC EXPECTATIONS

SUBCONTRACTOR recognizes and agrees, that while it is an Independent Contractor from BLAIR and OWNER, SUBCONTRACTOR is an extension of, and representing, the OWNER as perceived by the general public, SUBCONTRACTOR, and any and all Approved Subcontractors, shall abide by the following Code of Conduct while performing WORK for BLAIR to meet the collective professionalism required by SUBCONTRACTOR. BLAIR and OWNER.

- No profanity.
- No offensive clothing.
- No smoking unless in designated area away from the work area.
- No loud music.
- No Horseplay.
- Be respectful and courteous of the location and work site, customers, patrons and the general public,
- Notify location/site manager upon arrival to and departure from site/location_
- Review work and safety plan with location/site Manager.
- Mark *off* work areas with cones and caution tape.
- Use proper PPE (Personal Protective Equipment).
- Maintain a clean, organized and orderly work site.
- Dispose of trash properly; recycle as able.
- Do not bring pets or animals to work site.

Active site locations are not to be left unbranded at completion of daily work schedules. Temporary Banner(s) are to be installed at designated location(s).

INSTALLATION INSTRUCTIONS

Contact your Blair Image Elements' Project Manager for full product installation instructions.

Installation instructions will also be provided on the product crate upon delivery. They will typically be in a plastic sleeve attached directly to the product crate.

All necessary hardware to be provided by installer.

COMMUNICATION and WORK IN PROCESS and COMPLETION PHOTOGRAPHS

SUBCONTRACTOR and any and all Approved Subcontractors, will at a minimum, provide routine communication to BLAIR Project Manager with respect to WORK at the site/location, including but not limited to:

- confirmation text within 15 minutes of arrival at site/location
- mid-day text providing WORK status
- text within 15 minutes of leaving site providing completed WORK status and related photographs of completed WORK and work in process
- completion photographs of lit branding elements requires either night time photographs or photographs showing illuminated LEDs or bulbs.

This communication is required by OWNER who routinely expects daily updates to WORK progress at any given site/location.

SUBCONTRACTOR and any and all Approved Subcontractors, will not begin WORK at site/location, or leave WORK site/location without first communicating with BLAIR Project Manager.

In the event there are questions, concerns, or additional direction is needed, SUBCONTRACTOR and any and all Approved Subcontractors. while on site/location will contact BLAIR Project Manager over the site/location for assistance

. Upon completion of WORK, SUBCONTRACTOR and any and all Approved Subcontractors, will obtain written acceptance of completed WORK from site/location Manager and provide a copy of such to BLAIR.

SAFETY CRITERIA

All installers working for Blair must complete the Blair Safety Certification Program.

All Blair subcontractors working on a petroleum site must have a valid API Certification, follow the established guidelines set forth by API as well as follow any local, state. or federal laws.

- Perform a Pre-Task Job Safety Analysis.
- Understand how and where to obtain First-Aid and medical treatment. including CPR.
- Use the proper level of PPE per the assigned task.
- Only use tools that are in safe working order before using them.
- Always use tools for their intended purpose and never over their safe working limit.
- Employees operating vehicles must conform to all DOT requirements as well as API regulations.
- Use proper fall arrest equipment.
- Understand the requirements for working at height on a job site.
- Properly barricade the work area from the public in accordance with Section 8 of the API guidelines.
- Only competent and trained people using approved equipment in a manner in accordance with Section 10 of the API guidelines should perform lifting duties.

Examples of Equipment Include: Personal Protective Equipment. Barricade, Crane, Hoist, Bucket Truck, Scissor Lift, Ladder, Vinyl Applicators (Squeegee or Application Liquid). Welder/Torch. and Hand Tools/Power Tools

SERVICE CONTACT

Service Contact: (814) 283-2177
Service Hours: 8:00 am to 4:30 pm EST, Monday - Friday
website: www.blairimage.com/support
email: service@blairimage.com

After hours / holiday emergencies, call (800) 563-9598

These drawings are not for construction purposes. The information contained herein is intended to express design intent only. This original design is the sole property of Blair Image Elements. It cannot be reproduced, copied or exhibited, in whole or in part, without first obtaining written consent from Blair Image Elements.

CHARTER TOWNSHIP OF VAN BUREN - CORRECTED
BOARD OF ZONING APPEALS
PUBLIC HEARINGS

Notice is hereby given that the Charter Township of Van Buren Board of Zoning Appeals (BZA) will hold public hearings on **Tuesday, January 10, 2023 at 7:00 p.m.**, at the Van Buren Township Hall, 46425 Tyler Road, Van Buren Township, MI 48111. The BZA will meet to consider the following requests:

1. **Case # 22-042-** A **dimensional variance** request by Tyler Edwards on behalf of Menard's, Inc. to install an addition to an existing accessory canopy, which is attached to the principal building, to within fifteen (15) feet of the side lot line. The project is proposed to be located at 10010 Belleville Road, located on the west side of Belleville Road between Westlake Circle and Tyler Road. The site has tax parcel ID # 83 061 99 0005 726 and is zoned C-2 – Extensive Highway Business District. This is contrary to the requirements of Section 3.112(E) of the Van Buren Township Zoning Ordinance as described below:
 - Required side yard setback: 25 feet
 - Existing side yard setback: 35 feet
 - Proposed side yard setback: 15 feet
 - Variance requested: 10 feet
2. **Case # 22-057-** A **dimensional variance** request by Bazo Construction on behalf of Meijer, Inc. for 9701 Belleville Road (Parcel ID# **83 058 99 0006 710**) to install a combined total wall sign area of 628.77 square feet. The site is zoned C-2 – Extensive Highway Business District. This is contrary to Section 11.108(B) (Sign Regulations Applicable to the C, C-1, C-2, and FS Districts) as described below:
 - Allowable maximum wall sign area: 3 sq. ft. per linear ft. of building frontage, not to exceed 300 sq. ft. per business or 50% of the façade exclusive of window and door openings.
 - Existing total wall sign area of Meijer store and gasoline station: 266.07 square feet
 - Proposed total wall sign area of Meijer store and gasoline station: 628.77 square feet
 - Variance requested: 328.77 square feet
3. **Case # 22-056-** A request **for exception, modification, or appeal** by Belleville Yacht Club to install two (2) dock structures each with a length not to exceed 120 feet, subject to approval by the State of Michigan, in contrast to the requirements of Section 3.120(D)(5) of the Van Buren Township Zoning Ordinance which limits the dock length to 40 feet into Belleville Lake, measured perpendicularly from the shoreline, unless greater length is necessary to reach water with a depth of three feet. The subject site is Township Lake Property adjacent to 831 East Huron River Drive (parcel ID number 83 088 99 0005 000), on the north side of East Huron River Drive between Loza Lane and Evelyn Court. The site is zoned Belleville Lake Shoreline District B – Non-Single Family Residential (BLB). The request will be reviewed by the BZA per the requirements of Section 3.120(F)(7) of the Van Buren Township Zoning Ordinance.

Members of the public may 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. Members of the public may access the agenda materials via the Township website – www.vanburen-mi.org by **January 9, 2023**. On the meeting webpage, 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. 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: 12/20/2022

Published: 12/21/2022

No comments from the audience or remote viewers.

Motion Budd, Jahr second to close the public hearing. Motion Carried.

ITEM # 2 CASE 22-006: MEIJER, INC – PHARMACY DRIVE-THRU AND GASOLINE STATION RENOVATIONS – SPECIAL LAND USE

Applicant Craig Armstrong of Elevatus Architecture on behalf of owner Meijer, Inc. requests to complete renovations to the existing 232,431 square foot Meijer retail store and gas station site to construct a drive-thru addition to the store’s pharmacy, a 474-square foot addition to an existing 2,691 square foot gasoline station convenience store, and related building and site improvements. The property is zoned C-2 - Extensive Highway Business District.

9701 Belleville Road (parcel ID number V-125-83-058-99-0006-705), located on the east side of Belleville Road south of Tyler Road.

Motion Jahr, Barr second to open the public hearing. Motion Carried.

Director Power clarified the special land use consideration is specific to the addition of a pharmacy drive-thru at the Meijer site at 9701 Belleville Road.

No comments from the audience or remote viewers.

Motion Budd, Jahr second to close the public hearing. Motion Carried.

NEW BUSINESS:

ITEM # 1 CASE 22-006: MEIJER, INC – PHARMACY DRIVE-THRU AND GASOLINE STATION RENOVATIONS – SPECIAL LAND USE

Applicant Craig Armstrong of Elevatus Architecture on behalf of owner Meijer, Inc. requests to complete renovations to the existing 232,431 square foot Meijer retail store and gas station site to construct a drive-thru addition to the store’s pharmacy, a 474-square foot addition to an existing 2,691 square foot gasoline station convenience store, and related building and site improvements. The property is zoned C-2 - Extensive Highway Business District.

LOCATION: 9701 Belleville Road (parcel ID number V-125-83-058-99-0006-705), located on the east side of Belleville Road south of Tyler Road.

Director Power displayed plans for reference and deferred to Principal Planner Vidya Krishnan of McKenna Associates for presentation of her review.

Vidya Krishnan of McKenna Associates summarized her review letter dated 6-30-22. The proposal is to remodel the existing Meijer store. The building will offer a drive-thru pharmacy, a reconfigured garden center along with upgraded façade treats for the entire building and the remodeling of the existing gas station. The proposed special land use meets the general standards for consideration of special land use approval. Therefore, McKenna Associates recommends the Planning Commission recommend to the Township Board of Trustees to grant special land use approval for the proposed pharmacy drive-thru use to be added to the Meijer site.

Craig Armstrong of Elevatus on behalf of owner Meijer, Inc. stated all drawings are being revised to remove outdoor display sales areas and add portions of landscaping in accordance with the C-2 zoning district. Mr. Armstrong is available to address any questions.

Commissioner Jahr commented that the report from Elevatus Architecture was very thorough.

No questions or comments from the audience or remote views.

Motion Jahr, Barr second to recommend to the Township Board to grant the applicant Craig Armstrong of Elevatus Architecture on behalf of owner Meijer, Inc. the special land use approval to permit the construction of a drive-thru addition to the store's pharmacy at the site located at 9701 Belleville Rd based of the analysis and subject to any conditions in the McKenna letter dated 6-30-2022 and the revised letter from the Planning Director.

Roll Call:

Yeas: Kelley, Jahr, Barr, Budd

Nays: None.

Excused: Cullin and Atchinson.

Motion Carried.

ITEM # 2 CASE 22-006: MEIJER, INC – PHARMACY DRIVE-THRU AND GASOLINE STATION RENOVATIONS – PRELIMINARY SITE PLAN

Applicant Craig Armstrong of Elevatus Architecture on behalf of owner Meijer, Inc. requests to complete renovations to the existing 232,431 square foot Meijer retail store and gas station site to construct a drive-thru addition to the store's pharmacy, a 474-square foot addition to an existing 2,691 square foot gasoline station convenience store, and related building and site improvements. The property is zoned C-2 - Extensive Highway Business District.

LOCATION: 9701 Belleville Road (parcel ID number V-125-83-058-99-0006-705), located on the east side of Belleville Road south of Tyler Road.

Director Power clarified the Planning Commission may approve preliminary and final site plan approval at the same time based on the language in the zoning ordinance. Director Power displayed the site plan.

Vidya Krishnan of McKenna Associates presented her site plan review letter dated 6-30-2022. The site was constructed predating the Belleville Road Overlay District (BROD). The site was brought as much to compliance as possible to meet the requirements of the BROD. The applicant eliminated parking spaces by putting in new landscape island. It is recommended that in the future if any additional outlots are developed on the north side of the site, the excess parking be used towards such use instead of construction of more impervious surface. If engineering is compliant at this time, McKenna Associates recommends preliminary and final site plan approval for the Meijer project subject to the four (4) conditions listed in the site plan review letter dated 6-30-2022. A set of revised plans shall be submitted to Director Power addressing the following conditions:

1. Removal of outdoor sales area shown on sheet E-101(2).
2. Clarification of calculations with regard to required landscaping square footage of various areas on the site.
3. Revised photometric plan to indicate compliance with illumination intensity below the gas station canopy.
4. Wayne County and Township Engineer approval of storm water detention

Paul Kammer of Fishbeck Associates presented his final site plan review letter dated 7-7-2022. Due to the lack of underground work the applicant has chosen not to do soil boring. The applicant has stated that a 3rd Party inspector will be onsite, determining soil bearing capacity. It is ultimately the applicant's responsibility to determine soil bearing capacity and ground water for any excavation work they are performing. The Township inspector(s) has the right to require additional testing be done if results are not acceptable. It is Fishbeck's understanding that the Meijer Site drainage system and pond have been a cause for some concern with the Township. The applicant has provided a "Stormwater Restoration Work" narrative, explaining the restoration and revitalization work that was done to the existing pond in September of 2020. It shall be the applicant's responsibility to maintain the functionality of the system throughout and after construction is complete. Fishbeck recommends Final Site Plan approval based on the Engineering Review for the Meijer Store addition and renovation project subject to the applicant addressing the final comments listed in the letter dated 7-7-2022.

Director Power gave an overview of the Fire Marshall's review of the Meijer plans. All concerns have been addressed and note the information for "Knox Box" on the review letter.

Commissioners and audience members had the following questions and comments:

- Commissioner Jahr asked Mrs. Krishan about the sign package and sign plans. Typically, applicants submit the sign package once the building permits have been approved. Note the sign shown in the architecture plan are not approved in those dimensions and will need to be permitted separately.
- Commissioner Jahr asked Mr. Kammer about the condition he removed regarding steps. In the original review of the detailed grading plan, there were grades that were off by about one (1) foot. The applicant was asked to note on the grading plan that those are in fact steps. The comment has been resolved.
- Commissioner Jahr commented that the plans look nice.
- An audience member asked how the drive-thru for the pharmacy will be routed and if there will still be a garden center. The route for the drive-thru is a horseshoe shape shown and explained on the displayed plan. Meijer associates explained the outdoor garden area will be reduced in size to not interfere with the drive-thru.
- Commissioner Jahr stated Mrs. Krishnan and Mr. Kammer are in favor of preliminary and final site plan approval and asked Director Power what his stance is. Director Power is in favor of both preliminary and final site plan approval.

Motion Barr, Jahr second to grant approval for preliminary and final site plan for the Meijer Pharmacy drive-thru and gas station renovations at 9701 Belleville Road based on and subject to any recommendations in the June 30, 2022, McKenna letter, adding point five (5) that signs still require approval, the 7-7-2022 Fishbeck engineering letter, acknowledging that the grading plans would indicate the steps, and the 5-17-2022 letter by the Van Buren Fire Department.

Roll Call:

Yeas: Kelley, Jahr, Barr, Budd

Nays: None.

Excused: Cullin and Atchinson.

Motion Carried.

**ITEM # 3 CASE 22-008 – VAN BUREN CHARTER TOWNSHIP COMMUNITY CENTER
RENOVATION AND ADDITION – FINAL SITE PLAN**

The Applicant, Stephen J. Gedert, On behalf of Owner Van Buren Charter Township, has applied for roughly 13,446 square feet of renovations and a 16,411 Square Foot Gymnasium addition adjacent to the existing municipal building, renovations to the existing building, and the construction of associated pavements and utilities.



Motion: Variance Request BZA 22-057

Case 22-057: I make a motion to (approve / deny) the request by Bazo Construction on behalf of Meijer, Inc. for 9701 Belleville Road (Parcel ID# 83 058 99 0006 710) for a variance from Section 11.108(B) (Sign Regulations Applicable to the C, C-1, C-2, and FS Districts):

- Allowable maximum wall sign area: 3 sq. ft. per linear ft. of building frontage, not to exceed 300 sq. ft. per business or 50% of the façade exclusive of window and door openings.
- Existing total wall sign area of Meijer store and gasoline station: 266.07 square feet
- Proposed total wall sign area of Meijer store and gasoline station: 628.77 square feet
- Variance requested: 328.77 square 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 with in 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: _____

Section 11.106 - Appeals. Any person aggrieved by any decision, ruling or order from the Building Department, may make an appeal to the Board of Zoning Appeals (BZA) in accordance with Article 12, Chapter 4 of this Ordinance. In determining whether a variance is appropriate, the BZA shall also study the sign proposal, giving consideration to any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with the sign standards. The presence of any of the circumstances listed may be sufficient to justify a practical difficulty; however, the BZA may decline to grant a variance even if certain of the circumstances is present.

- A. Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions, which cannot be legally and/or practically removed.
- B. Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the BZA shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.
- C. Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.
- D. Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to: removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.
- E. Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.

Findings of fact: _____

Conditions: Recommended Condition (if variance is granted):

Condition: _____



Condition: _____

Motion made by: _____

Support from: _____

Ayes: _____ Nays: _____

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



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: Scott Jones	PHONE: 313-215-3013
ADDRESS: 11696 Juniper Drive	CELL PHONE: 313-215-3013
CITY, STATE & ZIP Van Buren Twp, MI 48111	FAX:
EMAIL: SJones@autokiniton.com	

PROPERTY OWNER INFORMATION (If different than the applicant)

NAME: Belleville Yacht Club	PHONE: 313-215-3013
ADDRESS: 831 East Huron River Drive	CELL PHONE:
CITY, STATE & ZIP Van Buren Twp, MI 48111	FAX:
EMAIL:	

SITE INFORMATION

PROJECT ADDRESS: 831 East Huron River Dr		
PROPERTY LOCATION: On the <u>North</u> Side of <u>Huron River Dr</u> Road; Between <u>Martinsville</u> Road and <u>Edgemont</u> Road.		
SIZE OF LOT WIDTH:	SIZE OF LOT DEPTH:	ACREAGE OF SITE:
DATE PROPERTY ACQUIRED:		TYPE OF OWNERSHIP OF PROPERTY:
STATE ALL DEED, SUBDIVISION IMPROVEMENT AND PROPERTY RESTRICTIONS IN EFFECT AT THIS TIME, TOGETHER WITH DATES OF EXPIRATION:		

VARIANCE REQUEST

VARIANCE TO ZONING ORDINANCE SECTION(S): 3.120(D)(5)(Belleville Lake Shoreline Districts-Develop Regulations-Dock Length & Width) - See Attached
EXPLANATION OF THE PRACTICAL DIFFICULTY OF THE PROPERTY AS DEFINED IN SECTION 19.07 (OR EXPLANATION OF REQUEST FOR ADMINISTRATIVE REVIEW): In contrast to the requirement of Section 3.120(D)(5) that limits the dock length to 40 feet into the lake, measured perpendicularly from the shoreline unless greater length is necessary to reach water with a depth of three feet, I seek to install two(2) docks each with a length not to exceed 120 feet subject to approval by the State of Michigan.
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

Scott Jones

PRINT PROPERTY OWNER'S NAME

SIGNATURE OF PROPERTY OWNER

12/13/2022

DATE

STATE OF MICHIGAN
COUNTY OF WAYNE

LYNDSY RUTH TANKERSLEY
Notary Public, State of Michigan

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

County of Wayne
My Commission Expires 02-22-2026
Acting in the County of Wayne

Subscribed and sworn before me this 13th day of December, 2022.

Lynsey Ruth Tankersley Notary Public, Wayne County, Michigan

My Commission expires 02/22, 2026.



MEMO

TO:	Van Buren Township Board of Zoning Appeals (BZA)
FROM:	Dan Power– Director of Planning and Economic Development
RE:	Belleville Yacht Club / 831 East Huron River Drive Special Exception Request
DATE:	January 6, 2023 – Revised January 9, 2023

Dear Board Members:

I have reviewed a request for exception, modification, or appeal by Belleville Yacht Club to install two (2) dock structures each with a length not to exceed 120 feet, subject to approval by the State of Michigan, in contrast to the requirements of Section 3.120(D)(5) of the Van Buren Township Zoning Ordinance which limits the dock length to 40 feet into Belleville Lake, measured perpendicularly from the shoreline, unless greater length is necessary to reach water with a depth of three feet. The request will be reviewed by the Board of Zoning Appeals (BZA) per the requirements of Section 3.120(F)(7) of the Van Buren Township Zoning Ordinance.

This request requires review by the BZA under a set of requirements that apply to modifications of standards of the Van Buren Township Belleville Lake Shoreline Districts Ordinance (Section 3.120 of the Zoning Ordinance) which was adopted in 2016. Section 3.120 applies to uses of *Township Lake Property*, defined as land owned by the Township at Belleville Lake, whether or not it is above the normal high-water mark and is the property that exists below the Lake Lot Line and extends into Belleville Lake and is generally recognized as the property below the 655 ft. contour line (1929 NGVD) or brow of the hill. Exceptions from or modifications to standards of Section 3.120 require a review process outlined in Section 3.120(F) of the Van Buren Township Zoning Ordinance. Such exceptions or modifications are not considered *variances* as applied elsewhere within the Van Buren Township Zoning Ordinance and under State law. This report contains basic background information to assist with understanding the reason for the request and the context of the subject site, and contains staff's analysis of the request under the framework of Section 3.120(F)(7). A public hearing is required in accordance with Section 3.120(F)(7)(f) of the Van Buren Township Zoning Ordinance.

The following are my review comments based on the criteria in the Zoning Ordinance and the information provided, including a site plan with an updated revision date of January 6, 2023:

File Number: VBT-22-056

Parcel Size and Tax ID: The subject site is Township Lake Property adjacent to 831 East Huron River Drive (parcel ID number 83 088 99 0005 000), on the north side of East Huron River Drive between Loza Lane and Evelyn Court. 831 East Huron River Drive is 4.04 acres in area.

Property Owner: Belleville Yacht Club

Zoning and Existing Use: The site is zoned Belleville Lake Shoreline District B – Non-Single Family Residential (BLB) and is adjacent to an upland private parcel that is zoned R-1C – Single Family

Residential and used as a private club with an accessory building and pool. Despite the single-family zoning designation of the upland parcel, the parcel is used as a private club, which is considered as a use similar to an institutional use. The following zoning district descriptions are provided for the Township Lake Property per Section 3.120(C) of the Van Buren Township Zoning Ordinance:

- The BLA District shall generally abut Lake Frontage upland zoned R-1A, R-2A, R-1B, R-1C Single Family Residential districts, and AG or AG-A Agricultural and Estates districts. The BLB District shall generally abut Lake Frontage upland zoned or used for more intensive uses that are not accessory to a single dwelling on a single-family lot, including but not limited to common use lots, multiple family, commercial, office, public, institutional and similar uses.

Because of the upland parcel's institutional or nonresidential use, the site within the Township Lake Property is zoned Belleville Lake Shoreline District B - Non-Single Family Residential (BLB). The site in the Township Lake property previously contained two (2) floating dock structures which extended to roughly 52 feet into Belleville Lake. One of these structures remains in place, however, one has been replaced by a partially constructed new dock structure.

Project Description: The submitted site plan demonstrates that there will be two (2) dock structures with a total length of 120'. Each dock stem will contain one main stem which is four (4) feet wide, along with four (4) perpendicular docks which are each four (4) feet wide x 24' long. The docks are spaced 24'-28' apart. The proposed use will be considered a "marina" as defined in Section 3.120(B)(15) of the Van Buren Township Zoning Ordinance:

- "Marina" means a facility that is owned or operated by an entity, extends into or over an inland Lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing of recreational watercraft.

Marinas are also defined under the State of Michigan Natural Resources And Environmental Protection Act (PA 451 of 1994), and are regulated by the State of Michigan Department of Environment, Great Lakes and Energy (EGLE).

The proposed marina will replace two (2) existing dock structures that accommodate 16 boats at maximum capacity, which may also be considered a "marina" under the current Zoning Ordinance. In accordance with State law and the Van Buren Township Zoning Ordinance, any approvals or permissions that applied to the previous set of docks, will no longer apply, due to the full replacement and expansion of these docks. The Van Buren Township Zoning Ordinance was amended in 2016 to write a comprehensive lake ordinance for uses in Township Lake Property, which became Section 3.120 of the currently adopted Township Zoning Ordinance (Belleville Lake Shoreline Districts). The review process for the proposed new docks and marina use will require completion of a site plan review in accordance with the requirements of Section 3.120. Marinas are a use that require special approval in the BLB district, and the use requires a public hearing with the Planning Commission and approval by the Township Board of Trustees. These approvals are being sought concurrently with the BZA's approval.

Notice: Notice for the public hearing was published in the Belleville Area Independent on December 21, 2022 in accordance with the Michigan Zoning Enabling Act and notices were mailed to the owners of real property within 300' of the subject upland parcel on December 21, 2022.

Special Exception Request:

Section 3.120(D)(5) pertaining to maximum dock length.

- **Allowable maximum:** No dock or any other structure or appurtenance shall extend more than 40 feet into the Lake, measured perpendicularly from the shoreline, unless greater length is necessary to reach water with a depth of three feet, and then no further than necessary to reach such depth.
- **Proposed:** Dock extended to 120 feet into the Lake, measured perpendicularly from the shoreline.

COMMENTS

The BZA shall not grant a special exception to any provision of this Section 3.120 unless it first makes all of the following findings specified in Section 3.120(F)(7)(c) of the Van Buren Township Zoning Ordinance (Standards for Special Exceptions). These findings are evaluated below, and any recommended conditions for the BZA to consider will be underlined.

- 1) **Enforcement of the provision(s) requested for special exception would unnecessarily prevent the reasonable use of the land or boats involved without resulting benefit to the public health, safety and welfare of persons or property.** The stated purpose of the Belleville Yacht Club according to their website is as follows:

The purpose of the BYC is to create a community of boat owners and water craft enthusiasts through events and social gatherings; to induct new boaters through youth and family programs that teach the basics of safe boating while giving access to a range of boating experiences; to pursue and encourage additional access to Belleville Lake; and to promote boating safety, expertise and knowledge through educational programs delivered by and to our membership.



The BYC provides distinct services that are rooted in boats and water craft to its members, some of whom do not reside in properties with lake frontage. In order to provide these services, there is a certain amount of dockage that can be considered as essential to fulfilling the organization's purpose. However, the property is constrained in how much dockage it can provide within the 40-foot shoreline extension limit, given that it only has approximately 132' of lake frontage on a 4.04-acre parcel. The project site, if approved, will be the only formal marina apart from Sandy's Marina at 41382 Edison Lake Road. By way of comparison, that site has over 750' of lake frontage on a combined 1.13 acres of property. To accommodate a sufficient amount of dockage for the Belleville Yacht Club's stated purpose involving lake access and boating education, it is reasonable to infer that their docks will need to be extended longer, to accommodate the capacity that is not available in the relatively narrow frontage of the parcel. For this reason, this criterion appears to be met.

- 2) **The special exception would not unduly prevent the realization of the purposes of this Ordinance.** The purpose of the Belleville Lake Shoreline Districts Ordinance is as stated below, per Section 3.120(A) of the Van Buren Township Zoning Ordinance:

Purpose. The Charter Township of Van Buren recognizes and concludes that the proper and safe use of Belleville Lake is desirable to retain and maintain the physical, ecological, cultural and aesthetic characteristics of the Lake in the Township, to preserve and protect the quality

and safety of the Lake and shorelines and the rights of adjacent owners and users as well as the Township as a whole, to promote the public health, safety and welfare of all persons making use of the Lake within the Township and properties adjacent to the Lake in the Township, and to ensure compliance with federal and state laws in light of the Township's ownership of the land in and adjacent to Belleville Lake, as well as with the terms of the Federal Energy Regulatory Commission (FERC) license to operate the French Landing Dam. Accordingly, it is the intent and purpose of the Township Board to adopt reasonable regulations for the number and placement of docks, installation of sea walls, earth excavation or grading, and other matters with respect to Belleville Lake in the Township. It is further the intent of the Township Board to restrict the private use of Township-owned Lake property to those water-based uses and structures customarily accessory to a waterfront lot, and to affirm that abutting property owners are responsible for maintaining both their property at the periphery of the Lake and the Township- owned Lake property abutting to their property clear of fallen trees that impede lake access, reasonably protected from erosion, and otherwise maintained as required under the terms of the FERC license.

As part of reviewing this criterion, the BZA must evaluate the overall quality of construction, the nature of the use, and the physical impact associated with the extended dock structures, and the assurance that the use and structures will be evaluated thoroughly for consistency with physical, ecological, cultural and aesthetic characteristics of the Lake. Some of this will be discussed more in depth under the next criterion ("no substantial harm"). Broadly, the use will be for the mooring and launching of boats, and will not involve fueling, repair, or more intensive marina activities associated with conventional marinas.

EGLE will additionally review the application for consistency with the requirements of Part 301 of the NREPA, to ensure that the marina extends from riparian property of the applicant, that the marina does not unreasonably interfere with navigation and that the marina is located and designed to be operated consistently with the correlative rights of other riparians, including the rights of adjacent riparians. **The proposed dock structures are subject to any necessary review and approval of this application by EGLE and FERC. The extended dock structures and marina use shall not include fueling.** The applicant has noted that fueling is not and will not be proposed, on their latest site plan. Subject to these conditions and any other conditions stated by the BZA, this criterion has been satisfied.

- 3) The special exception would not cause substantial harm or detriment to adjacent or nearby lands or boats or the public interest or safety, nor be contrary to the intent or purposes of this Ordinance;**

The BZA must be confident that the extended dock structures will not cause substantial harm or detriment to the adjacent or nearby lands or boats or the public interest or safety. In these regards, I note that the request entails adequate side setbacks, adequate distance to the shoreline across the water, and enables sufficient circulation around the proposed dock structures, to sufficiently meet these requirements. Per the image below, the proposed dock structures will maintain a 12-foot side setback, where a 10-foot setback is required. The previously existing dock structures had a side setback to the adjacent lake lot lines of between zero (0) and five (5) feet, so the proposed structures will improve circulation around the portion of the site that is within the length distance of the current docks. To the west, the proposed western dock structure will maintain a distance of roughly 162 feet from the nearest boat launch at the boat launch site operated by the Michigan DNR. The eastern dock structure will maintain a distance of roughly 75 feet from an existing boat house to the east. The dock structures will also maintain a distance of approximately 762 feet from the opposite shoreline.

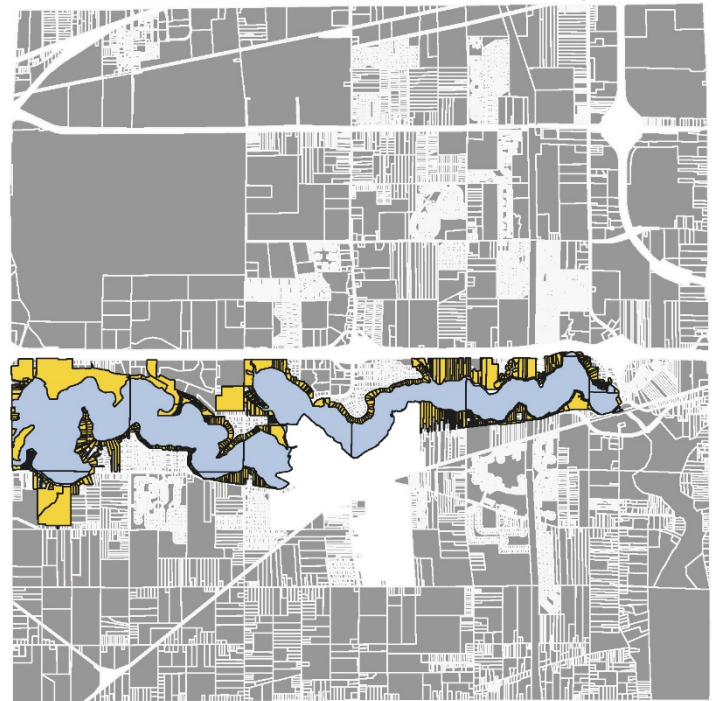


Materials and aesthetics must also be considered. The dock surface will be 2" x 6" treated lumber wood decking. Subject to review by the BZA and Planning Commission, this material is aesthetically acceptable and consistent with surrounding properties' docks. Subject to this condition and other conditions recommend by the BZA, the "no substantial harm" criterion has been adequately addressed.

4) Unusual circumstances or conditions are involved;

Regarding this criterion, the site has a unique role within Van Buren Township. The Township Van Buren Township is home to over 10,000 parcels of land, of which only roughly 678 parcels abut Belleville Lake. The site serves an opportunity for lake access to some people who reside at properties without lake access in addition to others who reside at properties with lake access. It also provides a distinct educational and recreational amenity to its members which is distinct from that of other marinas or multi docking facilities in the Township. The site is also unique within a broader land use context in the Township. Its upland adjacent parcel is one of a small share of parcels on the lake that is either used for a non-single-family residential use or zoned under a non-residential zoning district in either the City of Belleville or Van Buren Township.

Lakeshore Parcels in Van Buren Township



5) The special exception is consistent with the goal of providing reasonable, equitable access to all abutting lake owners.

A vital aspect of this criterion will be to consider the near- and long-term impacts of increasing boating traffic on Belleville Lake, and the proximity between higher intensity lakeshore land uses such as marinas and multi-docking facilities and lesser-intensity and passive facilities enjoyed by single family home sites. As part of the Planning Commission's required justification for a marina special approval, they will need to find that the proposed marina and other marinas and non-commercial multi-docking facilities shall be separated from one another to avoid overcrowding and excessive boat traffic on the Lake. I have included some materials with this packet that are also being provided as part of the Planning Commission's review, which demonstrate the presence of four (4) significant EGLE-licensed marinas or multi-docking sites in Van Buren Township. The subject site is roughly 1.4 miles from Sandy's Marina. As a reference for comparison, I have also provided exhibits demonstrating the presence of these facilities in Ypsilanti Township, a portion of West Bloomfield Township, and the Village of Lake Orion. By way of comparison, the addition of this marina site will not impair the goal of providing reasonable, equitable access to all abutting lake owners.

The Township also must consider the potential for future build-out of marina sites. The potential for proliferation of marinas and multiple docking facilities is limited by a required special approval process for each of these types of facilities, and by the existing zoning and future land use conditions of properties around Belleville Lake. For this specific dock length exception request by the BZA, in accordance with Section 3.120(F)(7)(d) of the Van Buren Township Zoning Ordinance, granting a specific special exception does not set a precedent for

consideration of future special exception requests, as each request is to be decided on a case by case basis.

Recommendation

For the BZA to consider granting the requested special exception, they will need to conclude that there are positive findings for all five (5) standards for special exceptions described above. At this time, I recommend **approval** of the requested special exception, subject to the conditions listed below:

- **The proposed dock structures and marina are subject to any necessary review and approval of this application by EGLE and FERC.**
- **The extended dock structures and marina use shall not include fueling activities.**
- **The use of the land must otherwise comply with Article VI. of Chapter 42 (Environment) of the Van Buren Township Code of Ordinances (Belleville Lake and Township-Owned Property).**

I have provided a motion template with this report to assist the BZA in making their decision on this special exception request. The BZA may grant the requested special exception, with or without conditions, postpone their decision, or deny the request. If the BZA decides to postpone their decision on the request, they should provide specific tabling conditions to instruct staff and the applicant regarding what is required to return for further consideration of the request by the BZA.

Thank you for allowing me to comment on this request.

Sincerely,



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

CC: Ronald Akers, AICP – Municipal Services Director, Van Buren Charter Township
Jeremy Richardson - Michigan Department of Environment, Great Lakes, and Energy

ARTICLE VI. BELLEVILLE LAKE AND TOWNSHIP-OWNED PROPERTY¹

Sec. 42-281. Intent and purpose.

The Van Buren Township Board recognizes and concludes that the proper and safe use of the Belleville Lake and Township-owned shoreline is desirable for the reasons stated in the Charter Township of Van Buren Zoning Ordinance, Article XVIC, Belleville Lake Shoreline Districts (the "zoning ordinance"). Accordingly, it is the intent of the board of trustees through this article to adopt reasonable regulations for the use of township-owned Belleville Lake property (the "township lake property" or "township-owned lake property"), as it is defined in the zoning ordinance, and for the maintenance and use of all structures, improvements and alterations made on that property, for the promotion and protection of public health, safety and welfare, and for the public peace and preservation of natural resources and public and private property within the township. The township-owned Belleville Lake property is property that exists below the abutting property owner's property line and extends into Belleville Lake and is generally recognized as the property below the 655-foot contour line or the brow of the hill. Nothing in this article shall overrule any applicable court decisions.

(Ord. No. 02-21-17(1), eff. 3-24-17)

Sec. 42-282. Exclusive use and enjoyment.

The owners of the abutting property to the township-owned Belleville Lake property shoreline shall have the exclusive right of use, control and enjoyment of that township lake property lying above the water level of Belleville Lake as it is regularly maintained, subject to section 42-281. The township may allow access to the township lake property by an additional adjacent township lake property owner, solely to safely traverse to the township lake property that the adjacent owner has the right to use, but only in the event that the township determines that such access is reasonably necessary to safely access the adjacent township lake property due to physical land features or topography, the exclusive right to use, control and enjoy the township lake property does not create or convey any legal or equitable right, title, ownership or interest whatsoever in the township lake property other than as expressly set forth herein, and in the township zoning ordinance. The township shall have the right to enter the township lake property for any purpose. The township may access the township lake property by requesting permission from the abutting property owner, and if permission is denied, then access by the township shall be permitted from the lake or other permissible access point. Structures and improvements shall include, but not be limited to, docks, decks, boat hoists, seawalls and other structures.

All structures and improvements on the township lake property shall be the personal property of the owners of the abutting property and shall be subject to the requirements of the township zoning ordinance and all applicable federal, state and local laws, regulations, rules and license requirements, as may be amended. All structures, improvements and alterations, including any and all repairs and maintenance that may be required for such structures, improvements and alterations, shall be the sole responsibility of the owner of the abutting property. All structures or other improvements now existing or hereafter made on township lake property shall be

¹Editor's note(s)—Ord. No. 02-21-17(1), effective March 24, 2017, enacted provisions designated as §§ 42-219—42-225. Inasmuch as sections so numbered already exist, said provisions have been redesignated as 42-281—42-286, at the discretion of the editor.

removed at the expense of the owner of the abutting property if such removal is required by the Federal Energy Regulatory Commission.

(Ord. No. 02-21-17(1), eff. 3-24-17)

Sec. 42-283. Compliance with law.

In consideration of the exclusive use, control and enjoyment of the township lake property conferred by this article and referenced in section 42-282 above, the owner of the abutting property shall use and maintain the township lake property in compliance with all existing applicable federal, state and local laws, regulations, rules and license requirements, as may be amended, including, but not limited to, any and all requirements of the township license from the Federal Energy Regulatory Commission. Such compliance shall include providing and maintaining proper shoreline erosion protection and maintaining any structures, improvements and alterations on the township lake property in good repair and in a safe condition.

(Ord. No. 02-21-17(1), eff. 3-24-17)

Sec. 42-284. Penalties and enforcement.

- (a) *Penalty.* Violation of this article is a municipal civil infraction, for which the fines shall be not less than \$100.00 or more than \$500.00 for the first and any subsequent offense, in the discretion of the court, and in addition to all of the costs, damages and expenses provided by law.
- (b) *Injunction.* Any violation of this article is hereby declared to be a nuisance per se. In addition to, or in lieu of, seeking to enforce this article by proceeding under section 42-284(a), the township may institute an action in a court of competent jurisdiction seeking injunctive or equitable relief and shall be entitled to recover all attorney fees, court costs, litigation expenses, expert witness fees, costs and expenses to abate the nuisance, and all other costs allowed by law.
- (c) *Immediate hazard.* If the township determines that there is an immediate hazard or otherwise dangerous condition that exists on the township lake property, it may take any action that it deems necessary to abate and/or otherwise make safe the hazardous or dangerous condition and shall be entitled to recover the costs to abate the immediate hazard or dangerous condition from the abutting property owner and/or otherwise responsible party. The township shall also be entitled to recover all attorney fees, court costs, litigation expenses, expert witness fees and all other costs allowed by law to enforce this section.
- (d) *Enforcement and administration.* This section shall be enforced and administered by the township director of planning and economic development or such other township official as may be designated from time to time by resolution by the township board.

(Ord. No. 02-21-17(1), eff. 3-24-17)

Sec. 42-285. Severability.

In the event that any one or more sections, provisions, phrases or words of this article shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this article.

(Ord. No. 02-21-17(1), eff. 3-24-17)

Sec. 42-286. Conflicts.

If any provision of this article conflicts with any provision of any other township general ordinance or zoning ordinance, the most restrictive provision shall apply.

(Ord. No. 02-21-17(1), eff. 3-24-17)

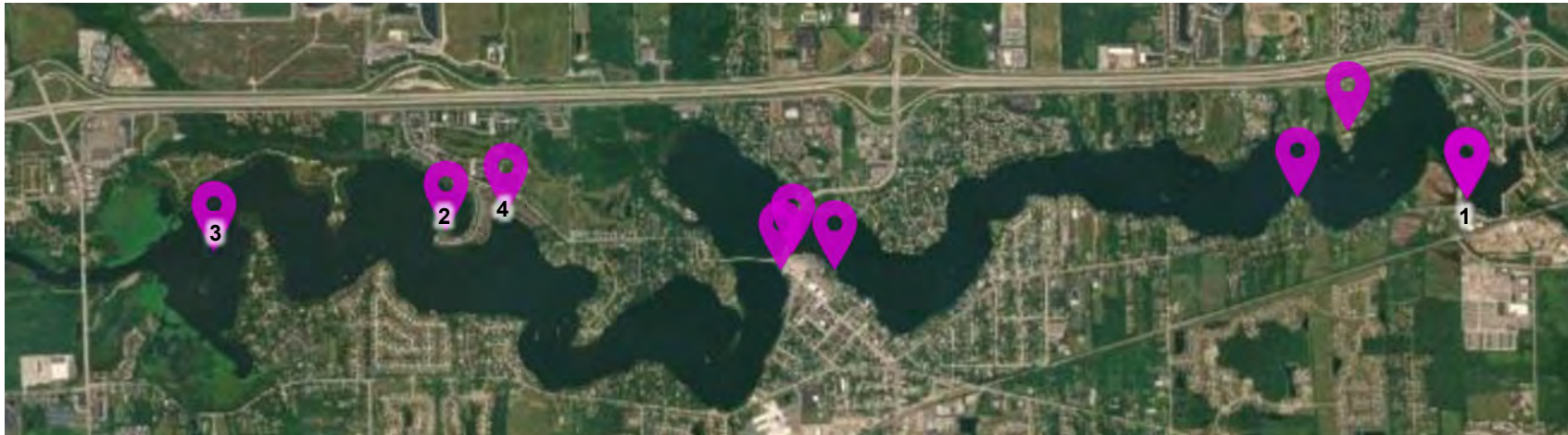
Sec. 42-287. Effective date.

The provisions of this article shall take effect upon publication in a newspaper of general circulation within the township.

(Ord. No. 02-21-17(1), eff. 3-24-17)

Secs. 42-289—42-300. Reserved.

Marinas or Similar Multi Docking Facilities in Van Buren Township



Lakeside Marina Inc.: 80-15-0444-M
573 Main Street
Belleville MI 48111

Doane Battery & Marine Supply: 80-15-0441-M
574 North Liberty Street
Belleville MI 48111

4 Bayshore North Condominiums: 02-82-0001-M
Bayshore Drive
Belleville MI 48111

1 Sandy's Marina: 79-15-0392-M
41382 Edison Lake Road
Belleville MI 48111

CKM Launch: 05-82-0001-M
42490 East Huron River Drive
Belleville MI 48111

Kouza Lakeside Estates: 00-82-0001-M
Kouza Court
Belleville MI 48111

BYC Club House marina-Belleville: 10-82-0093-P
430 North Liberty Street
Belleville MI 48111

2 Harbour Club LTD: 97-15-1377-M
49000 Denton Road
Belleville MI 48111

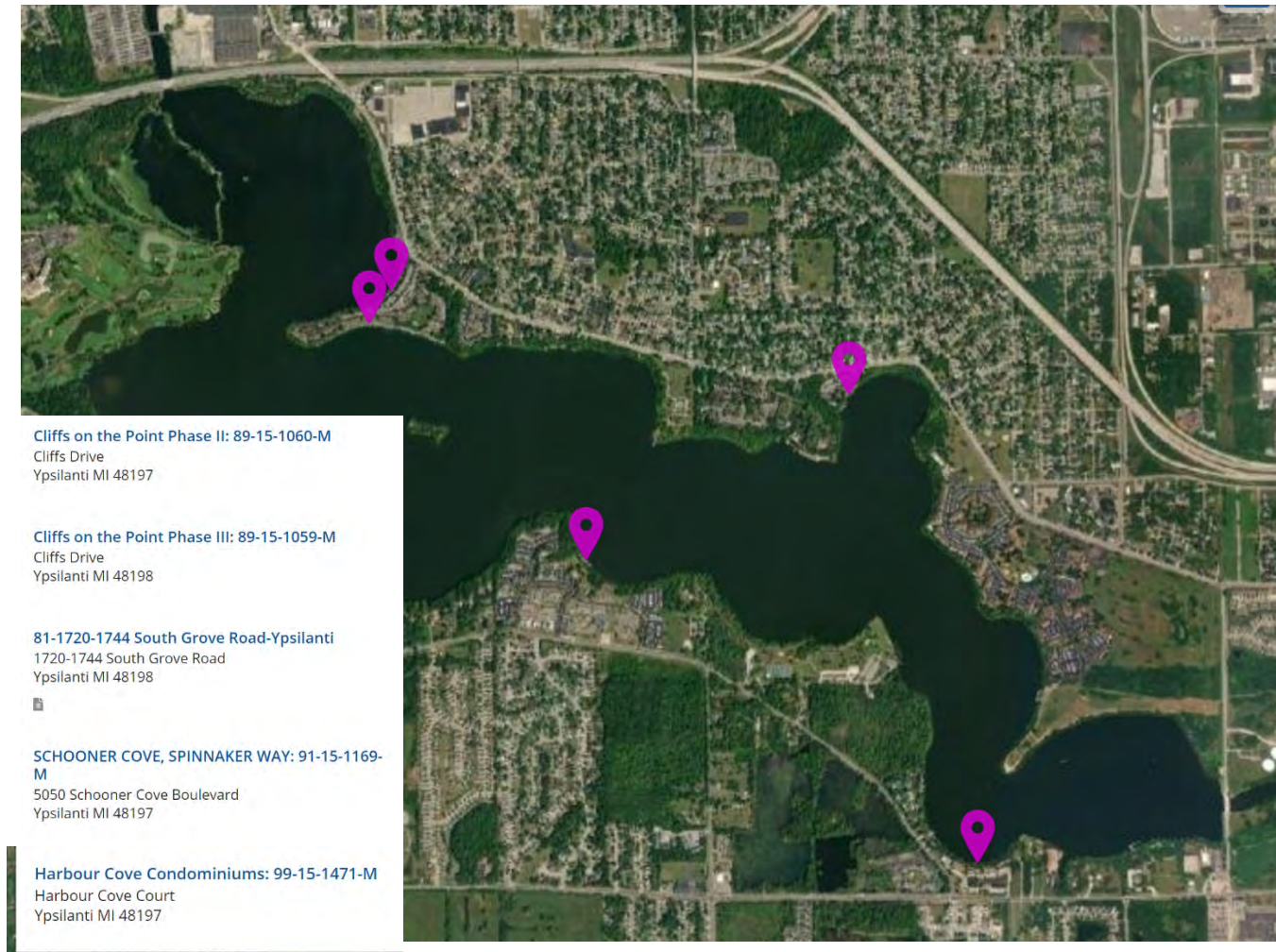
1 J H Guenther & Sons Marina: 71-15-0053-M
41382 Edison Lake Road
Belleville MI 48111

3 U of M Crew Facilities: 99-15-1485-M
46425 Tyler Road
Belleville MI 48111

Source: State of Michigan EGLE

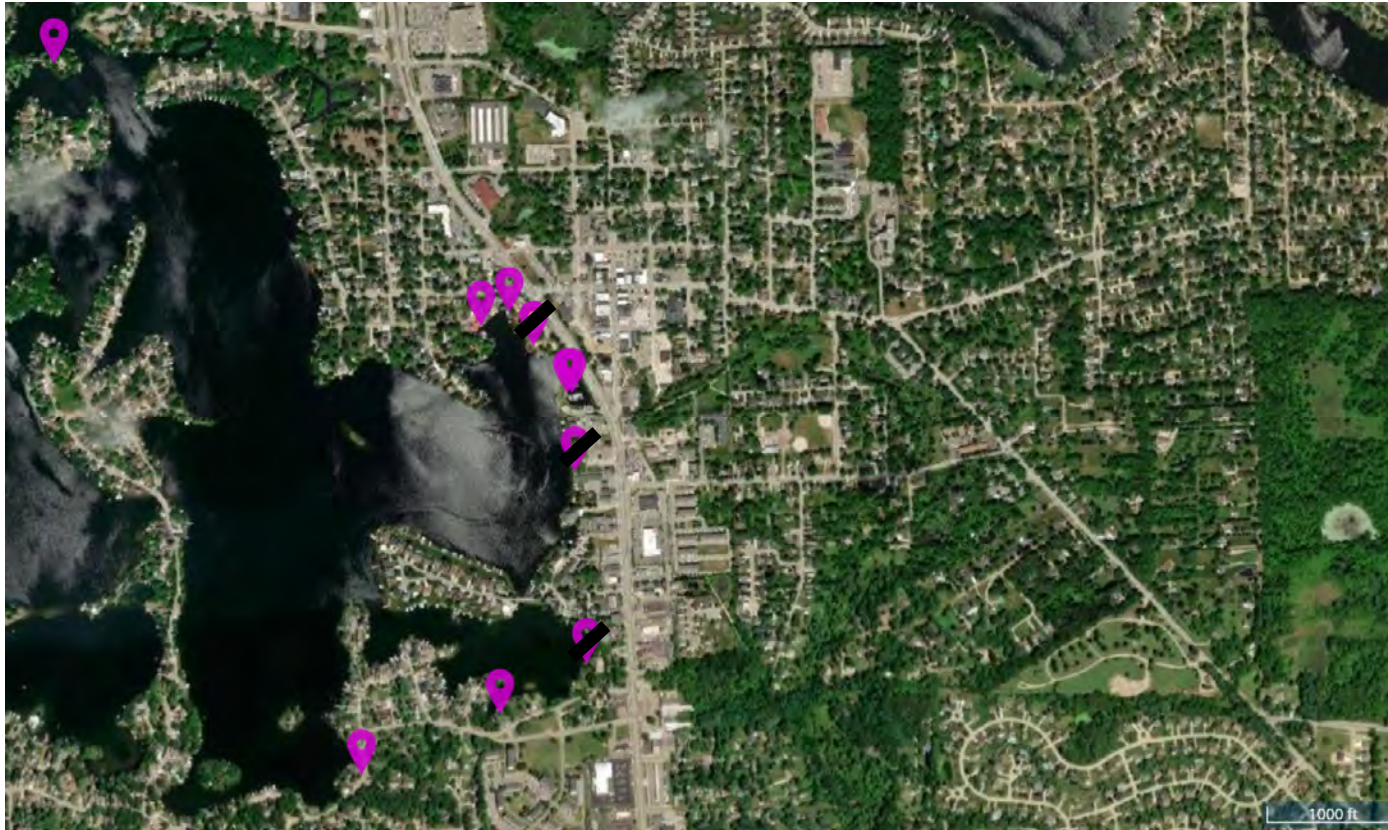
MiEnviro Portal for Air Quality Permitting/Compliance, Water Quality, and Resources Permitting/Compliance
Site Map Explorer

Marinas or Similar Multi Docking Facilities in Ypsilanti Township



Source: State of Michigan EGLE
MiEnviro Portal for Air Quality Permitting/Compliance, Water Quality, and Resources Permitting/Compliance
Site Map Explorer

Marinas or Similar Multi Docking Facilities in the Village of Lake Orion



Source: State of Michigan EGLE
MiEnviro Portal for Air Quality Permitting/
Compliance, Water Quality, and
Resources Permitting/Compliance
Site Map Explorer

Site Name	Address
Temp Name: 95-15-1309-M	160 Heights Road
Orion Marine Center: 79-15-0390-M	10 South Park Boulevard
Pine Island Marina: 06-63-0001-M	460 Cushing Street
Orion Pointe, LLC: 78-15-0325-M	214 South Broadway Street
Snug Harbor: 83-15-0708-M	160 Heights Road
63-Pelton Drive Boat Docks-Village of Lake Orion	Marina on Pelton Drive
Orion Marine, Inc.: 75-15-0250-M	195 Lake Street

Marinas or Similar Multi Docking Facilities in West Bloomfield Township – Pine Lake



Pine Lake Marina: 79-15-0401-M

3599 Orchard Lake Road
West Bloomfield MI 48324

Pine Lake Woods Estates Riparians: 90-15-1138-M

Birch Harbor Lane & Pine Lake Road
West Bloomfield MI 48324

Pine Harbor Condominium Assoc.: 90-15-1099-M

Pine Harbor Drive
West Bloomfield MI 48323

Maple Hill on the Lake Condominiums: 90-15-1139-M

Maple Hill Drives East and West
West Bloomfield MI 48324

Source: State of Michigan EGLE

MIEnviro Portal for Air Quality Permitting/Compliance, Water Quality, and Resources Permitting/Compliance
Site Map Explorer

CHARTER TOWNSHIP OF VAN BUREN - CORRECTED
BOARD OF ZONING APPEALS
PUBLIC HEARINGS

Notice is hereby given that the Charter Township of Van Buren Board of Zoning Appeals (BZA) will hold public hearings on **Tuesday, January 10, 2023 at 7:00 p.m.**, at the Van Buren Township Hall, 46425 Tyler Road, Van Buren Township, MI 48111. The BZA will meet to consider the following requests:

1. **Case # 22-042- A dimensional variance** request by Tyler Edwards on behalf of Menard's, Inc. to install an addition to an existing accessory canopy, which is attached to the principal building, to within fifteen (15) feet of the side lot line. The project is proposed to be located at 10010 Belleville Road, located on the west side of Belleville Road between Westlake Circle and Tyler Road. The site has tax parcel ID # 83 061 99 0005 726 and is zoned C-2 – Extensive Highway Business District. This is contrary to the requirements of Section 3.112(E) of the Van Buren Township Zoning Ordinance as described below:
 - Required side yard setback: 25 feet
 - Existing side yard setback: 35 feet
 - Proposed side yard setback: 15 feet
 - Variance requested: 10 feet
2. **Case # 22-057- A dimensional variance** request by Bazo Construction on behalf of Meijer, Inc. for 9701 Belleville Road (Parcel ID# **83 058 99 0006 710**) to install a combined total wall sign area of 628.77 square feet. The site is zoned C-2 – Extensive Highway Business District. This is contrary to Section 11.108(B) (Sign Regulations Applicable to the C, C-1, C-2, and FS Districts) as described below:
 - Allowable maximum wall sign area: 3 sq. ft. per linear ft. of building frontage, not to exceed 300 sq. ft. per business or 50% of the façade exclusive of window and door openings.
 - Existing total wall sign area of Meijer store and gasoline station: 266.07 square feet
 - Proposed total wall sign area of Meijer store and gasoline station: 628.77 square feet
 - Variance requested: 328.77 square feet
3. **Case # 22-056- A request for exception, modification, or appeal** by Belleville Yacht Club to install two (2) dock structures each with a length not to exceed 120 feet, subject to approval by the State of Michigan, in contrast to the requirements of Section 3.120(D)(5) of the Van Buren Township Zoning Ordinance which limits the dock length to 40 feet into Belleville Lake, measured perpendicularly from the shoreline, unless greater length is necessary to reach water with a depth of three feet. The subject site is Township Lake Property adjacent to 831 East Huron River Drive (parcel ID number 83 088 99 0005 000), on the north side of East Huron River Drive between Loza Lane and Evelyn Court. The site is zoned Belleville Lake Shoreline District B – Non-Single Family Residential (BLB). The request will be reviewed by the BZA per the requirements of Section 3.120(F)(7) of the Van Buren Township Zoning Ordinance.

Members of the public may 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. Members of the public may access the agenda materials via the Township website – www.vanburen-mi.org by **January 9, 2023**. On the meeting webpage, 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. 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: 12/20/2022

Published: 12/21/2022



MEMO

TO: Van Buren Township Planning Commission

FROM: Dan Power – Director of Planning and Economic Development

RE: Review of Site Plan Review #22-059 – Belleville Yacht Club Marina Site Plan and Special Approval

DATE: January 6, 2023

Project Summary

Belleville Yacht Club has applied for site plan review and special approval to construct a marina as defined under Section 3.120(B)(15) of the Van Buren Township Zoning Ordinance, including two (2) dock structures, each containing a single dock stem with four (4) connecting docks. Upon completion, the project is proposed to replace two (2) floating dock structures.

The project is proposed to be located in Belleville Lake Property (referred to herein as “Township Lake Property”) adjacent to a private upland parcel located at 831 East Huron River Drive (parcel ID number 83 088 99 0005 000), on the north side of East Huron River Drive between Loza Lane and Evelyn Court. The parcel is bordered on its west by a DNR boat launch site and on its east by a single-family dwelling, which are each zoned R-1C in Van Buren Township.

831 East Huron River Drive is zoned R-1C – Single Family Residential. Despite the single-family zoning designation of the upland parcel, the parcel is used as a private club, which is considered as a use similar to an institutional use. The following zoning district descriptions are provided for the Township Lake Property per Section 3.120(C) of the Van Buren Township Zoning Ordinance:

- The BLA District shall generally abut Lake Frontage upland zoned R-1A, R-2A, R-1B, R-1C Single Family Residential districts, and AG or AG-A Agricultural and Estates districts. The BLB District shall generally abut Lake Frontage upland zoned or used for more intensive uses that are not accessory to a single dwelling on a single-family lot, including but not limited to common use lots, multiple family, commercial, office, public, institutional and similar uses.

Because of the upland parcel’s institutional or nonresidential use, the site is zoned Belleville Lake Shoreline District B - Non-Single Family Residential (BLB).

The proposed use will be considered a “marina” as defined in Section 3.120(B)(15) of the Van Buren Township Zoning Ordinance:

- “Marina” means a facility that is owned or operated by an entity, extends into or over an inland Lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing of recreational watercraft.

Marinas are also defined under the State of Michigan Natural Resources And Environmental Protection Act (PA 451 of 1994), and are regulated by the State of Michigan Department of Environment, Great Lakes and Energy (EGLE).

The proposed marina will replace two (2) existing dock structures that accommodate 16 boats at maximum capacity, which may also be considered a "marina" under the current Zoning Ordinance. In accordance with State law and the Van Buren Township Zoning Ordinance, any approvals or permissions that applied to the previous set of docks, will no longer apply, due to the full replacement and expansion of these docks. The Van Buren Township Zoning Ordinance was amended in 2016 to write a comprehensive lake ordinance for uses in Township Lake Property, which became Section 3.120 of the currently adopted Township Zoning Ordinance (Belleville Lake Shoreline Districts). The review process for the proposed new docks and marina use will require completion of a site plan review in accordance with the requirements of Section 3.120. Marinas are a use that require special approval in the BLB district, and the use requires a public hearing. This hearing is being held in accordance with Section 3.120(F)(3) (Belleville Lake Shoreline Districts - Belleville Lake Shoreline District Approval Process) of the Zoning Ordinance.

My report will review the submittals by the applicant including a completed application form and a site plan revision-dated January 6, 2023. Throughout this report, recommended conditions or requests for revisions are underlined.

Application Requirements

Certain specific application submittals are required uses in the Belleville Lake Shoreline Districts. The following relevant submittals required under Section 3.120(F)(2) of the Van Buren Township Zoning Ordinance have been reviewed:

- ✓ A completed application form, including a description of the proposed improvements and modifications and description of any other required permits.
- ✓ A site plan dated December 21, 2022 that shows the boundaries of the abutting upland lot, the location of the proposed installation and the location of the shoreline, and location of any existing structures within 50 feet of the proposed installation was provided.
- ✓ A copy of any existing survey from the abutting upland lot and photographs of the existing conditions: An existing survey has previously been provided. Photographs of the site have also been taken by staff.
- ✓ Plans, elevations and sections, with dimensions, showing the height, length, width, distance to the lot lines and configuration of the proposed installation. The submitted site plan demonstrates that there will be two (2) dock structures with a total length of 120'. Each dock stem will contain one main stem which is four (4) feet wide, along with four (4) perpendicular docks which are each four (4) feet wide x 24' long. The docks are spaced 24'-28' apart. A cross section drawing has been provided which shows the typical cross section including a 3' depth of footing in the lake bed, 14' depth, and 3' clearance above the water level to the bottom of the dock.
- ✓ Materials and aesthetics must also be considered. The dock surface will be 2" x 6" treated lumber wood decking. This material appears to be acceptable to staff, and is subject to Planning Commission review.
- Additional dock length beyond the 40-foot length that is typically required under Section 3.120(D)(15) has been requested. Because additional dock length has been requested, **the water depth at the farthest point of projection must therefore be provided.**

- ✓ A description of the existing shoreline features and uses has been provided on the submitted site plan.
- ✓ The site plan indicates that there will be no shoreline erosion control or shoreline stabilization (seawalls, bulkheads and similar) proposed as part of the project must be provided.
- The applicant has indicated they have made application to EGLE. **A completed application for review by EGLE, and if required, by FERC, must be provided prior to full Township lakeshore authorization being granted.**

Additionally, per Section 3.120(F)(3)(b), certain uses in the BLB district, including marinas, are subject to site plan approval by the Planning Commission. For purposes of the Belleville Lake Shoreline Districts, the information required for a site plan shall contain all information required by this Zoning Ordinance, Section 12.203. The scope of applicability of Section 12.203 is guided in part by the fact that the use will only occur in the Township Lake Property and is not subject to certain stormwater management, utility, landscaping / buffering, architectural, or other requirements typically considered for land-based development. Relevant requirements of Section 12.203 have been provided as mentioned below:

- An adequate site plan has been provided which includes basic formatting, property lines, zoning information, applicant and design professional contact information, and adjoining property and building information. Existing and proposed topography have been provided.
- **A description of the proposed use including the nature of the proposed use and other general information describing the use must be provided.**

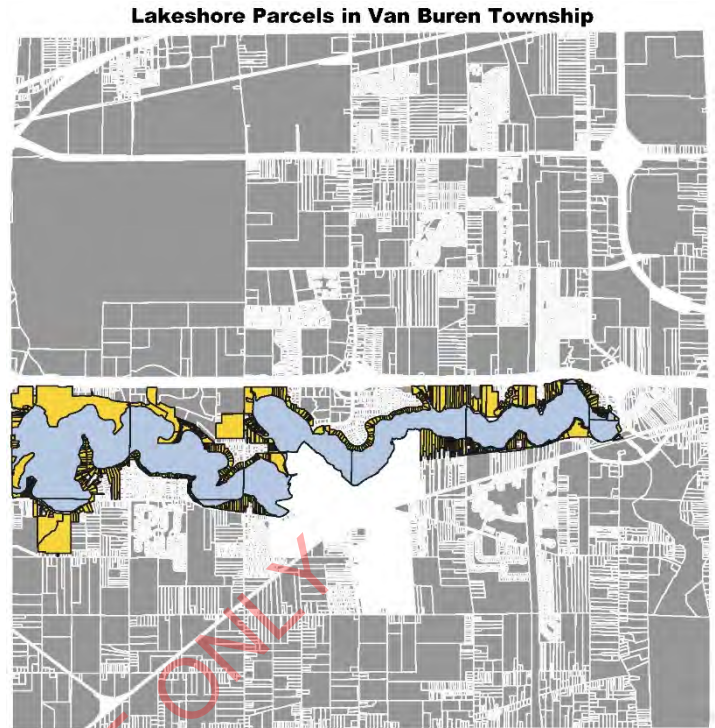
Special Approval Criteria.

Per Section , Section 3.120(C)(2)(c), the marina use is subject to special approval by the Township Board. All such uses shall be subject to the standards, criteria, procedures and requirements of Article 12, Chapter 3 of this Zoning Ordinance. I will summarize my findings regarding the Standards for Granting Special Approval under Section 12.306 of the Zoning Ordinance, below Granting the Special Approval for the requested marina:

- a) Can promote the use of land in a socially and economically desirable manner for those persons who will use the proposed land use or activity; for those landowners and residents who are adjacent; and for the Township as a whole. The site's impact in relation to its immediate neighbors and its systemic impact on the Township Lake Property at large and all of its property owners is significant to this finding. Staff also recognizes a potential precedent-setting impact for authorizing a marina use. However, the subject site is uniquely situated in a way that is unlikely to be replicated by other sites throughout the Township. The majority of property along Belleville Lake is zoned and planned for single family residential uses. The majority of these properties are constructed as single-family dwellings. Relatively little land exists that would be marketable or developable as uses that could be developed or redeveloped as commercial, institutional or public properties with marinas. Other properties that exist today in the BLB District, with nonresidential zoning or land use, are also limited and unlikely to accommodate marina uses. Sandy's Marina is unlikely to expand outward due to its proximity to the French Landing Dam. The Township's adopted 2021 Future Land Use Map is attached to this packet for your reference.

- b) Is necessary for the public convenience at that location. Van Buren Township is home to over 10,000 parcels of land, of which only roughly 678 parcels abut Belleville Lake. The site serves an opportunity for lake access to many residents who would otherwise not have such access.
- c) Is compatible with adjacent uses of land. The site will maintain 12' side setbacks on both sides, which is an improvement from the current configuration of docks which had between 0 and 5 feet of setback to their side lake lot lines. The furthest extent of the dock will be roughly 762 feet from the opposite shoreline.
- d) Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected. The marina's adequate side setbacks from neighboring lake lot lines and its adequate separation from the opposite shore will help to ensure this standard is met. The property is adjacent to a DNR boat launch site to its west. The relationship between these two boating intensive sites should be carefully considered. The proposed increase in side yard setback from between 0-5' to 12' will likely improve maneuvering in a portion of the area between this marina and the boat launch. The proposed docks will be +/- 162' from the launch EGLE will further review the marina permit application and apply their standards of approval to the project.
- e) Can be adequately served by public services and facilities without diminishing or adversely affecting public services and facilities to existing land uses in the area.
- f) Will not cause injury to other property in the neighborhood in which it is to be located.
- g) Will consider the natural environment and help conserve natural resources and energy.

The marina will slightly increase boat capacity at the site. However, the applicant agrees not to use the site for fueling, diminishing some of the long-term environmental concerns that



could come with fueling. **The site shall not be used for fueling.** The applicant has indicated that a fueling station is not, and will not be, proposed.

Belleville Lake Shoreline District Approval Process – Review Criteria (General):

Per Section 3.120(F)(4) of the Van Buren Township Zoning Ordinance, I find the following:

- (a) The application **can** demonstrate compliance with all of the requirements of Section 3.120(D) of the Zoning Ordinance (Belleville Lake Shoreline Districts – Development Standards), and all other applicable requirements of this Zoning Ordinance, subject to the notes and conditions in my analysis in my “Development Standards” discussion below.
- (b) The structure(s) shall not unreasonably interfere with the adjacent property owners’ or public’s use and enjoyment of the waters of Belleville Lake. The facilities are so designed as to protect the neighboring property owners from negative off-site impacts. The use will provide a community wide benefit for Van Buren Township without significantly impacting adjacent property owners’ or the public’s use and enjoyment of the waters of Belleville Lake.
- (c) The structure(s) will not create a risk to the health, safety and welfare of persons who use Belleville Lake for recreational purposes, and will not interfere with safe navigation on the Lake.
- (d) The structure(s) must be constructed of materials which will not impair the water quality, water flow or water levels of Belleville Lake. This will be evaluated in the EGLE permitting process.
- (e) To the extent feasible, the structures(s) shall protect and enhance the scenic, recreational and environmental quality of Belleville Lake. The location of the facilities shall be such that they will not create a negative visual impact for the general public.
- (f) Marinas and non-commercial multi-docking facilities shall be separated from one another to avoid overcrowding and excessive boat traffic on the Lake. Attached to this report, I have provided locations of marinas or multi-docking facilities in Van Buren Township and in other lake communities in the region including Ypsilanti Township, Lake Orion, and a portion of West Bloomfield Township, as documented by EGLE. Van Buren Township has a relatively low quantity of existing marinas and multi-docking facilities, and with the addition of the Belleville Yacht Club’s marina will maintain a reasonable number of such facilities in comparison with other lake communities in the region. When the marina is built, it will be roughly 1.4 miles from Sandy’s Marina, the nearest marina.
- (g) Consideration shall be given to maintaining consistency with the upland zoning and land use. In this case, the marina use fits well with the upland land use which is a nonprofit / private club.
- (h) Uses approved shall be consistent with the primary goal of permitting reasonable use by Lake residents and land owners.

Belleville Lake Shoreline District Development Regulations

Various development regulations are applicable to this project, and they are articulated below as requirements or comments: The applicant has included the following required notes on their site plan dated January 6, 2023:

- ✓ No boat lifts, cradles or hoists will be constructed.
- ✓ No buildings or covered structures will be constructed on the water or on Township Lake property.

- ✓ All uses and structures shall comply with the standards and requirements of Section 3.120(D), except for any stated exceptions being pursued per Sec. 3.120(F)(7).
- ✓ There will be no private ramps or launches intended to provide access to the Lake for multiple non-abutting or back lots of a subdivision, site condominium, multiple family development or other non-frontage use.
- ✓ No signs will be built other than those approved by the Township and necessary for public safety.
- ✓ All watercraft, docks, boats, watercraft storage facilities including boat cradles, shore stations and boat lifts and other structures and facilities permitted in this BLB District are limited solely for the non-commercial use and quiet enjoyment of the abutting frontage lot owners, lessees, renters, and their invited guests. No such facilities as listed above shall be rented, leased or allowed to be used by any other persons unless approved by the Township in conjunction with a marina. For purposes of this section, persons shall mean an individual, partnership, corporation, association and any other entity to which the law provides or imposes rights and responsibilities. For purposes of this section, commercial use shall mean the rental, lease or allowed use of docks, boat cradles, shore stations and boat lifts by persons who are not abutting frontage owners, lessees, or renters, excluding those facilities that are open to the public and operated by the Township, City or State of Michigan.
- ✓ Any facilities installed hereunder are subject to the terms of the FERC license.
- ✓ No dock will be placed or maintained in a location where it can present a hazard to navigation, or create a risk that boats will run aground while attempting to moor.
- ✓ No person will install or maintain a dock except on shoreline or bottomlands abutting a frontage in which they have an ownership interest.
- ✓ All docks will be positioned perpendicular to the shore, and in a manner that does not unreasonably encroach on the use and enjoyment of the Lake by neighboring lots.
- ✓ Dry docks and dry land storage of watercraft will not occur at the site.
- ✓ No boat or portion thereof will be launched, stored, moored or docked within five feet of the side lot lines of an abutting upland lot as extended into the water.
- ✓ All docks will be kept in good repair.
- ✓ The marina will comply with all applicable construction standards and permit requirements of EGLE.
- ✓ All docks, hoists and similar structures installed shall be under common ownership and of a common design so as to create a unified appearance at the site. Note that hoists and similar structures will not be permitted.
- ✓ There will be no fueling station at the marina.
- ✓ Relief is sought from Section 3.120(D)(5), which states that no dock or any other structure or appurtenance shall extend more than 40 feet into the Lake, measured perpendicularly from the shoreline, unless greater length is necessary to reach water with a depth of three feet, and then no further than necessary to reach such depth.
- ✓ Relief from Sec. 3.120(D)(5) with an application to the Board of Zoning Appeals (BZA) pursuant to Sec. 3.120(F)(7).

The applicant will seek relief from the requirement that the dock length is limited to 40 feet, through an application that is currently pending from the BZA. Staff supports the granting of this exception. A copy of the BZA report is attached to this packet for the Planning Commission's reference.

Per Section 3.120(D)(6) of the Zoning Ordinance, In the BLB District, docks, For marinas, public uses, or abutting commercial sites, the Township may authorize docks, other permitted structures and watercraft to extend across up to 100% of the Lake Frontage, as deemed appropriate and subject to special approval. The docks will occupy 108 feet (81.8%) of the property's 132 feet of frontage. In staff's opinion, this coverage is acceptable, considering the relatively narrow lake frontage enjoyed by the parcel and considering that it will be a reduction from the previously existing dock coverage. **Staff finds the extension across roughly 81.8% of the lake frontage to be acceptable, and the Planning Commission will have to find the same as part of any approval.**

Recommendation

The items included in this report are minor in nature and can be addressed with final site plan adjustments as the project proceeds through engineering and final site plan review and through the creation of "Issued for Construction" drawings. I **recommend conditional approval** of the Plan dated January 6, 2023, subject to the following conditions:

- **The water depth at the farthest point of projection must therefore be provided.**
- **A completed application for review by EGLE, and if required, by FERC, must be provided prior to full Township lakeshore authorization being granted, and The construction is subject to any necessary approvals from EGLE and FERC.**
- **A description of the proposed use including the nature of the proposed use and other general information describing the use must be provided.**
- **The site shall not be used for fueling.**
- **Special approval must be obtained from the Township Board of Trustees.**
- **Special exception to Section 3.120(D)(5) must be obtained from the Van Buren Township Board of Zoning Appeals (BZA).**
- **The use of the land must otherwise comply with Article VI. of Chapter 42 (Environment) of the Van Buren Township Code of Ordinances (Belleville Lake and Township-Owned Property).**
- **Staff finds the extension across roughly 81.8% of the lake frontage to be acceptable, and the Planning Commission will have to find the same as part of any approval.**

If the Planning Commission conditionally approves the requested site plan and recommends special approval for this marina, the request will be considered for special approval by the Board of Trustees, subject to approval of the requested dock length modification by the BZA.

Thank you for allowing me to assist with this review.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Power".

Dan Power

Director of Planning and Economic Development, Van Buren Charter Township

CC: Ronald Akers, AICP – Municipal Services Director, Van Buren Charter Township
Jeremy Richardson - Michigan Department of Environment, Great Lakes, and Energy

COPY
FOR REFERENCE ONLY



Motion: Variance Request BZA 22-056

Case 22-056: I make a motion to (approve / deny) the request for exception, modification, or appeal by Belleville Yacht Club to install two (2) dock structures each with a length not to exceed 120 feet, subject to approval by the State of Michigan, in contrast to the requirements of Section 3.120(D)(5) of the Van Buren Township Zoning Ordinance which limits the dock length to 40 feet into Belleville Lake, measured perpendicularly from the shoreline, unless greater length is necessary to reach water with a depth of three feet. The subject site is Township Lake Property adjacent to 831 East Huron River Drive (parcel ID number 83 088 99 0005 000), on the north side of East Huron River Drive between Loza Lane and Evelyn Court. The site is zoned Belleville Lake Shoreline District B – Non-Single Family Residential (BLB).

This motion is based on the findings of fact derived from Section 3.120(F)(7) of the Van Buren Township Zoning Ordinance:

- i. Enforcement of the provision(s) requested for special exception would unnecessarily prevent the reasonable use of the land or boats involved without resulting benefit to the public health, safety and welfare of persons or property;
- ii. The special exception would not unduly prevent the realization of the purposes of this Ordinance;
- iii. The special exception would not cause substantial harm or detriment to adjacent or nearby lands or boats or the public interest or safety, nor be contrary to the intent or purposes of this Ordinance;
- iv. Unusual circumstances or conditions are involved; and
- v. The special exception is consistent with the goal of providing reasonable, equitable access to all abutting lake owners.

Findings of fact: _____

Conditions: Recommended Condition (if exception is granted):

Condition: _____

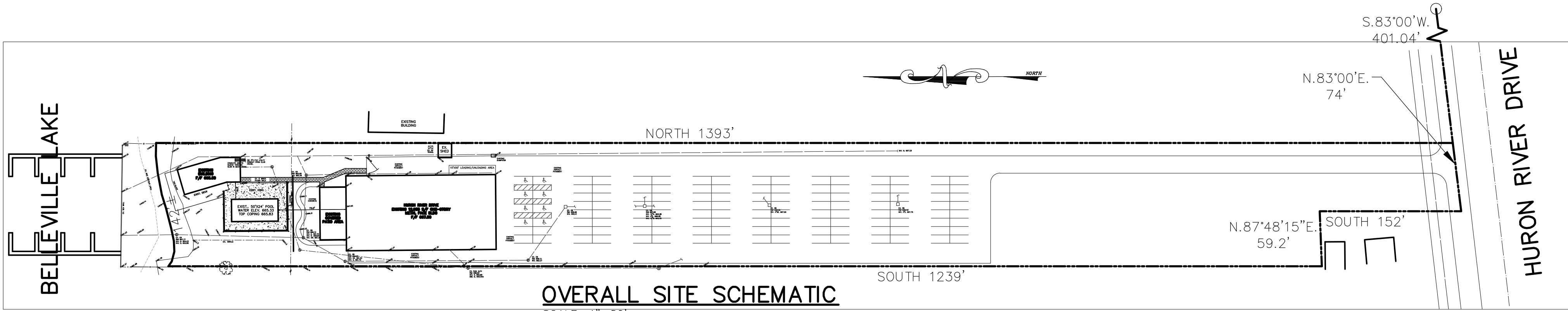
Condition: _____

Motion made by: _____

Support from: _____

Ayes: _____ Nays: _____

Motion carries / fails

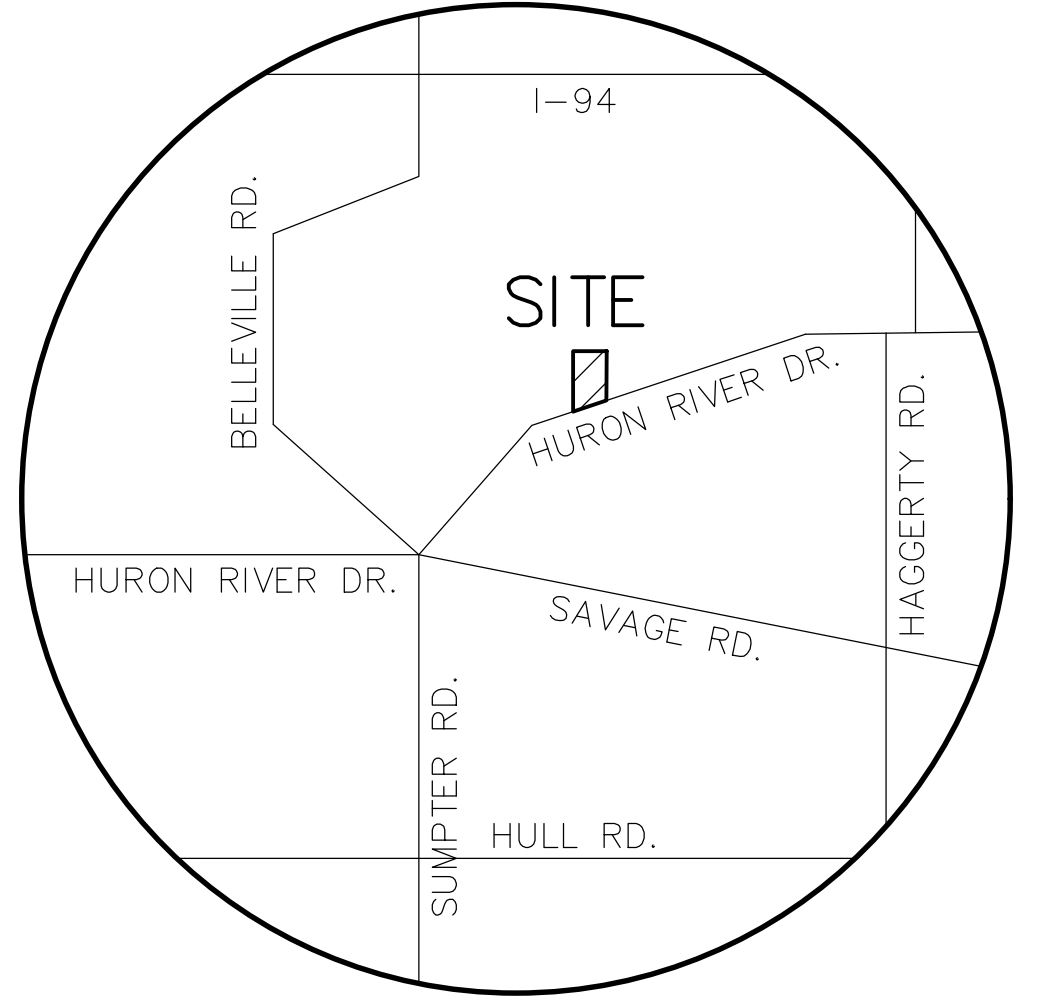


LEGAL DESCRIPTION

PART OF THE EAST 1/2 OF SECTION 22, BEGINNING AT A POINT ON THE CENTERLINE OF HURON RIVER DRIVE, S.83°00'W., 401.04 FEET FROM INTERSECTION OF LINE AND EAST LINE OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 22; THENCE NORTH 1393 FEET; THENCE WESTERLY ALONG CONTOUR AT ELEVATION 655 FEET (USGS DATUM) APPROXIMATELY 140 FEET; THENCE SOUTH 1239.0 FEET; THENCE N.87°48'15"E., 59.2 FEET; THENCE SOUTH 152 FEET; THENCE N.83°00'E., 74 FEET TO POINT OF BEGINNING. SAID PARCEL CONTAINING 4.04 ACRES

TAX ID#83-088-99-0005-000.

BOUNDARY LINES AS SHOWN ARE PER LEGAL DESCRIPTION PROVIDED BY THE CLIENT. THE EXISTING 655 CONTOUR LINE DOES NOT APPROXIMATE THE LOCATION DEPICTED WITHIN THE LEGAL DESCRIPTION.



LOCATION MAP

NOT TO SCALE

NOTE:

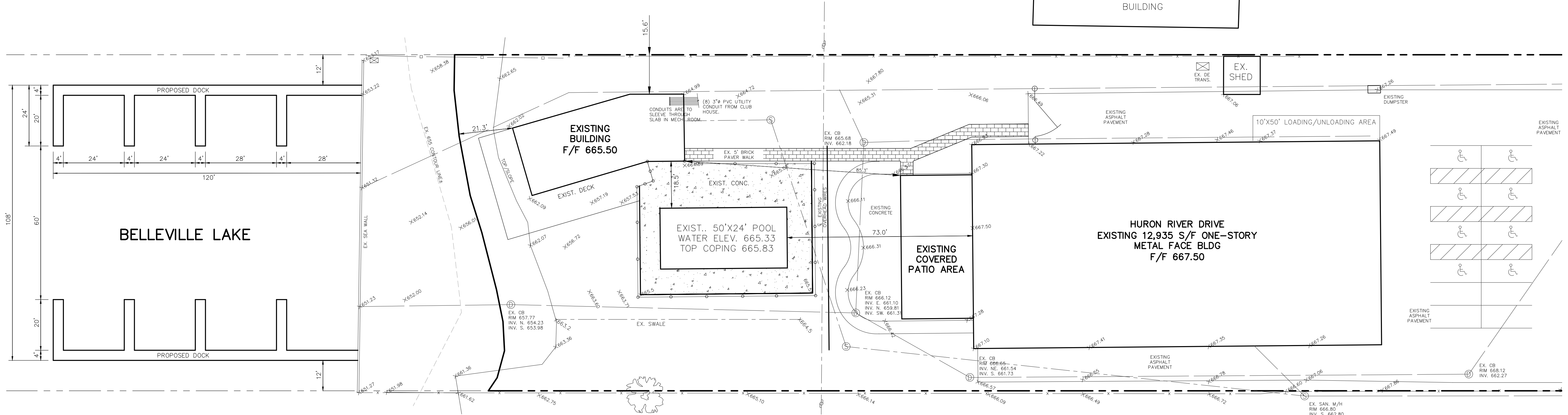
- NO BOAT LIFTS, CRADLES OR HOISTS WILL BE CONSTRUCTED.
- NO BUILDINGS OR COVERED STRUCTURES WILL BE CONSTRUCTED ON THE WATER OR ON TOWNSHIP LAKE PROPERTY.
- ALL USES AND STRUCTURES SHALL COMPLY WITH THE STANDARDS AND REQUIREMENTS OF SECTION 3.120(d) EXCEPT FOR ANY STATED EXCEPTIONS BEING PURSUED PER SEC. 3.120(f)(7).
- THERE WILL BE NO PRIVATE RAMPS OR LAUNCHES INTENDED TO PROVIDE ACCESS TO THE LAKE FOR MULTIPLE NON-ABUTTING OR BACK LOTS OF A SUBDIVISION, SITE CONDOMINIUM, MULTIPLE FAMILY DEVELOPMENT OR OTHER NON-FRONTAGE USE.
- NO SIGNS WILL BE BUILT OTHER THAN THOSE APPROVED BY THE TOWNSHIP AND NECESSARY FOR PUBLIC SAFETY.
- ALL WATERCRAFT, DOCKS, BOATS, WATERCRAFT STORAGE FACILITIES INCLUDING BOAT CRADLES, SHORE STATIONS AND BOAT LIFTS AND OTHER STRUCTURES AND FACILITIES PERMITTED IN THIS "BLB" DISTRICT ARE LIMITED SOLELY FOR THE NON-COMMERCIAL USE AND QUIET ENJOYMENT OF THE ABUTTING FRONTAGE LOT OWNERS, LESSEES, RENTERS, AND THEIR INVITED GUEST. NO SUCH FACILITIES AS LISTED ABOVE SHALL BE RENTED LEASED OR ALLOWED TO BE USED BY ANY OTHER PERSONS UNLESS APPROVED BY THE TOWNSHIP IN CONJUNCTION WITH A MARINA. FOR PURPOSES OF THIS SECTION, COMMERCIAL USE SHALL MEAN THE RENTAL, LEASE OR ALLOWED USE OF DOCKS, BOAT CRADLES, SHORE STATIONS AND BOAT LIFTS BY PERSONS WHO ARE NOT ABUTTING FRONTAGE OWNERS, LESSEES, OR RENTERS, EXCLUDING THOSE FACILITIES THAT ARE OPEN TO THE PUBLIC AND OPERATED BY THE TOWNSHIP, CITY OR STATE OR MICHIGAN.

NOTE:

- ANY FACILITIES INSTALLED HEREUNDER ARE SUBJECT TO THE TERMS OF THE "FERC" LICENSE.
- NO DOCK WILL BE PLACED OR MAINTAINED IN A LOCATION WHERE IT CAN PRESENT A HAZARD TO NAVIGATION, OR CREATE A RISK THAT BOATS WILL RUN AGROUND WHILE ATTEMPTING TO MOOR AT THE DOCK.
- NO PERSON WILL INSTALL OR MAINTAIN A DOCK EXCEPT ON SHORELINE OR BOTTOMLANDS ABUTTING A FRONTAGE IN WHICH THEY HAVE AN OWNERSHIP INTEREST.
- ALL DOCKS WILL BE POSITIONED PERPENDICULAR TO THE SHORE, AND IN A MANNER THAT DOES NOT UNREASONABLY ENCROACH ON THE USE AND ENJOYMENT OF THE LAKE BY NEIGHBORING LOTS.
- DRY DOCKS AND DRY LAND STORAGE OF WATERCRAFT WILL NOT OCCUR AT THE SITE.
- NO BOAT OR PORTION THEREOF WILL BE LAUNCHED, STORED, MOORED OR DOCKED WITHIN FIVE FEET OF THE SIDE LOT LINES OF AN ABUTTING UPLAND LOT AS EXTENDED INTO THE WATER.
- NOTE THE FOLLOWING:
 - RELIEF IS SOUGHT FROM SECTION 3.12(D)(5), WHICH STATES THAT NO DOCK OR ANY OTHER STRUCTURE OR APPURTENANCE SHALL EXTEND MORE THAN 40 FEET INTO THE LAKE, MEASURED PERPENDICULARLY FROM THE SHORELINE, UNLESS GREATER LENGTH IS NECESSARY TO REACH WATER WITH A DEPTH OF THREE FEET, AND THEN NO FURTHER THAN NECESSARY TO REACH SUCH DEPTH.
 - RELIEF FROM SE. 3.120(D)(5) WITH AN APPLICATION TO THE BOARD OF ZONING APPEALS (BZA) PURSUANT TO SEC. 3.120(F)(7).

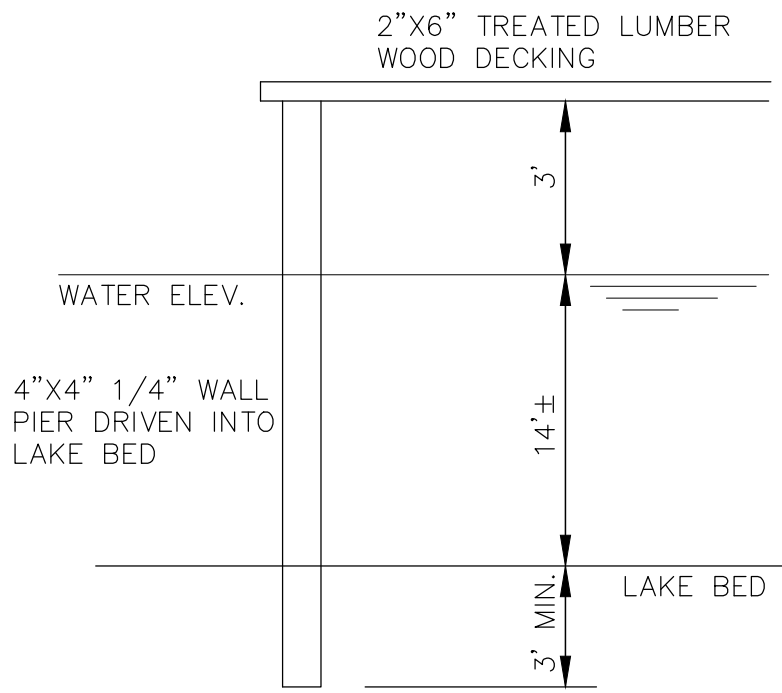
NOTE:

- ALL DOCKS WILL BE KEPT IN GOOD REPAIR.
- THE MARINA WILL COMPLY WITH ALL APPLICABLE CONSTRUCTION STANDARDS AND POERMIT REQUIREMENTS OF 'EGLE'.
- ALL DOCKS, HOIST AND SIMILAR STRUCTURES INSTALLED SHALL BE UNDER COMMON OWNERSHIP AND OF A COMMON DESIGN SO AS TO CREATE A UNIFIED APPEARANCE AT THE SITE. NOTE THAT HOIST AND SIMILAR STRUCTURES WILL NOT BE PERMITTED.
- A FUELING STATION WILL NOT AND IS NOT PROPOSED.



SITE PLAN NOTES

- THERE IS NO PROPOSED EARTH CHANGES IN CONJUNCTION WITH THE INSTALLATION OF THE PROPOSED DOCK.
- DOCKS WILL COMPLY WITH THE MARINA STANDARDS OF THE TOWNSHIP ZONING ORDINANCE.

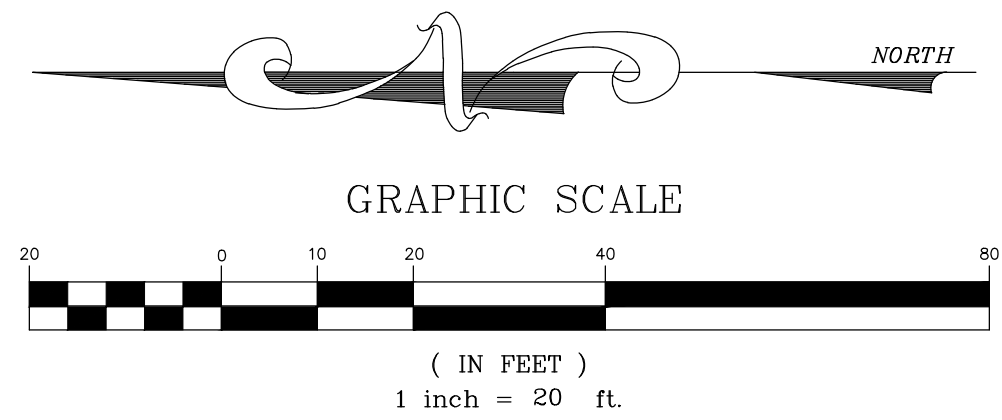


DOCK CROSS-SECTION

NOT TO SCALE

PROPOSED DOCK

TO BE 4"x4" 1/4" PIER DRIVEN INTO LAKE BED WITH A 4"x4" ANGLE SUPPORTING 2"x10" WITH 2"x6" DECK BOARDS. TOPOF DOCK IS 36" ABOVE WATER. DECK SCREWS ARE FASTENERS TO 2"x10" FASTEND TO ANGLE WITH 3/4"x4" BOLTS AND ALL STEEL IS WELDED.



LEGEND

- EX. CATCH BASIN
- EX. SANITARY MANHOLE
- EX. STORM MANHOLE
- EX. HYDRANT
- EX. UTILITY POLE
- EX. VALVE WELL
- EX. FENCE
- EX. STREET SIGN
- EX. LIGHT POLE



MISS DIG

3 WORKING DAYS
BEFORE STARTING YOUR PROJECT

811

(TOLL FREE)