

**CHARTER TOWNSHIP OF VAN BUREN  
BOARD OF ZONING APPEALS AGENDA  
Tuesday, March 14, 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/84305760461>

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**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 January 10, 2023

**CORRESPONDENCE**

**PUBLIC HEARING (new business items)**

**1. Case Number: 23-005 – Residential Height Interpretation**

**Request:** Request for an appeal for the interpretation of a provision of the following section of the Van Buren Township Zoning Ordinance by the Board of Zoning Appeals (BZA) under Section 12.403(B)(1) of the Zoning Ordinance:

- **Section 3.106(D)** - R-1A, R-2A, R-1B, and R-1C, Single-Family Residential Districts – Dimensional Regulations
  - Max. Building Height (ft.) 30. Max. Bldg. Height (stories) 2.

The requested interpretation is whether the maximum allowable building height in the R-1A, R-2A, R-1B, and R-1C Zoning Districts is limited by one or both - height in feet and height in stories. If maximum

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building height is limited only by the height in feet, the number of stories would not be applicable, so long as the building height does not exceed 30 feet.

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

## **UNFINISHED BUSINESS**

### **1. 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 85.3 feet, as revised from a previous request with proposed lengths 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.

## **NEW BUSINESS**

### **1. Case Number: 23-005 – Residential Height Interpretation**

**Request:** Request for an appeal for the interpretation of a provision of the following section of the Van Buren Township Zoning Ordinance by the Board of Zoning Appeals (BZA) under Section 12.403(B)(1) of the Zoning Ordinance:

- **Section 3.106(D)** - R-1A, R-2A, R-1B, and R-1C, Single-Family Residential Districts – Dimensional Regulations
  - Max. Building Height (ft.) 30. Max. Bldg. Height (stories) 2.

The requested interpretation is whether the maximum allowable building height in the R-1A, R-2A, R-1B, and R-1C Zoning Districts is limited by one or both - height in feet and height in stories. If maximum building height is limited only by the height in feet, the number of stories would not be applicable, so long as the building height does not exceed 30 feet.

- A. Presentation by Township Staff.
- B. Presentation by the Applicant.

- C. Board of Zoning Appeals Discussion.
- D. Board of Zoning Appeals Action.

**ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION**

**ADJOURNMENT**

**CHARTER TOWNSHIP OF VAN BUREN  
BOARD OF ZONING APPEALS AGENDA  
Tuesday, January 10, 2023 – 7:00 PM  
Van Buren Township Hall Board Room  
46425 Tyler Road**

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:** John Herman (Chair), Amos Grissett, Kevin Martin, John Haase, Aaron Sellers, Jeff Jahr (Planning Commission Rep.), Brian Cullin (Planning Commission Alt.)

**Absent Excused:** Charles Larocque

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

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

**APPROVAL OF MINUTES:**

Changes to the minutes from December 13, 2022:

Jahr stated that Medina Atchinson and Dan Power, not Ron Akers, were in attendance of the last meeting.

Herman stated on the second to last page the motion was typed incorrectly.

Grissett motioned; Jahr seconded to accept the amended minutes from December 13, 2022. **Motion Carried**

**ACCEPTANCE OF AGENDA**

Change of Agenda:

1. Move Election of Officers before the Public Hearing.
2. Add Training to Comments

Jahr motioned; Haase seconded to accept the changed agenda. **Motion Carried**

**CORRESPONDENCE:**

Chairperson John Herman read the public hearing rules.

**Election of Officers for 2023**

Trustee Martin motioned, Sellers seconded to maintain the present positions for Chair, Vice-chair and secretary Jahr confirmed with the current Chair John Herman, Vice-Chair Amos Grissett and Secretary John Haase for the acceptance to continue in this roll.

Herman, Grissett and Haase accepted the nomination to stay in the current positions.

**ROLL CALL:**

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

Nays (0): None

Absent (1): Larocque

**Motion Carried**

**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

Jahr motioned; Grissett seconded to open public hearing for 22-042 – Tyler Edwards on behalf of Menard’s, Inc. **Motion Carried**

No public comment in person or on zoom

Haase motioned; Jahr seconded to close public hearing for 22-042 – Tyler Edwards on behalf of Menard’s, Inc. **Motion Carried**

### **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

Jahr motioned; Haase seconded to open public hearing for 22-057 – Bazo Construction on behalf of Meijer, Inc. **Motion Carried**

No public comment in person or on zoom

Jahr motioned; Haase seconded to close public hearing for 22-057 – Bazo Construction on behalf of Meijer, Inc. **Motion Carried**

### **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.

Grissett motioned; Sellers seconded to open public hearing for 22-056 – Belleville Yacht Club. **Motion Carried**

**Public comment:**

Michael Clarey, 48380 West Huron River Drive, received the notification and questioned if this is a private entity and private dock and would like to see the drawings/design of the proposed docks because of where these are located.

Director Powers stated the applicant can speak more to this when they do their presentation but yes this would be used by the applicant and not a public dock.

Corey Gibson, 43160 East Huron River Drive, stated he believes the BYC has shown the board, lake owners and tax payers they do not have regard for rules and ordinances. The incomplete dock situation is a hazard and the dwelling called the Tiki bar was not permitted and zoned until after the fact. Concerned the lake travel space would now only be around 525ft for the busiest area of the lake. If later the DNR requested the BYC to put buoys out it would narrow this pathway even further so therefore is not a fan of this request.

Barbara Miller, 45311 Harmony Lane, would like to state that packet pages should be numbered, did not see how many boats would be allowed on these new docks. In the presentation it stated this is president setting but then states it is unlikely replicated, she would like explanation. Development of docks is a service to the community however this is for BYC members only with only Men being allowed to be members. If it is a private club for members only how will the docks be reasonably used by the community? No dry docks or storage will not occur it should state they will not be permitted.

Director Power summarized written correspondence (which are attached at the end):

- Michele Montour, 43200 East Huron River Drive, had concerns regarding safety and limiting lake area.
- Jeffrey Riggs the limited distance is concerning, potential conflict of interest for from BZA board members should recuse themselves. Believes a lake traffic study should be conducted. Commented the BYC turned in drawings December 21<sup>st</sup> that were published December 22<sup>nd</sup> right before the holidays, more time should have been given because of vacations. Believes Wayne County Marine Patrol should be contacted about the smaller navigational channel.
- Attached is a letter previously submitted from Willard Hawley in regards to a potential text amendment to the Zoning Ordinance.

Via Zoom Jeffrey Riggs restated the items in his letter that Director Power summarized. Adds this only benefits the BYC members and not the community as a whole. Believes other businesses or residents on the lake will want to all make their docks bigger and the whole lake will become a no-wake zone and this is a safety hazard.

No further public comments

Jahr motioned; Haase seconded to close public hearing for 22-056 – Belleville Yacht Club. **Motion Carried**

**UNFINISHED BUSINESS: None**

## **NEW BUSINESS**

### **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

Senior Principal Planner Vidya Krishnan summarized her letter dated January 4, 2023. McKenna and Associates recommends 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. This 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.

Tyler Edwards on behalf of Menard's spoke of the intent to remain in Van Buren Township forever. Menards tries to adapt to the world around them and when this building was built they could not foresee this being needed. The reason the gate needs a canopy is for safety and security. Snow would slide off into the new lane without this canopy. They could tear down and rebuild the entire gate and canopy that is existing at a cost of a half million dollars but that seems unreasonable. Significant tree screening that will be replaced to keep visual impact down. The request may not be unique but the store itself is unique, there is no other 200,000 sqft box on 16 acres bringing in thousands of people. Every variance should be weighed on its own merits.

The board had the following questions and comments:

- Why can't the lane be combined with the current lane? For convenience of the 100-200 per hour customers that use the self pick up.
- PC minutes were presented but not approved, pending BZA approval PC could then approve or deny request for new setback/greenbelt.
- The lane can go in without the canopy? Yes the lane can go in without this variance, however the safety of the canopy extension is the reason for this variance. Without this variance Menards would have to completely tear out and redo the existing canopy.
- Can the new kiosk lane be placed in a different place so the canopy would not need extended? No because the snow can still fall off the canopy in other directions and would still land in that lane or on a vehicle in the lane.

Sellers motions to approve the request. Motion failed due to lack of support and belief this is self created.

Haase motion to deny the request by Tyler Edwards on behalf of Menard's, Inc. for 10010 Belleville Road (Parcel # 83 061 99 0005 726) for a variance from Section 3.112 (E) for C-2 Extensive Highway Business District: North (Side) Yard setback; Martin seconded to deny. **Motion Carried**

## **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

Senior Principal Planner Vidya Krishnan summarized her letter dated January 4, 2023. McKenna and Associates recommends 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.

Bazo Construction on behalf of Meijer, Inc would like to come up with a conclusion with Dan Power to comply or better comply with our zoning ordinances.

Director Power stated we should post pone till further notice, if needed.

Grissett motioned; Sellars seconded to post pone 22-057 – Bazo Construction on behalf of Meijer, Inc.  
**Motion Carried**

5 Minute Recess

### **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.

Director Power presented his revised letter dated January 9, 2023. Director Power recommended 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.

Mr. Jones on behalf of the Belleville Yacht Club gave background information on the Club/docks. Acquired the property in 2012 which had floating dock which were updated in 2015 till 2020. Started to replace floating docks and stop under a stop work order from Van Buren Township. Going through several court hearings being told come to a resolution with the Township. BYC applied for Marina permit in May of 2021 through EGLE. EGLE said go through VBT first then come back to EGLE for approval. EGLE said they did not like the "T Docks" that were presented because you have to go through your neighbors' lot lines to pull on the outer docks, they prefer what we are presenting you today. We had 24 docks and with approval will go down to 22 docks (16 interior and 6 exterior).

The board had the following questions and comments:

- Variance vs Exception? Variance stays with the land it is granted to no matter the use. Exception is granted to the current use only.
- There were 24 docks and your going down to 22 docks, what is the reason? BYC had 24 docks but currently because the stop work order only have 14 docks. Like 22 docks because 300 members, 700-800 people on site for the fireworks and polar plunge. Also, members that don't have lake access of their own can use the dock for over night parking. (No sleeping, just parking only.)
- Safety and lighting are a concern. Will do research and come up with safety measures and lighting for visibility.
- Current dock length vs requested length? Current is 84ft, requesting additional roughly 40ft.
- BYC should get approval or denial from Planning Commission for site plan approval and a new use approval before coming to the BZA. Concerns of safety, lighting and visibility should be addressed before a decision is passed.
- Dock length; Belleville Lake's longest dock now is around 110ft which is Sandy's Marina. Ypsilanti Township other Marinas the longest is 30ft others are 20ft. Pine lake has a 177ft long dock but is not like Belleville lake, the lake is shallow so the dock is long. Can make this unique but shows there are a lot of other Marinas that do not require 120ft of dock going straight out.
- Leave at 84 ft would have 1 less tier, it would put them at 16 slips instead of 22.
- Is it proper to go through Planning Commission first then come to the BZA? No, this process is not required but could be helpful to make a decision.
- Does the court still have jurisdiction over the case? This could be reissued if there is no resolution between the Township, BYC and EGLE.
- Why are the docks being replaced to begin with? Rough wake spot, constantly boats going in and out of the launch. Custom plates have been put in and have deteriorated. The new design would prevent this from happening.

Applicant would like to postpone the BZA decision with comments addressed and review done by Planning Commission.

Haase motioned; Grissett seconded to postpone 22-056 Belleville Yacht Club until Planning Commission reviews the case.

**ROLL CALL:**

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

Nays (0): None

Absent (1): Larocque

**Motion Carried****ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION**

Discussed changing start time of meeting and February meeting date. None were approved to move or adjust.

Approve meeting calendar as is.

Trainings are available for all members.

Brian Cullin new Planning Commission Alternate

Trustee Kevin Martin is an Ex-Officio Member of MAP.

**ADJOURNMENT**

Martin motioned; Sellers seconded to adjourn meeting at 9:58pm. **Motion Carried**

## Power, Dan

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**Subject:** FW: Unsure

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**From:** Michele Montour <[michele@montourdesigns.com](mailto:michele@montourdesigns.com)>

**Sent:** Monday, January 9, 2023 1:17 PM

**To:** Communications

**Subject:** [EXTERNAL EMAIL] case #22-059- resent with proper numbering

CAUTION: Please be careful when opening links and attachments.

Concerns regarding Case #22-059 for exception, modification to install two (2) dock structures not to exceed 120 feet.

1. Belleville Lake is a narrow lake especially in this area.
2. Extending a dock past the Van Buren Township Zoning ordinance of 40 feet is hazardous to boaters and jet skiers.
3. The Belleville Boat Launch is adjacent to the proposed installation of these requested docks which would create congestion when people are launching and especially when many people are trying to get off the lake,
4. Boats and jet skiers take off from the launch - an extended dock is dangerous.
5. Keep in mind that many people that launch their boats/jet skis are not "seasoned" and this extension would be unsafe.
6. If these docks are approved, will that give other people the option to extend their docks? If so, there would be less and less lake to actually enjoy.

I oppose this request. The lake should be safe for everyone.

Michele Montour  
Michele Montour  
43200 E Huron River Dr  
Van Buren Twp, MI 48111

734.612-1312

[michele@montourdesigns.com](mailto:michele@montourdesigns.com)

## Power, Dan

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**From:** Jeffrey Riggs - Laptop <JeffreyRiggs@RiggsProductGroup.com>  
**Sent:** Tuesday, January 10, 2023 6:02 PM  
**To:** Power, Dan  
**Subject:** [EXTERNAL EMAIL] BZA Meeting - Tuesday December 10th, 2023  
**Attachments:** BYC Docks - 112020 (1).JPG

**CAUTION:** Please be careful when opening links and attachments.

Also Dan, one other thing the other BZA members should see. Look at this pic showing the loss of usable space for boats to travel, just with the illegal docks they tried to put in. I don't think that was even out 120'.

We need to review this in the summer.

Best regards,

Jeffrey Riggs  
Belleville, MI 48111  
Mb: 313.268.9226  
Email: [JeffreyRiggs@RiggsProductGroup.com](mailto:JeffreyRiggs@RiggsProductGroup.com)

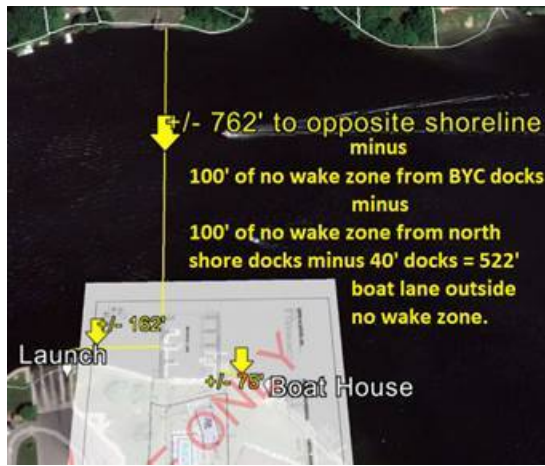
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**From:** Jeffrey Riggs - Laptop [mailto:JeffreyRiggs@RiggsProductGroup.com]  
**Sent:** Tuesday, January 10, 2023 5:38 PM  
**To:** 'dpower@vanburen-mi.org' <dpower@vanburen-mi.org>  
**Subject:** BZA Meeting - Tuesday December 10th, 2023

Hi Dan:

A few questions for the BZA Meeting, which I will try to attend via Zoom. If these questions aren't presented by me or others, would you ask them for me?

1. Any member of the VBT Board that is a member of the BYC needs to recuse themselves for obvious reasons; a definite conflict of interest. I know Mrs. Atchinson is on the BZA; she is obviously very closely tied to the BYC, as her husband is a member and she is extremely active with the BYC. She need to recuse herself due to this conflict of interest, as do others that are BYC members or closely associated with the BYC.
2. Per the VBT Planning Commission Meeting Packet, the drawing shows "762' to opposite shoreline". Per the attached pic, I did the math. 762' to opposite shoreline, minus 100' no wake zone, minus 100' the no wake zone on the north shoreline, minus 40' max for boat lifts/docks on the north shoreline = only 522' FOR ALL BOATS TRAVEL ABOVE NO-WAKE SPEEDS. Not acceptable, this needs review this summer to see the impact to all lake users, not just the BYC.



3. A lake traffic study is needed for this. Making this decision in the middle of winter without reviewing the current conditions and traffic on this section of the lake isn't proper due-diligence. To evaluate a request to go triple the distance currently allowed into the narrow channel of a public lake that could have serious future implications due to "setting a precedent", we need further information. This decision should not be taken lightly.
4. The BYC drawings were only submitted to VBT on December 21<sup>st</sup>, published Dec 22<sup>nd</sup>, only two working days before the Christmas & New Year's holidays. People are on vacation and many do not even know about this meeting, only the BYC that has done a good job of informing its members. Not fair to the other owners on the lake and those that use it.
5. Have we consulted the Wayne County Marine Patrol on their thoughts of making the navigational channels smaller in this area? Van Buren Marine Patrol? There are safety hazards of docks extending out 4 times the average length, 3 times current zoning? Again, a traffic study is needed.

Thanks Dan, perhaps a little late in the day, but that goes back to the Dec 22<sup>nd</sup> publication of this. Done by the BYC to strategically make it difficult during the holidays and shortly thereafter. I'm in Key Largo, FL and will try to attend via Zoom.

Best regards Dan,

Jeffrey Riggs

Mb: 313.268.9226

Email: [JeffreyRiggs@RiggsProductGroup.com](mailto:JeffreyRiggs@RiggsProductGroup.com)







ATTORNEY AND COUNSELOR AT LAW

49289 Peninsular Drive, Belleville, MI 48111

Office: (734) 787-3333

Fax: (734) 697-4301

E-mail: [willardhawley@live.com](mailto:willardhawley@live.com)

Via Electronic Mail - Kelley@kelawpc.com

December 6, 2022

Bryon K. Kelley, Esq.  
Van Buren Township Planning Commission  
45425 Tyler Road  
Van Buren Township, MI 48111

Re: Request for comment by Lake Ordinance Committee on proposed revision

Dear Mr. Kelley:

I am responding to the planning commission's request that the Lake Ordinance Committee review and provide comment on a requested amendment to the ordinance to provide for an increase to the maximum dock length on BLB district property from the current 80' provided in the statute to 120'.

#### Procedure

In response to your request, I sent correspondence dated November 29, 2022 to the email addresses of all committee members that were still serving when the ordinance was passed. A copy of my correspondence to the committee is attached below as Exhibit 1. In response, a number of members of the committee contacted me by telephone and asked that I detail their concerns and comments in a single correspondence from the committee. I also received a number of emails and took notes on their comments. I then prepared this letter as a draft and sent the draft to the entire team for comment, clarification and amendment. This correspondence is the result of that process.

#### Ordinance revision/Variance

The committee members were very concerned about the unintended consequences of drafting this into the township ordinance. Many committee members expressed the view that they would be in favor of a single variance if that were possible. We discussed this issue with you and the commission apparently cannot give a simple variance for someone to build on property that they do not own. It appears that the only way that the requested 120' BYC facility could be approved is through the requested amendment to the ordinance.

If the ordinance is amended, it will apply to every BLB district property, and we expect that to create significant additional issues. First, the debate regarding what constitutes a hazard to navigation and what docks are perpendicular to shore under §16.04C.b. If the various properties



in the corner by Denton Road and Main Street decided to extend, they are all on a concave, the township would potentially be faced with the same issues that took years of legal action to resolve in other parts of the lake. Avoiding such a quagmire was a primary reason that the ordinance was adopted.

#### Keyholing/Lake Congestion

For years, the township has prohibited installations that allow lake access to multiple residents in a subdivision to moor boats to multiple non lake residents, commonly known as "keyholing". If the proposed installation is to moor boats for club members living on the lake visiting the club, the committee had no concerns about keyholing at BYC. If the club is planning on renting or providing slips for permanent access to non-lake residents, then there would be a concern, as the club would essentially become a marina.

The real concern is that the ordinance revision would open the door to further development and others attempting to keyhole their subdivisions using property currently or designated in the future as BLB. Longer docks will simply exacerbate this problem. Several members of the committee were concerned about any significant expansion of Sandy's Marina, right next to the dam. The committee noted that the safety of the dam is obviously paramount.

#### Precedent/future modifications

Several members of the committee noted that the proposed ordinance originally provided for a 40' maximum and that the committee doubled that number to 80' for BLB properties in the rewrite. They also were concerned that amendment of the ordinance would become the manner in which future "variances" and modifications would be requested. Some members felt that 80' was more than enough intrusion into the navigable part of the lake in any situation, noting that this creates a "slow no-wake" zone within 100' of the moored boats.

#### Conclusion

The problem identified by the committee with the proposed amendment is unintended consequences. Our committee has great respect for the community service, camaraderie and genuinely thoughtful things that the BYC does in our community. They are good for our community and we want to support the organization and see it prosper. But, the issue submitted to the committee was not whether the BYC went out 80' or 120' in that given location. The issue submitted was whether everyone in a BLB would be permitted by ordinance to do so. The problem identified by the committee is that if the BYC is allowed through ordinance amendment; then everyone in a BLB must be allowed similar treatment.

If a single variance could be presented to the planning department for this purpose only, some members of the committee would support it and some would not, and the community could undertake its standard procedures on the matter. I am not aware, however, of any members of the committee in favor of rewriting the ordinance and addressing all of the potential unintended ramifications created by doing so. We want to be very clear that we are not expressing an

Bryon K. Kelley, Esq.  
December 6, 2022  
page 3.

opinion on the specific BYC project, as that is not the place of this committee. That decision belongs with our elected township officials in accordance with their regular comment process. Rather, **we are expressing an opinion solely with regard to the proposed revision of the ordinance** as it would impact all "permitted commercial, office, public or institutional purposes, including but not limited to restaurants, public parks, private clubs, transient dockage under public ownership and control, and other uses determined similar in the discretion of the Planning Commission."

The members of the committee appreciate the opportunity to comment and the thoughtful nature that this has been approached. Please feel free to contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Willard E. Hawley', with a stylized flourish at the end.

Willard E. Hawley

Original correspondence to Lake Committee members

**From:** Willard Hawley <willardhawley@live.com>

**Sent:** Tuesday, November 29, 2022 11:43 AM

**To:** Akers, Ron <rakers@vanburen-mi.org>; Bryon K Kelley <kelley@kelawpc.com>

**Subject:** [EXTERNAL EMAIL] Request for revision of shoreline ordinance

Good Morning:

I have prepared this email to members of the Shoreline Ordinance Committee at the request of Bryon Kelley, Esq. from the planning commission. The Planning Commission has received a request for amendment of the Ordinance pursuant to provisions that allow an individual to seek an amendment. This would not be a variance, but would apply to all BLB applicants under the ordinance. The revision sought would apply only to the BLB commercial district applications and extends the distance by which a dock can extend into the lake at a BLB-approved facility from 80 feet to 120 feet.

The paragraph as revised by the requested revision would read as follows:

- (5) ***Dock Length and Width.*** *No residential dock or any other residential structure or appurtenance shall extend more than 40 feet into the Lake, measured perpendicular 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. Docks at marinas and non-commercial multi-docking facilities intended to accommodate more than 6 watercraft in the BLB district shall not extend more than 120 feet into the Lake or further than would be permitted by the State of Michigan, whichever distance is less.*

I have underlined the 120 revision, which would be the only revision in the ordinance. The revision has been requested by the BYC, who has apparently received initial indications of approval from EGLE for a square enclosure which permanent dock enclosure that would extend 120' into the lake. I have also attached the full text of the ordinance as adopted for your reference.

I have been asked by the planning commission to seek comment from our committee to be considered by the planning commission prior to their decision on this issue. If the revision is going to be made, it will have to be published and go through the typical approval process. We have been asked to comment by the planning commission before any public comment period. **If you do not want to continue receiving these emails, please advise me. I will compile any comments and send another email to the group with everything and then start a group discussion, so that our email doesn't get blown up and anyone who does not want to participate further has a chance to opt out.**

My opinion is as follows:

The addition of another 40 feet, when the property owner would still have to meet ordinance and EGLE requirements to not impede navigability, is not significant to me. I

note that the floating docks that the BYC has had installed for years appeared to me to go farther than the proposed 120' for a permanent installation affixed to the ground. Mr. Kelley has advised me that the requested docks would be an enclosed square, which would avoid backing toward the boat launch and adjacent property owner on the other side. There are very few facilities that would fall under the BLB sections. Sandy's is already grandfathered in at what appears to be about 35 meters. I believe that all of the facilities on main street would impede navigability even at 80 feet and be disallowed under the navigability requirement. I am unaware of any other BLB facilities. I do not see any harm to the lake or adjacent property owners and do not believe that the 80 feet maximum being extended by 40 feet in commercial settings significantly impacts anyone else's enjoyment of the lake, provided that it does not impede navigability.

That said, I want to know what I don't know...and the planning commission wants to know our view. **I would ask that if you have an interest in commenting on this matter, please send your comment back to me directly by Friday at 4pm.**

Thanks for your continued service to the community in this matter.

Will Hawley  
Willard E. Hawley, P.C.  
49289 Peninsular Drive  
Belleville, MI 48111  
(o) 734.787.3333  
(f) 734.697.4301  
[willardhawley@live.com](mailto:willardhawley@live.com)



# 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@autokinton.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

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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 (Report #2)
DATE:	March 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 85.3 feet, as revised from a previous request with proposed lengths not to exceed 120 feet, subject to approval by the State of Michigan. Section 3.120(D)(5) of the Van Buren Township Zoning Ordinance 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. The basic request is for an exception from the 40-foot length requirement under Section 3.120(D)(5).

### **INFORMATION REGARDING THE REQUEST**

**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. The private club is considered as a use similar to an institutional use, and therefore defines the adjacent lake property as being zoned Belleville Lake Shoreline District B - Non-Single Family Residential (BLB), per Section 3.120(C) of the Township Zoning Ordinance. The site in the Township Lake property previously contained two (2) floating dock structures which extended roughly 52 feet into Belleville Lake and to within 0'-6' from the side lake lot lines. One of these structures remains in place, however, the other has been replaced by a partially constructed new dock structure. The existing and proposed use is a "marina" as defined in Section 3.120(B)(15) of the Township Zoning Ordinance, as described in the section below.

**Project Description:** The submitted site plan demonstrates that there will be two (2) dock structures with a total length of 85.3'. Each dock stem will contain one main stem which is four (4) feet wide, along with three (3) perpendicular docks which are each four (4) feet wide x 24' long. The docks are spaced 24' to 25.3' (reduced from 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).

**Notice:** A public hearing notice for the requested exception from the 40' maximum dock length 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. A public hearing was held by the BZA on January 10, 2023.

**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 85.3 feet into the Lake, measured perpendicularly from the shoreline.

## **REVIEW PROCESS**

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 docks are subject to Van Buren Township Belleville Lake Shoreline Districts Ordinance (Section 3.120 of the Zoning Ordinance), referred to herein as "Belleville Lake Ordinance". 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.

This request requires review by the BZA under a set of requirements that apply to modifications of standards of the Belleville Lake 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.

## **BACKGROUND**

Based on application being made for the requested marina with an exception for the proposed dock length in December 2022, public hearings with the BZA and Planning Commission were scheduled. A public hearing was held with the BZA on January 10, 2023 to consider the special exception request.

The BZA postponed their decision on this request to allow additional review and commentary on the request and its associated marina site plan to help determine the BZA's decision. A public hearing was held by the Planning Commission to consider the marina special approval and site plan requests on January 11, 2023. At this meeting, the Planning Commission's decision was postponed in order for additional information to be provided on a revised site plan and / or supplemental data, and for action to be taken by the BZA at a future meeting prior to a final decision on the site plan by the Planning Commission. Discussion and analysis during and following the BZA and Planning Commission reviews on January 10<sup>th</sup> and January 11<sup>th</sup> culminated in comments from members in the public, the BZA and the Planning Commission regarding the scope of the site's boating use, the impacts of the proposed docks on **navigability, safety, and the uniqueness of the property's attributes or constraints relative to the land use request**. A revised 2-page site plan submittal from Hardy Civil Design Services, LLC was submitted to the Township, revision-dated 1/20/2023. This plan set again showed dock at a length of 120'. Based on this plan submittal, the Planning Commission reviewed and provided commentary on the requested exception to allow docks which exceed a length of 40 feet at their regular meeting on February 8, 2023. Based on the feedback received at that meeting, the applicant decided not to pursue dock lengths of 120'. The minutes from this meeting are attached to this staff report packet. The applicant has now submitted a revised plan which shows lengths of 85.3' for the two dock structures, a 28.9% reduction in length. The revised site plan now also shows the dock structures being separated by a reduced distance of 42.6', with 21' setbacks to each side lake lot line.

My remaining comments in this report analyze the content of the site plans included with the BZA's packet, revision-dated February 28, 2023 (to be referred to herein as "revised site plan"), and the criteria the BZA is requested to evaluate in order to make their decision on the requested special exception relative to this content.

### **DESCRIPTION OF SUBMITTALS AND REVIEW CRITERIA**

I have previously provided a report to the BZA dated January 6, 2023 (revised January 9, 2023) which summarized findings based on the application requirement and various review criteria. Based on the analysis provided in staff reports and based on additional information received throughout the public input process, the BZA should provide findings of fact based on the criteria under Section 3.120 of the Van Buren Township Zoning Ordinance. The BZA will be making findings on the following five (5) criteria in determining whether to approve the requested special exception for excessive dock length, per 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.



In its analysis of these criteria, the BZA should consider the submittals that has been requested by the Planning Commission throughout the review process, and an analysis of these submittals as provided with the revised site plan, on the **“Description of Submittals”** listing following this report.

The BZA. A special exception to any provision of Section 3.120 unless findings for all criteria specified in Section 3.120(F)(7)(c) of the Van Buren Township Zoning Ordinance. Below, I have additionally listed these criteria, along with **factors for consideration** when evaluating each criterion, along with recommended **conditions of any approval**.

**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.**

➤ **Factors for Consideration:**

- Whether a 40' maximum length for docking structures at this property unnecessarily prevents the reasonable use of the land or boats involved.
- Whether a 40' maximum dock length at this parcel results in a significant benefit to the public health, safety, and welfare of persons or property relative to the 85.3' length docking structures with 21' side setbacks as proposed.
- Past and present proposed use of the land.

**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.

➤ **Factors for Consideration:**

- Whether the proposed docking structure lengths of 85.3' will unduly prevent the

retention of Belleville Lake's physical, ecological, cultural, and aesthetic characteristics.

- Whether the proposed docking structure lengths of 85.3' will preserve and protect the quality and safety of the Lake.
- Whether the proposed docking structure length of 85.3' will maintain the rights of adjacent owners and users as well as the Township as a whole.
- Consider what changes, or lack thereof, are made evident by the proposed 85.3' docking structure design relative to current conditions or previous lawfully nonconforming conditions, relative to the characteristics of the Lake, the quality and safety of the Lake, and the rights of adjacent owners and users.
- Note that **the proposed dock structures are subject to any necessary review and approval of this application by EGLE and FERC.**

**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;**

➤ **Factors for Consideration:**

- Whether the 85.3' long docking structures with 21' side setbacks as proposed, will cause substantial harm or detriment to adjacent or nearby lands or boats or the public interest or safety.
- In reviewing this criterion, the BZA is encouraged to closely review the previously discussed site plan submittals provided by the applicant, including schematic and detailed plan drawings demonstrating the distances of setbacks, no wake zoned and navigable areas around the proposed docking structures.

**4) Unusual circumstances or conditions are involved;**

➤ **Factors for Consideration:**

- Whether, relative to other BLB-zoned Township Lake Property in the Township, the upland parcel is uniquely constrained in its width.
- Whether there are any unique circumstances or conditions around the property's physical characteristics.
- Whether there are any unique circumstances or conditions around the property's land use history.

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

➤ **Factors for Consideration:**

- Whether the proposed docking structure length is consistent with the goal of providing reasonable, equitable access to all abutting lake owners.
- Consider what changes, or lack thereof, are made evident by the proposed 85.3' docking structure design relative to providing reasonable, equitable access to all abutting lake owners.

**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. **I strongly recommend that the BZA use the motion template attached to this packet to assist in making their decision.** If findings in the positive are found for the five (5) criteria under Section 3.120(F)(7)(c), the special exception request may be granted. **If the request is granted, it will be** subject to the conditions listed below:

- **The proposed dock structures and marina are subject to site plan approval by the Township Planning Commission and special approval by the Township Board of Trustees.**
- **The proposed dock structures and marina are subject to any necessary review and approval of this application by EGLE and FERC.**
- **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

## **DESCRIPTION OF SUBMITTALS**

1. Provision of a site plan map showing the lakeshore contour, the slow no wake contour that is allowed without exception, and a contour showing how far the slow-no-wake zone is proposed to be moved into the lake based on the proposed design. The map should be drawn at a radius around the subject site that is large enough to include the same contours on the other side of the lake at the closest point on the opposite shore (about an 800' radius around the subject parcel). **This was provided in the "overall site schematic" on page 1 and on the broad view site plan on page 2 of the revised site plan.** The slow-no-wake zone around the proposed docks has been reduced from 220' to 185.3'. Sheet 2 shows the connection of the slow-no-wake zone around the subject site to its neighboring sites and presents a picture of the navigability around this zone.
2. Indication of the number of buoys included in the project and that no change to number or placement will be made after approval without permission from the township. **No buoys have been proposed.**
3. The applicant's dock design should carry a civil engineering stamp, and our township engineer, or another qualified civil engineering consultant, should review it. If no such civil engineering standards exist for this type of commercial dock, then a letter from our Township Engineer confirming that no specific engineering standards apply should be included in the report. **The revised site plan does not contain a civil engineering stamp.** The applicant understands this may be required, and Township staff has discussed the pending review of plans with the Township Engineer.
4. Indication of docking spaces using the standard boat sizes as listed in [MCL 324.80124](#), which defines different fee schedules for boats based on size, and a definition of 'length of the vessel'. For example "two spaces for Motorboats 21 feet or over but less than 28 feet in length, four spaces for Motorboats 16 feet or over but less than 21 feet in length" etc. **Note 5 under the revised site plan's use statement states that there will be (16) docking spaces for vessels of up to 28' in length.**
5. The maximum number of consecutive overnight stays at the docks in the marina for a single boat **must** be noted on the plan. If the applicant intends to make an exception for a service boat, tender, water taxi, or 'club boat' to be docked there seasonally, that should also be called out on the plan. **The use statement includes a statement that "Members and guest will not be allowed to park overnight unless pre-approved by Belleville Yacht Club manager. If approved, no boat shall remain at docks for more than 3 nights."**
6. Hours of operation must be noted. **The use statement indicates that dock hours will mirror club hours of Monday and Tuesday – closed, Wednesday, Thursday, and Friday – 4 pm to 10 pm, Saturday – 11 am to 1 am, Sunday – 11 am to 10 pm.**
7. If access to the short-term docked boats is allowed outside of normal club operating hours, then the plan must indicate how access to waste handling facilities will be provided to those boaters. This should include location of dumpsters and trash cans, bathroom access, and how the waste from the boat's head (marine toilet) will be handled. **The use statement notes that, "Outdoor bathrooms and waste dumpster are available 24 hours a day to all members".**

8. There should be a "no sanitary pump out allowed" notation along with the "no fueling" one. **The use statement states that "Belleville Yacht Club will have no pump-out service and shall not allow removal of sanitary waste on premises".**
9. If lighting is *proposed*, then the hours that the lights will be on must be noted in the plan, and should be chosen to correspond with the hours of operation of the marina and the DNR ramp next door. If safety lighting is proposed, a better solution would be for path lighting installed along the edge of the dock, and the position should be shown on the plan. **Note 3 under the Site Plan Notes section of the revised site plan states that, "Lighting will be provided to illuminate the docks from dusk until dawn, every day."** A drawing showing ornamental dock lighting has been provided on sheet 2 of the site plan. The lighting dimensions are 46" tall x 10" wide.
10. A drawing of the current, existing site situation should be shown, so that the reviewers have a clear idea of what the new plan intends to change. **A drawing showing existing conditions has been provided on sheet 2 of the revised site plan.** The existing 2020 conditions included two (2) dock stems, each containing four (4) docks has been provided (typical dimensions of 4' x 20'). The setback is shown as 6' on the east/side lake lot line and appears to be narrower on the west/side lot line.
11. (Suggestion): It would help the reviewers to understand the request for exception if a conforming plan (less than or equal to 40' and equal the maximum frontage extent) showing the number of possible spaces was provided. **Not provided in the revised site plan.**
12. A description of the proposed use including the nature of the proposed use and other general information describing the use must be provided. **A full use statement has been added to the revised site plan, copied below:**
- Use Statement:
  - The Marina will be used for the transient docking of members and guest of the Belleville Yacht Club.
  - Members and guest will not be allowed to park overnight unless pre-approved by Belleville Yacht Club Manager. If approved, no boat shall remain at docks for more than 3 nights.
  - No maintenance or fueling shall be allowed at the docks. The Belleville Yacht Club will have no pump-out service and shall not allow removal of sanitary waste on premises.
  - Dock Hours will mirror club hours of: Monday and Tuesday - closed, Wednesday, Thursday, Friday - 4pm To 10pm, Saturday - 11 to 1am, Sunday - 11am to 10pm. Outdoor bathrooms and waste dumpster are available 24 hours a day to all members.
  - There shall be (16) docking spaces for vessels of up to 28' in length.
13. The dock surface material is subject to Planning Commission review. Verify that the materials meet any applicable requirements of EGLE. Please provide detailed descriptions and bring material samples if possible. **The revised site plan contains notes indicating that the dock will be constructed using 2"X6" treated lumber wood decking.** The applicant has indicated that wolmanized lumber will be used, and that he will bring material samples to the next Planning Commission meeting.
14. Provide dimensions that delineate the exact 'boat parking space' length x width dimensions for each parked / moored watercraft. Cleat marks should be shown on the plan where cleats will be installed.

*Also see comment 4 above.* **The revised site plan contains templates showing the dimensions of a typical 28' long boat, placed within the dock parking spaces in select locations. The plan also now shows cleat spaces.**

15. Dimensions shall be provided from the exterior limits of any exterior mooring spaces to the adjacent lake lot line, to demonstrate that 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. **The revised site plan shows side setbacks of 21' for each of the dock structures.** The site plan shows cleat marks for up to two (2) exterior mooring spaces alongside each dock structure, for a total of four (4) exterior mooring spaces in addition to twelve (12) interior spaces. A typical boat width of 8.5' and a typical setback to the lake lot line of 12.5' for broadside mooring spaces is shown. **Any proposed exterior mooring spaces are subject to EGLE approval.**
16. Safety features including the locations of life preservers, exit ladders, lighting, and reflective markings shall be shown in plan view. **The revised site plan includes a proposed post with a life ring along the site's seawall near the easternmost dock.**
17. A photometric drawing should be provided to demonstrate that the lighting will meet Section 8.106 of the Van Buren Township Zoning Ordinance, including that the light trespass will not exceed 0.5-foot candles at adjacent property lines. **The revised site plan does not include a photometric drawing.** The applicant has indicated that this will be provided later.
18. Bathymetric / depth contours shall be provided to demonstrate the bottom of the lake bed measured at the sea wall and measured at the farthest point of projection. **The dock/lake bed cross section drawing included with sheet 1 of the revised site plan shows an approximate depth of 6' near the seawall and an approximate depth of 13'2" at the farthest point of projection. Bathymetric contours are not shown at these locations in the site plan.**
19. Clarify that the depth you are showing on your site plan cross section is the water depth at the farthest point of projection (or if it is not the furthest depth, please provide the section at the farthest point of projection). **The dock/lake bed cross section drawing shows an approximate depth of 6' near the seawall and an approximate depth of 13'2' at the farthest point of projection.**
20. Show the location of the address marker on the lake side of 831 East Huron River Drive. **The revised site plan includes the location of the existing ladder along the site's seawall near the easternmost dock.**
21. Show the exact distance dimensions from the dock's furthest extent to the opposite shoreline. **The Overall Site Schematic plan on sheet 1 notes a distance of 898.55' from shore line to shore line.**
22. Work with a design professional to demonstrate the no wake zones, wake zones, and navigable space extending out from the docks. **The revised site plan displays no wake zones and navigable spaces extending out from the docks on sheets 1 and 2.** The reduced dock length increases the open navigable area to 551' from 516.3'. Sheet 2 on the revised site plan shows a nearby open navigable area of 385'.

23. Additionally, the conditions in the staff reports that were previously provided per the BZA staff report from the Planning Director dated 1/9/2023 as revised and the Planning Commission packet from the Planning Director dated 1/10/2023 as revised:

- The water depth at the farthest point of projection must be provided. **This was provided in the revised site plan as noted.**
- 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. **This will be required at a later date.** EGLE's purview over this request involves approval of the proposed dock configuration based on guidelines from Part 301 (Act 451 of 1994). EGLE has stated to staff that their primary concern is a proposed plan that meets the criteria in Part 301 and that does not result in possible impacts to adjacent riparian owners and public's ability to navigate the waters.
- A description of the proposed use including the nature of the proposed use and other general information describing the use must be provided. **This was provided in the revised site plan as noted.**
- The site shall not be used for fueling. **Notes committing to no fueling or maintenance are included in the revised site plan.**
- Special approval must be obtained from the Township Board of Trustees. **This is to be determined pending outcome of Planning Commission and BZA reviews.**
- Special exception to Section 3.120(D)(5) must be obtained from the Van Buren Township Board of Zoning Appeals (BZA). **This is to be determined.**
- 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). **This is to be verified throughout review process.**
- 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. **Note that the length of the dockage along the property's frontage has been reduced in the revised site plan to only 90.6 feet, or 68.6 percent of the property's frontage.** The final acceptance of the length of dockage along the property's frontage is to be determined upon the Planning Commission's consideration of final site plan review.
- The dock surface material is subject to Planning Commission review. **A material sample will be provided as previously noted.**

24. Staff was also requested to provide insight regarding the inception of the 40-foot maximum length requirement under the Van Buren Township Zoning Ordinance. It is staff's understanding that at one time, discussion was held regarding extending the required length from 40 feet to 80 feet for BLB-zoned sites. The consensus in the final, published version of the Belleville Lake Shoreline Districts Ordinance was a 40-foot maximum length.

25. Discussion was also held regarding the use of a lake traffic impact study. Additional dimensional details have been secured, as summarized previously in this report. These additional details demonstrate the proximity of the docks to nearby lakefront parcels, potential dock construction areas in nearby properties, and wake and no wake zones. While a lake traffic study is not currently available, these details provide a basis for measuring navigability around the Township Lake Property

in relation to the docks' design. Navigability will also be closely studied as part of EGLE's review of the proposed docks.



**(7) Exceptions, Modifications and Appeals.**

- (a) Board of Zoning Appeals.** For the purposes of this [Section 3.120](#), the Board of Zoning Appeals (“BZA”) as established and regulated in [Section 13.104](#) of this Ordinance shall be the reviewing body. All provisions of said [Article 12, Chapter 4](#) shall apply except as specifically modified in this [Section 3.120\(F\)\(7\)](#).
  - (b) Powers.** The BZA may interpret the provisions of this [Section 3.120](#) if questions arise and may approve modifications to particular provisions of this Section, and grant special exceptions for a given case. In exercising its powers, the BZA shall have the primary goal of reaching an equitable conclusion and allocation of use of the Township Lake property for the purposes stated in [Section 3.120\(A\)](#) of this Ordinance.
  - (c) Standards for Special Exceptions.** 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:

    - (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.
  - (d) No Precedent.** 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.
  - (e) Special Exception.** Upon making the findings above, the BZA may grant a special exception to provisions of this [Section 3.120](#) subject to complying with all other requirements of this Ordinance. The BZA may also attach reasonable conditions to the granting of an exception.
  - (f) Public Hearing.** Appeals and requests for special exceptions to this Article shall be considered only at a duly held public hearing and meeting of the BZA. Notice of the hearing shall be given in accordance with [Article 12, Chapter 6](#). In addition, the Township shall give at least fifteen (15) days prior written notice of such hearing to any Lake or property owners association if the association has provided its address to the Township beforehand.
- (8) Indemnification.** By accepting any Township approval, the applicant agrees to execute an agreement to defend, indemnify and hold harmless the Township and its elected and appointed officials, agents, representatives, employees, boards and commissions against and with respect to any and all actions, suits, proceedings, claims, demands, judgments,

## Chapter 4 Variances and Appeals

### Section 12.401 Appeal and Notice Requirements

- (A) **Appeal of Planning Commission Decision.** An appeal from the Planning Commission shall be taken to the Board of Zoning Appeals, a written appeal shall be filed within thirty (30) days after the decision.
- (1) No appeal shall be taken to the BZA from a decision of the Planning Commission and/or the Township Board in connection with a special approval use.
- (2) No appeal shall be taken to the BZA from a decision of the Planning Commission in connection with an approved and/or proposed site plan unless such appeal has first been reviewed by the Planning Commission and comments regarding the variance are provided in the minutes.
- (B) **Appeal of Administrative Decision.** An appeal may be taken to the BZA by any person, firm or corporation or by any officer, department, board or bureau aggrieved by a decision of the Township Building Official. Such appeal shall be taken within such time as shall be prescribed by the BZA by general rule, by filing with the building official and with the BZA a notice of appeal, specifying the grounds thereof. The building official shall forthwith transmit to the BZA, all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building official certifies to the BZA, after notice of appeal has been filed with him or her, that, by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed, otherwise than by restraining order which may be granted by a court of record.
- (C) **Public Hearing Notice.** Notice of a public hearing by the BZA shall be given pursuant to [Article 12, Chapter 6](#).

### Section 12.402 Jurisdiction

The BZA may reverse or affirm, wholly or partly or may modify the order, requirement decision or determination as in its opinion ought to be made in the promises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the BZA shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provision so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done. Nothing herein contained shall be construed to give or grant to the BZA the authority to make changes in the Zoning Ordinance or the zoning may, such power and authority being reserved to the Township Board of Trustees in the manner herein provided by law.

### Section 12.403 Powers and Duties

The BZA shall have the following specified powers and duties:

## **Article 12: Administrative Procedures**

### **Chapter 4: Variances and Appeals**

- (A) **Administrative Review.** To hear and decide appeals where it is alleged by the appellant and there is an error in any order, requirement, permit, decision or refusal made by the building official or any other administrative official in carrying out, enforcing, any provision in this Ordinance.
- (B) **Interpretation.** To hear and decide in accordance with the provisions of this Ordinance:
- (1) Appeals for the interpretation of the provisions of this Ordinance.
  - (2) Requests to determine the precise location of the boundary lines between the zoning districts as they are displayed on the zoning map, when there is dissatisfaction with the decision on such subject pursuant to [Section 3.103](#).
- (C) **Variances.** The BZA shall have the power to authorized, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations; such requirements as off-street parking and loading space, requirements, sign regulations and other similar requirements as specified in the Ordinance, provided such modifications will not be inconsistent with the purpose and intent of such requirements. To obtain a variance, the applicant must show “practical difficulty,” by demonstrating:
- (1) That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose and would thereby render the conformity unnecessarily burdensome for other than financial reasons;
  - (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; and
  - (4) That the problem is not self-created.
- (D) **Standards of approval.** In consideration of all appeals and all proposed variances under this Ordinance, the BZA shall, before granting any appeals or variances in a specific case first determine 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.

### **Section 12.404 Prohibited Variances**

- (A) No variance shall be made in connection with a condition attached to a special approval use approved by the Township Board.
- (B) No variance shall be made in the use of land, and the Board of Zoning Appeals shall not consider use variance requests.

### **Section 12.405 Attachment of Conditions**

The BZA may impose conditions upon an affirmative decision. The conditions may include, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:

- (A) Be designed to protect natural resources, the health, safety and welfare as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole.
- (B) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- (C) Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
- (D) The conditions imposed shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the land owner. The approving authority shall maintain a record of changes granted in conditions.

### **Section 12.406 Approval Period**

No order of the Board permitting the erection of a building shall be valid for a period longer than six (6) months unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit within one (1) year of the date of the order of the BZA unless a six (6) month extension is granted by the

## **Article 12: Administrative Procedures**

### **Chapter 4: Variances and Appeals**

BZA to permit completion of any building or buildings. In instances where a building or alteration constructed in conformance with previously granted variance ceases to exist through damage or destruction, reconstruction shall be started and proceed to completion in accordance with the terms of a required building permit within two (2) years of the date of damage unless a six (6) month extension is granted by the BZA to permit completion.

#### **Section 12.407 Fees**

The Township Board of Trustees may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applications for BZA proceedings. At the time an application is filed, the fees shall be paid to the Township Treasurer.

#### **Section 12.408 Rehearing**

The BZA is without general authority to reconsider a matter it has decided and from reversing its previous decision unless the facts and circumstances which actuated the decision have so changed as to invalidate or materially affect the reason which produced and supported it and no vested rights have intervened.

#### **Section 12.409 Final Decision and Appeals of Decisions**

The decision of the BZA shall be final. An appeal of a decision of the Board of Zoning Appeals shall be taken to the Wayne County Circuit Court within a time period specified in the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) and by such persons permitted by State statute and common law. Upon appeal, the court shall review the record and decision of the BZA to insure that the decision complies with the constitution and laws of the state, is based upon proper procedure, is supported by competent, material and substantial evidence on the record and represents the reasonable exercise of discretion granted by law to the BZA. As a result of this review required by this Section, the court may affirm, or modify the decision of the BZA.

**ITEM #2: 22-048 – NICOLE’S LITTLE FRIENDS – GROUP DAY CARE HOME – SPECIAL LAND USE REVIEW.**

**TITLE: A REQUEST BY NICOLE AND ROBERT BURKE TO BEGIN A DAY CARE, GROUP HOME USE AS DEFINED PER SECTION 2.102(A)(60)(B) OF THE VAN BUREN TOWNSHIP ZONING ORDINANCE. THE PARCEL IS ZONED R-1B (SINGLE FAMILY RESIDENTIAL). DAY CARE, GROUP HOME IS A SPECIAL LAND USE IN THE R-1B (SINGLE FAMILY RESIDENTIAL) DISTRICT, AND THE PROPOSED SPECIAL LAND USE REQUIRES A PUBLIC HEARING. THIS HEARING IS BEING HELD IN ACCORDANCE WITH ARTICLE 12, CHAPTER 3 (SPECIAL LAND USE REVIEW) OF THE ZONING ORDINANCE.**

**THE PROJECT IS PROPOSED TO BE LOCATED AT 45921 CHATSWORTH DRIVE (PARCEL ID #83-061-01-0231-000).**

**Motion Cullin, Grant second to open the public hearing. Motion Carried.**

Director Power gave a brief overview. The applicant is applying to the State of Michigan to operate a licensed Day Care Group Home for 12-14 children. Section 2.102 (A)(60)(b) of the Van Buren Township Zoning Ordinance allows for a private home to provide care and supervision to more than (6) but not more than (12) minor children for periods of less than twenty-four (24) hours a day. A recent change in State Law, will allow Day Care Group Homes to have additional capacity, up to two additional children. All group day care homes are required to be registered with or licensed by the State of Michigan Department of Licensing and Regulatory Affairs (LARA) or successor agency.

No comments from the audience or remote viewers.

**Motion Jahr, Cullin second to close the public hearing. Motion Carried.**

**ITEM #3: 22-059 – BELLEVILLE YACHT CLUB – MARINA SPECIAL APPROVAL.**

**TITLE: A REQUEST BY THE BELLEVILLE YACHT CLUB 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 UP TO FIVE (5) CONNECTING DOCKS. THE SITE IS ZONED BELLEVILLE LAKE SHORELINE DISTRICT B – NON-SINGLE FAMILY RESIDENTIAL (BLB) AND THE ADJACENT UPLAND PARCEL IS ZONED R-1C – SINGLE FAMILY RESIDENTIAL. 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 SHORELINE DISTRICT APPROVAL PROCESS) OF THE ZONING ORDINANCE.**

**THE PROJECT IS PROPOSED TO BE LOCATED IN TOWNSHIP LAKE PROPERTY ADJACENT TO 831 EAST HURON RIVER DRIVE (PARCEL ID #83-088-99-0005-000),**

**(SINGLE FAMILY RESIDENTIAL) DISTRICT, AND THE PROPOSED SPECIAL LAND USE REQUIRES A PUBLIC HEARING.**

**THE PROJECT IS PROPOSED TO BE LOCATED AT 45921 CHATSWORTH DRIVE (PARCEL ID #83-061-01-0231-000).**

Director Power's presentation was provided under New Business Item #2 and there were no additional comments.

No further comments from the Commission, audience or remote viewers.

**Motion Jahr, Grant second to postpone preliminary and final site plan until such time as the applicant is able to provide more detail on the site plan for additional review.**

**Roll Call:**

**Yeas: Budd, Grant, Barr, Cullin, Jahr and Kelley.**

**Nays: None.**

**Excused: Atchinson.**

**Motion Carried.**

**ITEM #4: 22-059 – BELLEVILLE YACHT CLUB – MARINA SPECIAL APPROVAL.**

**TITLE: A REQUEST BY THE BELLEVILLE YACHT CLUB 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 UP TO FIVE (5) CONNECTING DOCKS. THE SITE IS ZONED BELLEVILLE LAKE SHORELINE DISTRICT B – NON-SINGLE FAMILY RESIDENTIAL (BLB) AND THE ADJACENT UPLAND PARCEL IS ZONED R-1C – SINGLE FAMILY RESIDENTIAL. MARINAS ARE A USE THAT REQUIRE SPECIAL APPROVAL IN THE BLB DISTRICT, AND THE USE REQUIRES A PUBLIC HEARING.**

**THE PROJECT IS PROPOSED TO BE LOCATED IN TOWNSHIP LAKE PROPERTY ADJACENT TO 831 EAST HURON RIVER DRIVE (PARCEL ID #83-088-99-0005-000), ON THE NORTH SIDE OF EAST HURON RIVER DRIVE BETWEEN LOZA LANE AND EVELYN COURT.**

Commissioner Kelley believed he has a conflict of interest, being a BYC member and asked to be recused from the discussion.

**Motion Budd, Barr second to recuse Commissioner Kelley. Motion Carried.**

Director Power informed that he will provide review comments for special approval and site plan review in his presentation. The project involves construction of two (2) dock structures, each containing a single dock stem with four (4) connecting docks located in Belleville Lake property adjacent to a private upland parcel located at 831 E. Huron River Drive, Belleville Yacht Club (BYC). The project is proposed to replace two (2) floating dock structures. Director Power presented his

review letter dated 1-6-23. The items included in the review letter 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. Director Power recommends conditional approval of the plan dated 1-6-23, 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.

Owner/Applicant, Scott Jones informed that the use is a parking lot for boats to allow members to come and go by boat. Yacht Club of America members can also use the docks. The club does not rent docks out, but does allow members of the club that do not live on the lake to drop in their boat and keep it there over a weekend. BYC hosts major events 5-6 times a year such as the Polar Plunge for the Special Olympics, youth boater permit classes, 4<sup>th</sup> of July Fireworks, Dive Dogs diving classes at the club and Winterfest. New programs are being added to the club with swim classes and sailing programs. The BYC is working to bring the American Power Boat Association back to Belleville Lake and will coordinate with the Township and City of Belleville. The materials for the docks currently are 2 x 6 treated lumber and they intend to remain consistent. EGLE has bounced back and forth weather womanized is an acceptable use over water. Have applied for an EGLE permit, joint use permit, one application form is used for the whole permitting process and it falls under the marina classification. It's called a marine and mooring facility permit. The proposed docks are for the parking of 22 boats, 16 inner and 3 parallel on each side. The two (2) 120-foot docks will have 4-foot piers leaves 60 feet in the middle for the navigation of boats, have 50 feet down the center to bring a boat in. The first two spaces will be 28 feet each, 24 feet allows for two 8-foot boats tied up, with 6 feet of space between them. Boats will be parked on both sides of the pier and the seawall is existing with no proposed changes. The dock serves as access to the upland lot, where the Tiki Bar is located which is angled to not disturb the neighbors and there are no changes to the upland lot. Mr. Jones thanked the Commissioner for their consideration.

Commissioners had the following questions and comments:

- How many boats will the docks accommodate and when there is peak traffic will they double stack? Scott Jones informed there will be no stacking and 22 boats can be docked.



- When the docks are full will you turn people away? Mr. Jones confirmed yes, often people will consolidate to one boat if parking is not available.
- Similar to development on main roads, is there a marine safety impact study? Director Power informed that he is not aware of any, the applicant will have to meet all of EGLES requirements.
- Commissioner inquired if the applicant was using an engineer for the project and if there is a way that can be done. Mr. Jones is using King's Engineering for the project.
- Commissioner commented the applicant is tripling the distance. Mr. Jones commented they had 86-foot noncompliant docks that were taken out.
- Commissioner commented it was at 80-feet nonconforming, was part removed? Mr. Jones commented that the outer legs had been removed, had 30-60 days to remove them.
- Are the docks conforming or non-conforming currently? Director Power informed that they are non-conforming.
- Is the existing non-conforming rolled into the request? Director Power informed that this is a new request. Commissioner inquired what happens if this doesn't go through? Mr. Jones informed there are two (2) T's of floating docks.
- What do you have to prevent boats from parking perpendicularly? Mr. Jones informed that the area is really rough with the boat launch, it would be very difficult to tie a boat up there. Commissioner inquired who is enforcing? Mr. Jones informed that the BYC has a Dock Master in the club.
- Other yacht clubs can come in? Mr. Jones informed that 501(c)(7) social or recreational club organizations can go to other social clubs, they have to call first to accommodate. Commissioner inquired what happens if they come in to stay for the weekend? The club is fully staffed and would not allow it.
- In regard to the 120-foot docks, what's to stop Johnny's, Haywards, Doane's Landing and others from coming and asking to put a marina in? Director Power informed that there is a special set of criteria for the BZA that has to be met, it is not precedent setting, each has to meet at their own merit. Other factors were looked at in the BZA review, the limited frontage. The request is based on a specific service that is provided.
- Concerned that what if the City of Belleville had an agreement, they used to have 60 feet. Director Power informed that a district request would be the purview of the BZA.
- Commission agrees that he thinks we'll see an increase in requests.
- Commissioner is concerned with safety, what is the impact of traffic and safety. Commissioner would prefer to have an expert explain that it does or does not have safety impacts. Director Power informed that there is a layout aspect/volume aspect and asked if the concern is about the volume? The concern is about it all, traffic, pulling people on tubes in the area.
- Commissioner inquired if Director Power knows of any studies in his capacity? Director Power will look into and asked the applicant to describe the circulation of traffic. Mr. Jones informed that it is 898 feet across, 120 feet out, the boat traffic runs in a counter clockwise circulation. The dock to the left is within the first 64 feet, not in the path of traffic and he is not aware of a study.
- Commissioner inquired if the applicant is working with an engineer and if there is any way to ask them to have a graph with boating distances. Mr. Jones is working with King Engineering and can ask King Engineering for a graph to show the distance.

- Commissioner commented that this is definitely a different process, the Planning Commission usually would see before the BZA and the BZA gave no direction on how they feel. Would like to ask to table until we have direction from the BZA and have all questions answered.
- Commissioner commented that the BZA is very concerned with safety due to the length of the dock.
- Commissioner referenced an earlier public comment, that the use didn't serve the public as a whole. Commissioners understanding is that the membership was limited to men only? Mr. Jones informed no, that's not true. Commissioner inquired if women can become members of the Belleville Yacht club? Mr. Jones confirmed yes. Commissioner inquired when was that started. The club was founded in 2009 and they acquired the Moose Lodge in 2012. Commissioner inquired when were women allowed to become members? The by-laws have never excluded women. Commissioner asked if a woman could join today and become a full member. Mr. Jones confirmed, they could. They would have to meet the criteria for membership.
- Commissioner who is an acting BZA representative informed that the BZA has significant concern about safety about the 120-foot dock length and there was a lot of public comment. The Planning Commission has not had the benefit of reviewing the comments and correspondence as the BZA postponed their decision. It is in the applicant's and BZA's best interest to have all information available. The BZA felt that the site plan as presented was lacking for special approval and site plan review. Have not heard specific requests or comments on the site plan, would Commissioners like to make any comments on the site plan? The usage and depth need to be on there. The special exception was not given by the BZA, need to work on what the BZA will approve.
- Commissioner inquired if we approve the special approval are we saying ok to the 120-foot dock? The site plan wasn't sufficient, need to see more on the site plan.
- Commissioner inquired if the Planning Commission is ok with the 81.8% frontage? As long as it is not infringing on other properties. The west side is a boat launch and the east side is residential.
- Commissioner prefers to wait until we have more guidance from the BZA.
- Commissioner suggested including boats on the site plan and the addition of water depth and depth contour would be beneficial. The percentage of frontage excluded needs to be called out, show safety devices such as life jackets, lights, ladders and address. Have all items included on the next site plan.
- Commissioners commented that it would be helpful to have a plan graph to show boating zones and traffic patterns and a radius plan.
- Commissioner inquired regarding the previous public comment why is there not a site plan going to the state before coming to the Planning Commission? Director Power informed that in the typical process, the Township will make their review first. EGLE has been cc'd on the reports so they know where the Township is in the process and Director Akers has asked questions of EGLE.

Members of the audience and remote viewers had the following questions and comments:

- Resident read a letter from the State. The BYC has submitted an application, not a revised plan. The property owner had submitted it in the aftermath. If it had been done properly,

we would not be here today. Resident is tired of political favoritism. The permit was not issued, EGLE recommended a revised site plan, to date the have not received a revised site plan. Based on preliminary review, the docks appear to be limited if boats are docked. Resident asked Mr. Richardson of EGLE if this was usual, he said no, it is highly unusual. Director Power informed that the email letter is in the Commissioners packets.

- Residents big concern is the lake is really busy on summer weekends, who is going to enforce the traffic concern. Traffic has to cross in front of the boat launch, would like to see some input from law enforcement.
- Resident agrees that most of the issues around safety are valid. Thinks they should plan first and issue variances later. The traffic issue at the boat launch, on Saturdays there are in excess of 20 boats waiting to access the ramp. Another concern is marketing the traffic through the channel itself, it is significantly narrow, there are no buoys to the west end of the boat launch site and there is no sequestered or secluded area. Resident feels that these are all things that should be considered. Once you grant the variance, this will affect traffic patterns at the launch site, determine the traffic pattern first. Resident is not so concerned about setting a precedence as much as safety. The other examples exist in coves of the lake, they wouldn't greatly impede the traffic on the lake. Resident would like to see the planning done first and the variance later.
- Resident commented the 762 feet to the opposite side of the shoreline, 100 feet no wake, minus the 120 feet equaling 542 feet is not acceptable. A lake traffic study is needed, not making a decision in the winter.
- Resident commented the BYC is asking for a variance of a variance.

No further comments from the audience or remote viewers.

**Motion Cullin, Budd second to postpone 22-059 BYC Marina special approval to a future time.**

**Roll Call:**

**Yeas: Barr, Grant, Budd, Cullin and Jahr.**

**Nays: None.**

**Excused: Atchinson.**

**Recused: Kelley.**

**Motion Carried.**

**ITEM #5: 22-059 – BELLEVILLE YACHT CLUB – MARINA PRELIMINARY AND FINAL SITE PLAN REVIEW.**

**TITLE: A REQUEST BY THE BELLEVILLE YACHT CLUB 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 UP TO FIVE (5) CONNECTING DOCKS. THE SITE IS ZONED BELLEVILLE LAKE SHORELINE DISTRICT B – NON-SINGLE FAMILY RESIDENTIAL (BLB) AND THE ADJACENT UPLAND PARCEL IS ZONED R-1C – SINGLE FAMILY RESIDENTIAL. MARINAS ARE A USE**

**THAT REQUIRE SPECIAL APPROVAL IN THE BLB DISTRICT, AND THE USE REQUIRES A PUBLIC HEARING.**

**THE PROJECT IS PROPOSED TO BE LOCATED IN TOWNSHIP LAKE PROPERTY ADJACENT TO 831 EAST HURON RIVER DRIVE (PARCEL ID #83-088-99-0005-000), ON THE NORTH SIDE OF EAST HURON RIVER DRIVE BETWEEN LOZA LANE AND EVELYN COURT.**

Director Power's presentation was provided under New Business Item #4 and there are no additional presentations.

Commissioners discussed actions moving forward. The BZA is looking for a more detailed site plan, they postponed pending site plan and safety concerns. Commissioners would like to hear what the BZA says and not have preliminary and final site plan reviews together, they can review before it goes back to the BZA. Commissioners would like to review the BZA minutes.

No comments from the audience or remote viewers.

**Motion Cullin, Grant second to postpone 22-059 BYC Marina preliminary site plan for further review as per the comments that were reflected to the BYC, prior to a site plan going to the BZA.**

**Roll Call:**

**Yeas: Budd, Grant, Barr, Cullin and Jahr.**

**Nays: None.**

**Excused: Atchinson.**

**Recused: Kelley.**

**Motion Carried.**

**Motion Jahr, Budd second to adjourn the meeting for a 5-minute break. Motion Carried.**

**ITEM #6: 2022 PLANNING COMMISSION ANNUAL REPORT.**

Director Power presented the draft 2022 Planning Commission Annual Report dated 1-6-23. The report includes updates on the Planning Commission's progress in implementing the Township-wide 2020 Van Buren Township Master Plan, Engagement Activities and Economic Development Plan (future), as well as an overall listing of the Planning Commissions activities. The Planning Commissions activities include: 17 public hearings, 8 preliminary site plan approvals, 4 final site plan approvals, 3 combined preliminary and final site plan approvals, 7 special land use approvals, 1 site plan amendment, 4 temporary land use approvals, 4 rezoning recommendations to the Township Board including 1 recommendation for conditional rezoning, 3 zoning text amendments and 2 tree removal permits.

**Motion Jahr, Barr second to recommend the 2022 Planning Commission annual report as written for acceptance to the Township Board of Trustees.**

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
February 8, 2023  
MINUTES - DRAFT**

Vice-Chairperson Jahr called the meeting to order at 5:30 p.m.

**ROLL CALL:**

**Present:** Cullin, Atchinson, Barr, Grant, Budd, Pahle and Jahr.

**Excused:** None.

**Staff:** Director Power (remote), Director Akers and Secretary Harman.

**Planning Representatives:** Vidya Krishnan, McKenna Associates and Paul Kammer, Fishbeck Associates.

**Applicant(s) in Attendance:** Case 22-059 Belleville Yacht Club: Owner, Scott Jones. Case 21-040 DTE Morton Substation: Barbara Rykwald, Matt Wolf and Karen Wittman. Case 22-012 Chahal Semi Truck Repair Facility: Steve Davenport, Joe Davenport and Lance Warden. Case 17-026 Metro Park Party Store Gas Station: Timothy Shammass and Andy Shina.

**Audience:** Forty-seven (47) and Two (2) remote viewers.

**APPROVAL OF AGENDA:**

Motion Budd, Barr second to approve the agenda of February 8, 2023 as amended, removing New Business Item #4, Extension Request: Case 20-012 – Final Site Plan Approval for Jiffy Lube Minor Vehicle Service. **Motion Carried.**

**APPROVAL OF MINUTES:**

Motion Cullin, Budd second to approve the regular meeting minutes of January 11, 2023 as presented. **Motion Carried.**

**ANNOUNCEMENT:**

Vice-Chair Jahr introduced new Planning Commissioner Jackson Pahle and welcomed him to the Commission.

**OLD BUSINESS:**

**ITEM #1: 22-059 – BELLEVILLE YACHT CLUB – MARINA PRELIMINARY SITE PLAN REVIEW AND COMMENT.**

**TITLE: BELLEVILLE YACHT CLUB REQUESTS 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. THE SITE IS ZONED BELLEVILLE LAKE SHORELINE DISTRICT B – NON-SINGLE FAMILY RESIDENTIAL (BLB). MARINAS ARE A USE THAT REQUIRE SPECIAL APPROVAL IN THE BLB DISTRICT. THE PLANNING COMMISSION IS REQUESTED TO CONSIDER A REVISED PRELIMINARY SITE PLAN ASSOCIATED WITH A REQUEST FOR SITE PLAN AND SPECIAL APPROVAL FOR THE MARINA USE AND TO PROVIDE COMMENTS ON A SPECIAL EXCEPTION REQUEST OF THE BOARD OF ZONING APPEALS (BZA) FOR THE MARINA'S DOCK STRUCTURES TO EXTEND TO A LENGTH NOT TO EXCEED 120', CONTRARY TO SECTION 3.120(D)(5) OF THE ZONING ORDINANCE.**

**THE PROJECT IS PROPOSED TO BE LOCATED IN TOWNSHIP LAKE PROPERTY ADJACENT TO 831 E. HURON RIVER DRIVE (PARCEL ID NUMBER 83-088-99-0005-000), ON THE NORTH SIDE OF E. HURON RIVER DRIVE BETWEEN LOZA LANE AND EVELYN COURT.**

Director Akers gave the presentation. The Planning Commission was asked to provide review and comment on special approval and site plan review for the proposed construction of two (2) multi-dock structures that have a proposed length of 120 feet each. A public hearing was held by the BZA on 1-10-23 to consider the special approval request, the BZA postponed their decision on the request to allow for additional review and commentary on the request and its associated marina site plan. A public hearing was held by the Planning Commission to consider the marina special approval and site plan requests on 1-11-23, the Planning Commission's decision was postponed in order for additional information to be provided on a revised site plan along with supplemental data and for action to be taken by the BZA at a future meeting prior to a final decision on the site plan. The BZA will be making findings on the following five (5) criteria in determining whether to approve the requested special exception for excessive dock length, per 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 person 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 purpose 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.

The special approval is different than a variance, it takes into consideration the Townships responsibilities with FERC and the responsibility to maintain the integrity of the French Landing Dam. To assist the Planning Commission with analysis and commentary, the applicant was provided direction in the form of an itemized list of twenty-five (25) specific items that are highlighted in the packet. The next steps for the Commission are to make comment on the preliminary site plan submittal and provide commentary for the BZA for their consideration. The comments will be recorded in the meeting minutes and provided to the BZA.

Commissioner Atchinson disclosed that she and her husband are members of the community and BYC members. Commissioner Atchinson asked for permission to retain herself and to be able to vote on this item.

**Motion Cullin, Grant second, the Commission has no problem allowing Commissioner Atchinson to remain as a voting member. Motion Carried.**

Owner/Applicant, Scott Jones, gave a presentation. Mr. Jones was asked at the previous meeting to provide updates to the plans, which were submitted. A lot of the updates pertained to the 100 foot no wake zone around the property and proposed lighting at the docks, reflective tape and lighting has been added. Mr. Jones commented that the busiest days on the lake are the busiest days at the club. The lights are 48" tall, will illuminate downward onto the dock and should be noticeable from a distance. The added no wake lines take the navigable water down to 518 feet between the two 100 foot no wake zones. The narrowest point on the lake near the BYC is off of Potter Drive, which is down to 400 feet of navigable water, located roughly 700 feet to the west of the BYC. The BYC site is 118 feet wider with the docks and the no wake zones included. Mr. Jones considered everything discussed around safety, he believes they are not impeding the use of the lake, the docks are tucked in behind the narrowest point. Mr. Jones displayed the 100 foot no wake zones, space to navigate the waterway and proposed light fixtures. The DNR Boat Launch next door has proposed adding an extension to their docks with a jetty, the last proposal was a in 2008, however their budget has not allowed them to move forward. Mr. Jones does not know how far they plan to go out, he expects that it will be further than their docks. This will break up the wake in that area, making it safer by restricting the flow in the area. Mr. Jones did receive a question from the Township Board, asking if the BYC was a for profit organization or not. The BYC is a non-profit 501 (C)(7), if dissolved any proceeds would have to go to a like charity. Mr. Jones was available to answer any questions.

Commissioners had the following questions and comments:

- With regard to the 518 feet, how was it determined a safe distance for boating purposes? Mr. Jones informed that it will not be the narrowest point on the lake, there is only 400 feet of navigable water to the west and he has not been made aware of any concerns in that area. Mr. Jones had discussed ski ropes and lengths with the Township and how close boats can be to each other. The State of Michigan requires 150 feet behind or in front of a crossing boat. There is no specific language linking the lines for skiing or tubing, but from personal experience they are about 50-75 feet.
- Commissioner commented there are clearances from boat to boat. Boats above no wake speed needs to maintain a 100-foot distance from the shoreline and other boats that are traveling as well. Mr. Jones confirmed, yes.
- Commissioner inquired if the applicant could add the Michigan boating safety laws, to prove the point of safety. Mr. Jones agreed he could state the laws and show how small an 8 ½ foot wide boat is in a 500-foot area.
- Commissioner is not sure if it is safe or unsafe, believes it is the applicant's responsibility to show that it is safe. In the end, the Planning Commission and BZA would need to make their decision based on the evidence to show that it's safe. Mr. Jones agreed he can show some navigable waters. Commissioner thinks that if the applicant applies safe boating laws and requirements then he can prove if it's a safe plan.
- Commissioner needs a little more information than how much distance is needed between boats. Looking at an assumption in regard to safety, need to be more certain. Looking at Section 3.120, it talks about enforcement with provisions for special exemptions and there have been public comments about the dock going out into the lake which is a public resource and this is for a private club. The stated purpose involves lake access and boating education which would be limited by a small subset of the community. Last meeting, the Commissioner asked the question if women could be members of the

club, the Commissioners follow up question is, are there women that are voting members in the club? Mr. Jones informed yes, there are currently seven (7). The current bylaws state that there shall be no requirement for membership in the club that could serve to restrict any applicant based against race, color, sexual orientation, national origin or religion.

- Commissioner inquired, as far as the marina use, there is not really a change in the use? Mr. Jones informed, no. It won't be a marina operation in the manner of fueling or maintaining boats, it is only for dockage for members to use the facilities and leave.
- Commissioner has concern with the 120 feet, he has seen people that don't understand what they are supposed to do on the lake and has safety concerns. Commissioner knows that people do not observe the no wake zone. It is only two (2) football fields across the lake at that point, major concern for others using the lake. If more than one (1) boat or jet ski, are they going to be able to maintain enough distance apart. Commissioner likes the idea of the construction of the docks and the way that they look, however has concern for all that use the lake.
- Commissioner asked Mr. Jones if he has considered shorter dock lengths. Mr. Jones responded that to get the 16 boats, they need the 120 feet. Commissioner inquired if they need 16 boats? Mr. Jones commented they would have liked to have more.
- Commissioner commented that if the BZA approves the extension, that does not necessarily mean they will get their dock, this will still need to go to EGLE. Director Akers confirmed that is accurate. Commissioner commented that in addition to EGLE, there would be review by FERC. Director Akers informed, potentially, he will need to confirm.
- Commissioner inquired how the docks are able to be maintained as private? Director Akers informed that the docks are privately owned. Exclusive use in the ordinance transfers certain rights with responsibilities.

Members of the audience and remote viewers had the following questions and comments:

- Resident appreciates the BYC and thinks they bring property values up. Mr. Jones mentioned that there's virtually no traffic and that the width of the proposal is not the narrowest part. Even though it's not the narrowest part, where it is narrower, boats are not going in and out to park. Where this is going to be, there is traffic going in and out. Resident is concerned being only about 5-6 houses away, she sees all the traffic in the summer and doesn't boat on the weekends because its too busy. Resident thinks we need a traffic study to be able to get the data needed to make sure that it's going to be safe. Resident doesn't oppose anything that the BYC is doing, just wants it to be safe.
- Resident, lakefront owner and avid boater. Addressed a few items with safety, the area in question is one of the trickiest putting your boat in and out. Resident suggests that the extension will push those boaters out further into the lake where they belong. To get a traffic study, look a little further down the lake where it is narrower. Coming around the tip of Potter Drive allows the natural trajectory to continue the arch around the area. Traffic studies have been done. The DNR asked in 1998 and 2004 to extend their docks and add a jetty. The only thing stopping them is the funding. The traffic study is done and the DNR project is approved. There are several other areas on the lake that are much narrower.



- Resident disagrees with the previous speaker's comments. The 518 feet of water is not enough when pulling tubers. Often more than not, a boat pulling a tuber or a jet ski goes in between another obstacle, a huge safety issue. Resident inquired if we have contacted the Police to get their view? This is not a gated/private lake. Have to be extremely considerate of everyone's safety. The dock is an extended obstacle.
- Resident sat in the previous Planning Commission and BZA meetings, both requested and asked about traffic studies and safety concerns. The typical permit process asks the requestor to provide a site survey. This doesn't just affect the neighboring properties. Earlier resident mentioned a traffic study for the DNR launch, traffic studies change, think it needs to be done again. The request doesn't hold a candle to the original ask. Taking down to the narrowest point, is turning the lake back into a river. EGLE, the deciding factor is waiting for the Township, nowhere else has a dock length restriction. The letter in the Independent commented on the Lake Ordinance Committee. Perhaps reconvene the Lake Ordinance Committee, instead of trying to push this through. The amount of non-permitted docks is not unreasonable. The applicant reminded of what good they do for the community, but the dock length only benefits the club members. Resident stands opposed to the 120 feet, thinks it needs to be looked at further. Resident is opposed that anyone would vote that is a BYC member.
- The original dock held 24 boats, its down to 16 boats. Resident participated in the lakeshore ordinance discussion. The 40-foot limit seems excessive, would be more willing to support an 80-foot dock. Resident also agrees that people that are members of the BYC should not vote.
- 120 feet into the lake is absurd, a lake that the entire state of Michigan can use. Boaters don't pay attention to the rules. 80 feet is ridiculous. Resident is totally opposed.
- Remote viewer supports the BYC in the many things that they do for the community. A lot of people are against the docks, but support the BYC. It's one thing to ask for a variance on land, another thing to take over a lake that you don't own. If approved it sets a precedence for all sorts of other businesses. Resident sent Director Power a video of previously proposed docks at the Liberty Street address that were at 140 feet. The current docks were strategically planned, then the applicant got a stop work order, the applicant could have started then with this request and looked at this in the summer. The lake width in that area is 40 feet plus 100 feet equaling 140 feet, 280 feet for both sides combined, leaving a 590 navigable channel. Allowing them to go out 120 feet reduces 80 feet, almost a 15% reduction to the navigable channel for the private club. If the DNR builds a jetty and docks, then allow the club to build out the same length. Resident agrees that he absolutely disagrees with BYC members on the Commission voting. Resident inquired if there are any other members on the Commission.

Commissioner thanked the public for their comment. After looking at the ordinance, they need to conclude there is a positive finding for all 5 items that the BZA will be reviewing. Commissioner recommended that the BZA should not grant the variance. Additionally, we should not guess on safety. The township needs to look at and consider other buildouts. This is a shared resource.

No further comments from the Commission, audience or remote viewers.

**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](http://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](http://www.vanburen-mi.org)). Participants may also choose to submit written comments that will be read into record during public comment by the Chairperson. Submit any written comments or questions about the meeting via e-mail to [dpower@vanburen-mi.org](mailto: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



**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 85.3 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 (findings in the affirmative in favor of the exception request are underlined and findings in the negative are *italicized*):

- i. Enforcement of the provision(s) requested for special exception would / *would not* 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 **because** \_\_\_\_\_;
- ii. The special exception would not / *would* unduly prevent the realization of the purposes of this Ordinance **because** \_\_\_\_\_;
- iii. The special exception would not / *would* 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 **because** \_\_\_\_\_;
- iv. Unusual circumstances or conditions are / *are not* involved **because** \_\_\_\_\_; and
- v. The special exception is / *is not* consistent with the goal of providing reasonable, equitable access to all abutting lake owners **because** \_\_\_\_\_.

Findings of fact: \_\_\_\_\_

**Conditions: Recommended Condition (if exception is granted):**

Condition: \_\_\_\_\_

Condition: \_\_\_\_\_

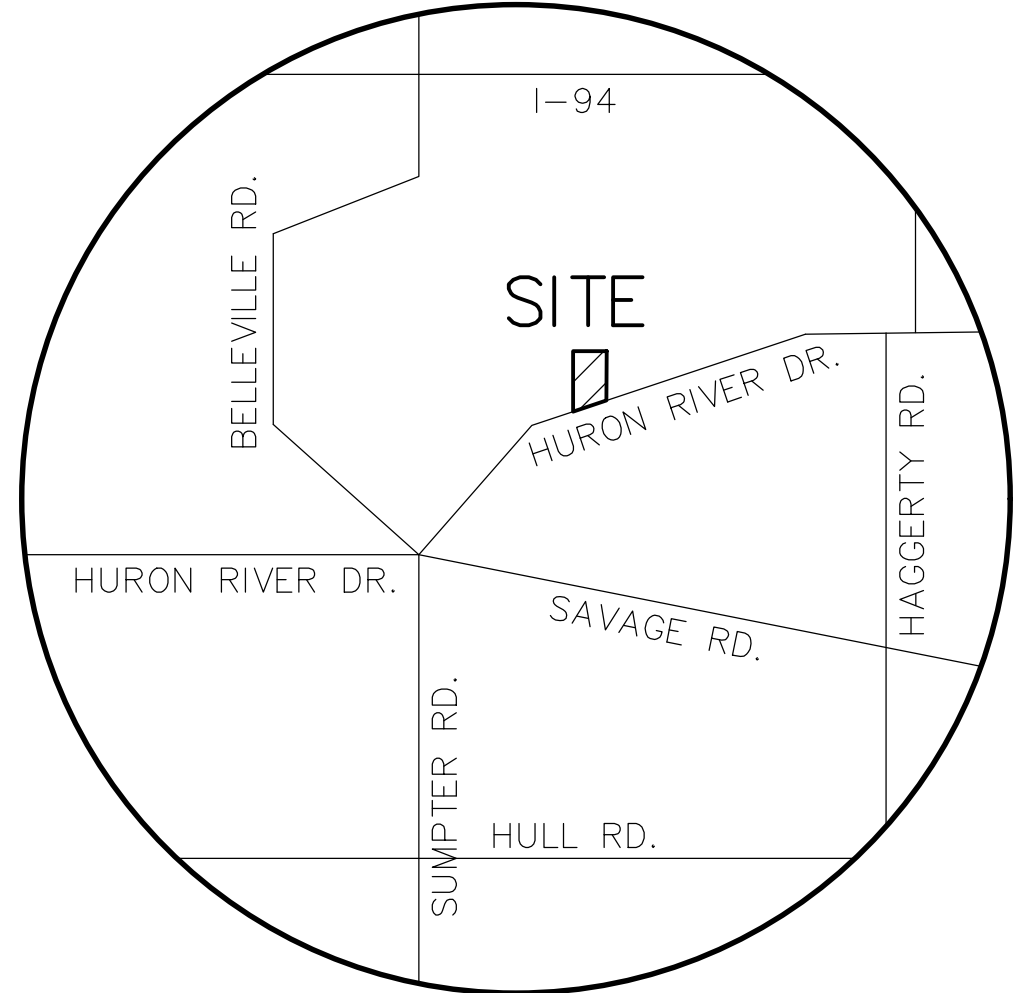
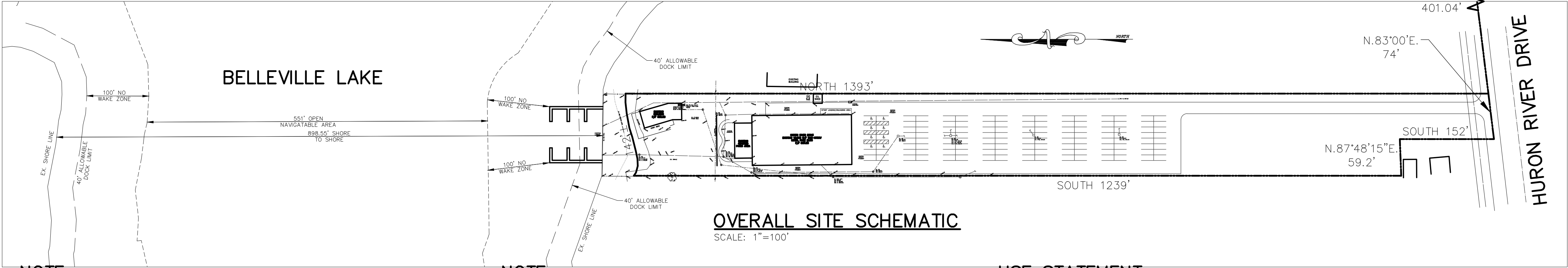


Motion made by:\_\_\_\_\_

Support from:\_\_\_\_\_

Ayes:\_\_\_\_\_ Nays:\_\_\_\_\_

Motion carries / fails



#### 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(i)(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.
- 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.

#### NOTE:

- ALL DOCKS WILL BE POSITIONED PERPENDICULAR TO THE SHORE, AND IN A MANNER THAT DOES NOT UNREASONABLY ENCR OACH 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 3.120(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 SE. 3.120(D)(5) WITH AN APPLICATION TO THE BOARD OF ZONING APPEALS (BZA) PURSUANT TO SEC. 3.120(F)(7).
- ALL DOCKS WILL BE KEPT IN GOOD REPAIR.
- THE MARINA WILL COMPLY WITH ALL APPLICABLE CONSTRUCTION STANDARDS AND PDERMIT 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.

#### USE STATEMENT:

- THE MARINA WILL BE USED FOR THE TRANSIENT DOCKING OF MEMBERS AND GUEST OF THE BELLEVILLE YACHT CLUB.
- MEMBERS AND GUEST WILL NOT BE ALLOWED TO PARK OVERNIGHT UNLESS PRE-APPROVED BY BELLEVILLE YACHT CLUB MANAGER. IF APPROVED, NO BOAT SHALL REMAIN AT DOCKS FOR MORE THAN 3 NIGHTS
- NO MAINTENANCE OR FUELING SHALL BE ALLOWED AT THE DOCKS. THE BELLEVILLE YACHT CLUB WILL HAVE NO PUMP-OUT SERVICE AND SHALL NOT ALLOW REMOVAL OF SANITARY WASTE ON PREMISES.
- DOCK HOURS WILL MIRROR CLUB HOURS OF: MONDAY AND TUESDAY – CLOSED, WEDNESDAY, THURSDAY, FRIDAY – 4pm TO 10pm, SATURDAY – 11am TO 1am, SUNDAY – 11am TO 10pm. OUTDOOR BATHROOMS AND WASTE DUMPSTER ARE AVAILABLE 24 HOURS A DAY TO ALL MEMBERS.
- THERE SHALL BE (16) DOCKING SPACES FOR VESSELS OF UP TO 28' IN LENGTH.

#### SITE PLAN NOTES

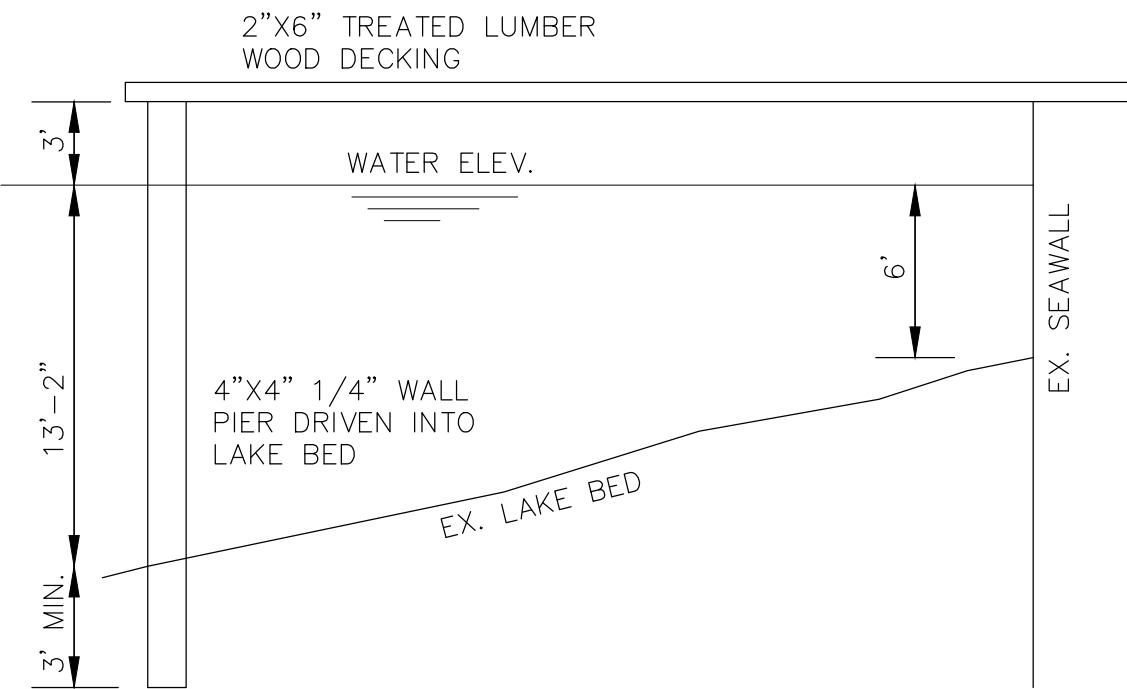
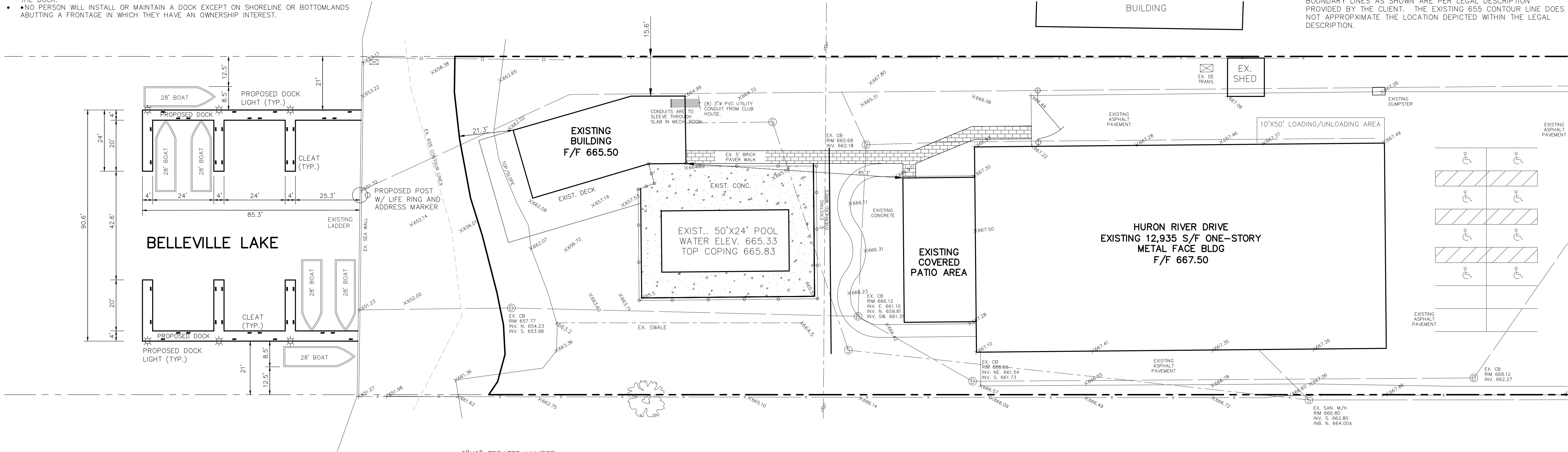
- THERE IS NO PROPOSED EARTH CHANGES IN CONJUNCTION WITH THE INSTALLATION OF THE PROPOSED DOCK.
- DOCKS WILL COMPLY WITH THE MARINA STANDARDS OF THE TOWNSHIP ZONING ORDINANCE.
- LIGHTING WILL BE PROVIDED TO ILLUMINATE THE DOCKS FROM DUST UNTIL DAWN, EVERY DAY.

#### 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

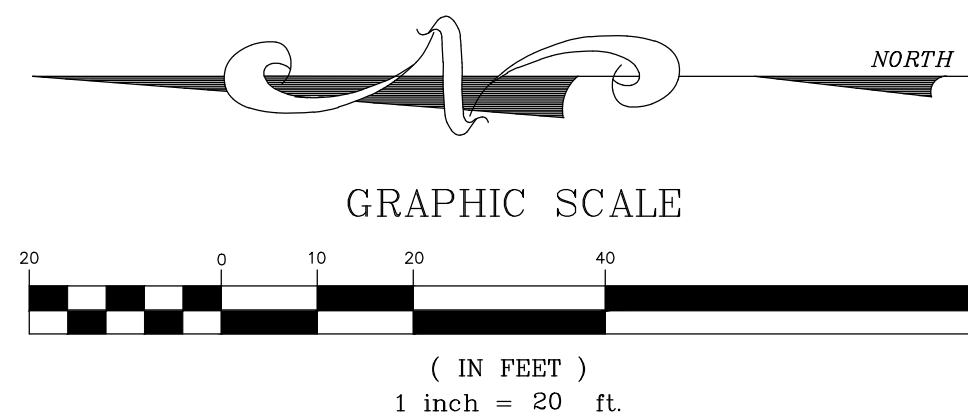
TAX ID#83-088-99-0005-000.

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.



#### 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" FASTENED 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)

**HARDY**  
CIVIL DESIGN SERVICES LLC  
4996 MOORE ST. WAYNE, MI 48184  
(734) 756-2196  
E-mail: kbhardy1964@hotmail.com

SITE PLAN

BYC 891 HURON RIVER DRIVE  
VAN BUREN TOWNSHIP,  
WAYNE COUNTY, MICHIGAN

SHEET No.	JOB No.	DRAWING No.	DATE	REVISIONS
1	2	A-	12-21-22	02-16-23 02-27-23 02-28-23
OF	2	2022-BYC	W.D. MILLS K.B. HARDY	CHECKED BY:







## MEMO

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TO:	Van Buren Township Board of Zoning Appeals (BZA)
FROM:	Dan Power– Director of Planning and Economic Development
RE:	Residential Height Interpretation / Appeal Request
DATE:	March 9, 2023

---

Dear Board Members:

The BZA is asked to consider a request for an appeal for the interpretation of a provision of the following section of the Van Buren Township Zoning Ordinance by the Board of Zoning Appeals (BZA) under Section 12.403(B)(1) of the Zoning Ordinance:

- Section 3.106(D) - R-1A, R-2A, R-1B, and R-1C, Single-Family Residential Districts – Dimensional Regulations
- Max. Building Height (ft.) 30. Max. Bldg. Height (stories) 2.

The requested interpretation is whether the maximum allowable building height in the R-1A, R-2A, R-1B, and R-1C Zoning Districts is limited by one or both - height in feet and height in stories. If maximum building height is limited only by the height in feet, the number of stories would not be applicable, so long as the building height does not exceed 30 feet.

### **INFORMATION REGARDING THE REQUEST AND REVIEW PROCESS**

The Van Buren Township Planning and Economic Development Department processed a recent building permit application for a new home to be constructed at 13125 Ormond Drive. The home site was previously issued a permit in 2019 with a similar set of plans and elevations, but the permit application had expired since this time. A new permit application has recently been made by the same owner for the same site. In reviewing the new building permit application for compliance with the Zoning Ordinance, the building was determined by the Building Official and Planning and Economic Development Director to have 2.5 stories. The proposed home consists of a ground floor (story) built with its floor roughly at grade, which includes an attached garage and basement, a main second story, and a roughly half-third story which includes loft bedrooms and dormer windows. "Story" is defined in the Section 2.102(A)(207) of the Van Buren Township Zoning Ordinance as follows:

**Story.** That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it or if there be no floor above it, then the space between the floor and the ceiling next above it, provided that a mezzanine shall be deemed a story when it covers more than fifty (50) percent of the area of the story underneath the mezzanine and/or when the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more, and provided further that portion of a building partly below grade shall be deemed a story if:

- a) over fifty (50) percent of its average height from the surface of the floor to the floor next above it is above the grade from which the height of the building is measured; or
- b) in any case, if the average distance from such grade to the next floor above it is five (5) feet or more;
- c) it is used for business purposes; or
- d) it is it used for dwelling purposes by any persons other than janitorial or domestic employees

employed in the same building and their families.

**Story, half:** A part of a building between a pitched roof and the uppermost full story, having finished floor area which does not exceed one half (½) the floor area of the uppermost full story.

Under a certain interpretation of Section 3.106(D), the maximum allowable height requirement was not met with the application, because the building has 2.5 proposed stories instead of 2 stories, despite that the proposed building will maintain a maximum height less than 30 feet tall. The Building Official, Planning and Economic Development Director and other reviewing staff found ambiguity in the terminology of the Zoning Ordinance with regard to height. We therefore request the BZA to make the appeal for the interpretation as referenced in the agenda text.

### **REVIEW PROCESS**

One of the BZA's responsibilities is to hear and decide appeals for the interpretation of the provisions of the Zoning Ordinance, per Section 12.403(B)(1) of the Zoning Ordinance. Staff therefore requests the BZA to hear and decide an appeal for the interpretation that the 30-foot height limit and 2-story building height limit must each apply to construction in the R-1A, R-2A, R-1B, and R-1C zoning districts.

### **ANALYSIS AND RECOMMENDATION**

Staff has researched this topic and has concluded that the revised interpretation as stated in the description is consistent with the intent of the Van Buren Township Zoning Ordinance, and is appropriate, for two reasons described below:

- **Maintaining sufficient standards for building height and bulk**, as highlighted as being one of the purposes and intents of the Township's Zoning Ordinance per Section 1.102 of the Zoning Ordinance (see below). Whether a single-family residence has two (2) or 2.5 floors will have no impact on the height and bulk of buildings so long as the maximum allowable height is maintained:
  - Section 1.102 Purpose and Intent An Ordinance to regulate and restrict the use of land and buildings by dividing the Charter Township of Van Buren into districts; to define certain terms therein; to impose regulations, prohibitions and restrictions governing the location, erection and construction of structures and buildings to be used for business, industry, residence, social purposes and other specified purposes; to regulate and determine the use of lands including the size of yards and other open spaces; to regulate and limit the height and bulk of buildings and other structures; to regulate and limit the streets by providing for the off-street parking and loading of vehicles; to provide for the gradual elimination of nonconforming uses of land, buildings and structures; to establish the boundaries of districts; to create a Board of Zoning Appeals (BZA), to define and limit the powers and duties of the Board, and to set standards to guide actions of the Board; to provide the means of enforcing the Ordinance and to provide penalties for violation of the Ordinance.

Additional standards in the Township's adopted Property Maintenance Code (Article V,



Chapter 18 of the Township Code of Ordinances), minimum requirements for detached single family dwellings found in section 5.114 of the Township's Zoning Ordinance, and currently adopted Building Codes will ensure that each story of a multi-story structure is built according to applicable ordinances.

- **Reducing the likelihood of a Zoning Ordinance interpretation rendering properties in the Township non-conforming.** A preliminary search from the Assessor's Office has revealed eight (8) existing single-family dwellings that would be deemed non-conforming if the number of stories is used as a limiter on height, rather than the height in feet (see the handout attached to this report). Two examples of such structures are shown below:



6330 Denton Road



12822 Linda Vista Court

The requested interpretation will also be consistent with some of the residential goals and objectives of the 2020 Van Buren Township Master Plan update. The broad residential goal from this Plan was *to provide an adequate supply of housing that meets the needs of new and existing Township residents of varying income levels, is responsive to changing generational preferences, allows residents to age in place, adds value to the community, and achieves a high standard of excellence in aesthetics and design*. Based on this goal, the Plan includes objectives and actions which encourage infill of existing

residential areas in the Township and the pursuit of “missing middle” housing formats and/or layouts that are currently absent or in short supply. These items are well aligned with a direction toward allowing adaptive floor plans in new housing, including allowing flexibility regarding the number of stories, so long as height limits are being maintained and applicable building code requirements are being met.

Based on these findings, I recommend **approval** of the requested interpretation appeal. The BZA may approve this interpretation appeal, with or without conditions, deny it, or request additional information and postpone their decision. 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,

A handwritten signature in black ink, appearing to read "Dan Power", with a stylized, cursive script.

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

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

**Residential Structures Over 2 Stories Tall in Van Buren Township**

Parcel Number	Address	Clas:	Yr Built	Sq Ft
83 021 02 0028 000	6330 Denton Rd	C	1900	2,206
83 076 01 0016 002	12822 Lindavista Ct	B	1988	3,750
83 076 99 0041 000	12462 Lake Pointe Pass	B	1996	5,408
83 076 99 0055 701	12916 Lake Pointe Pass	B	1996	4,102
83 088 99 0060 002	1104 E Huron River Dr	C	1998	2,504
83 090 01 0014 000	11519 Monterey Dr	BC	1995	2,533
83 090 99 0010 002	42961 S Interstate 94 Service Dr	BC	1940	4,371
83 089 99 0009 701	41903 S Interstate 94 Service Dr	B	1902	2,868



Revised  
4/26/11 1-1-0  
Brien 8:05  
4/26/11  
RECEIVED  
FEB 5 REC'D  
CHARTER TOWNSHIP OF VAN BUREN  
DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

46425 TYLER ROAD, BELLEVILLE, MI 48111  
PHONE (734) 699-8913 FAX (734) 699-8958

BY: \_\_\_\_\_

## APPLICATION FOR PLAN EXAMINATION AND BUILDING PERMIT

**NOTICE TO HOMEOWNERS:** It is recommended that if you have hired a contractor to do the work for you that the contractor is the one to obtain the permit. A final inspection is required for all permitted work; the final inspection should be done before releasing your contractor.

### LOCATION OF BUILDING

New Tap fee's water/sewer - perm

ADDRESS: 13125 Ormond Dr. Belleville MI 48111	VAN BUREN TOWNSHIP, MICHIGAN 48111
--	---------------------------------------

### PROPERTY OWNER OR LESSEE

NAME: Lawrence Zelanka	PHONE: 734-771-6076	
ADDRESS: 13125 Ormond Dr	EMAIL ADDRESS: lpzmvp@comcast.net	
CITY: Belleville	STATE: MI	ZIP: 48111

### CONTRACTOR

2/8/19 3:70 (Design) Bryan Weiger BODAS.com 2/8/19  
- PAIAN SCHWARTZ 3:40

NAME: Raymond N Hershberger JR	PHONE: 989-588-0221 / 330 473-0132	
ADDRESS: 401 Buckley Rd	EMAIL: N/A	
CITY: Farwell	STATE: MI	ZIP: 48622
BUILDERS LICENSE NUMBER: 2101218100	EXPIRATION DATE: 05/31/2021	
FEDERAL EMPLOYER ID NUMBER:	WORKERS COMP INSURANCE CARRIER:	

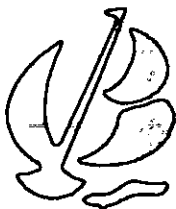
### TYPE OF CONSTRUCTION / IMPROVEMENT ☒ RESIDENTIAL ☐ COMMERCIAL

<input checked="" type="checkbox"/> NEW BUILDING <input type="checkbox"/> MODULAR / MOBILE HOME <input type="checkbox"/> GARAGE / POLE BARN / SHED <input type="checkbox"/> SWIMMING POOL <input type="checkbox"/> RE-ROOF <input type="checkbox"/> HOUSE <input type="checkbox"/> GARAGE	<input type="checkbox"/> ADDITION <input type="checkbox"/> DECK / CAT WALK / LAKESIDE STAIRS <input type="checkbox"/> SIDING / WINDOWS / DOORS <input type="checkbox"/> WRECKING / DEMO	<input type="checkbox"/> ALTERATION <input type="checkbox"/> FOUNDATION ONLY <input type="checkbox"/> FINISHED BASEMENT <input type="checkbox"/> OTHER _____
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### NOTICE TO APPLICANT

Section 23a of the state Construction Code Act of 1972, Act NO. 230 of the Public Acts of 1972, being section 125, 1523a of the Michigan Compiled laws, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of Section 23a are subject to civil fines.

Ca. 2



# CHARTER TOWNSHIP OF VAN BUREN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

46425 TYLER ROAD, BELLEVILLE, MI 48111

PHONE (734) 699-8913

FAX (734) 699-8958

RECEIVED

DEC 3 2018

NOV 7 2018

2018

## APPLICATION FOR PLAN EXAMINATION AND BUILDING PERMIT

BY: *[Signature]* 18-1062

**NOTICE TO HOMEOWNERS:** It is recommended that if you have hired a contractor to do the work for you that the contractor is the one to obtain the permit. A final inspection is required for all permitted work; the final inspection should be done before releasing your contractor.

### LOCATION OF BUILDING

ADDRESS:	13125 Ormond Dr, Belleville MI 48111	VAN BUREN TOWNSHIP, MICHIGAN 48111
----------	--------------------------------------	------------------------------------

### PROPERTY OWNER OR LESSEE

NAME:	Lawrence Zelanka	PHONE:	734-771-6076		
ADDRESS:	13125 Ormond Dr	EMAIL ADDRESS:	lpzmvp@comcast.net		
CITY:	Belleville	STATE:	MI	ZIP:	48111

### CONTRACTOR

NAME:	Raymond N Hershberger JR	PHONE:	989-588-0221		
ADDRESS:	401 Buckley Rd	EMAIL:	N/A		
CITY:	Farwell	STATE:	MI	ZIP:	48622
BUILDERS LICENSE NUMBER:	2101218100	EXPIRATION DATE:	05/31/2021		
FEDERAL EMPLOYER ID NUMBER:		WORKERS COMP INSURANCE CARRIER:			

### TYPE OF CONSTRUCTION / IMPROVEMENT ☒ RESIDENTIAL ☐ COMMERCIAL

<input checked="" type="checkbox"/> NEW BUILDING <input type="checkbox"/> MODULAR / MOBILE HOME <input type="checkbox"/> GARAGE / POLE BARN / SHED <input type="checkbox"/> SWIMMING POOL <input type="checkbox"/> RE-ROOF <input type="checkbox"/> HOUSE <input type="checkbox"/> GARAGE	<input type="checkbox"/> ADDITION <input type="checkbox"/> DECK / CAT WALK / LAKESIDE STAIRS <input type="checkbox"/> SIDING / WINDOWS / DOORS <input type="checkbox"/> WRECKING / DEMO	<input type="checkbox"/> ALTERATION <input type="checkbox"/> FOUNDATION ONLY <input type="checkbox"/> FINISHED BASEMENT <input type="checkbox"/> OTHER _____
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## PROJECT DESCRIPTION

Please use the space below to provide us with a detailed description of the proposed project.

Revised

1-1/2 Story House with Garage below. Conventional Framing techniques & materials to be used.

## DIMENSIONS OF PROPOSED STRUCTURE

DIMENSIONS OF PROPOSED STRUCTURE: 44 x 24' HEIGHT OF STRUCTURE: 30'

NUMBER OF STORIES: 2.5 Loft 452'

FLOOR AREA: 1010' BASEMENT AREA: 612' GARAGE AREA: 390'

TOTAL AREA: 2464' TOTAL AREA OF PRINCIPAL STRUCTURE(HOUSE): 1685'

TOTAL AREA OF ALL EXISTING STRUCTURES (EXCLUDING HOUSE):

TOTAL LAND AREA: ESTIMATED CONSTRUCTION VALUE:

## TYPE OF WATER SUPPLY

☒ MUNICIPAL SUPPLY

☐ PRIVATE WELL (PERMIT MUST BE OBTAINED THROUGH WAYNE COUNTY DEPT. OF HEALTH (734) 727-7400)

## TYPE OF SEWAGE DISPOSAL

☒ MUNICIPAL SUPPLY

☐ PRIVATE SEPTIC SYSTEM (PERMIT MUST BE OBTAINED THROUGH WAYNE COUNTY DEPT. OF HEALTH (734) 727-7400)

## SOIL EROSION

IF WORK IS WITHIN 500 FEET OF A WATERWAY OR WILL BE DISTURBING MORE THAN 1 ACRE, A SOIL EROSION PERMIT MUST BE OBTAINED THROUGH WAYNE COUNTY (734) 326-3939

Two complete sets of working drawings must accompany this application. Construction documents shall be of sufficient clarity to indicate the nature and extent of the work proposed and shown in detail that it will conform to the provisions of all applicable codes.

Two complete plot plans (Mortgage Survey) and must include:

- The distance between the proposed structure and the property lines.  
All existing structures on the subject property, their dimensions and distance from proposed structure.
- The distance between proposed structure and any easements, utilities or waterways.

**Homeowners Affidavit:** I hereby certify the construction activities described in this permit application shall be installed by myself in my own home which I am living or about to occupy. All work shall be installed in accordance with the Building Code and shall not be enclosed, covered up, or put into operation until it has been inspected and approved by the Township Building Inspector. I will cooperate with the Building Inspector and assume the responsibility to arrange the necessary inspections.

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as their authorized agent, and we agree to conform to all applicable laws of the State of Michigan. All information submitted on this application is accurate to the best of my knowledge.

Applicant Signature:

*Lawrence J. Plunk*

Date:

2/5/19

**THIS PAGE FOR OFFICIAL USE ONLY**

13125 ORMOND DRIVE

ZONING REVIEW / APPROVAL / SOIL EROSION

NOTES FOR DEPARTMENT USE

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**PLAN REVIEW**

CORRECTION LIST		
ITEM #	DESCRIPTION	CODE SECTION

**BUILDING PERMIT NOTES**

Construct a 44x24 with 452 Lof 2074  
attach garage 390 sq ft

All work must conform to 2015 MRC  
Twp Ord.

**BUILDING PERMIT APPROVED BY**

Signature: Judy Felo

Approval Date: 4/29/19

Printed Name and Title: \_\_\_\_\_ Permit Fee: 1848.00



RECEIVED

FEB 6 2019

BY: 

Office  
Copy

Revised

Office  
Copy

# Larry Zelanka

20X44 TIMBER LODGE

January 2019

## STRUCTURAL & FRAMING NOTES:

1. THIS STRUCTURE IS DESIGNED TO RESIST THE FOLLOWING LOADING CONDITIONS:

ROOF - 35 PSF

WIND - 90-MPH

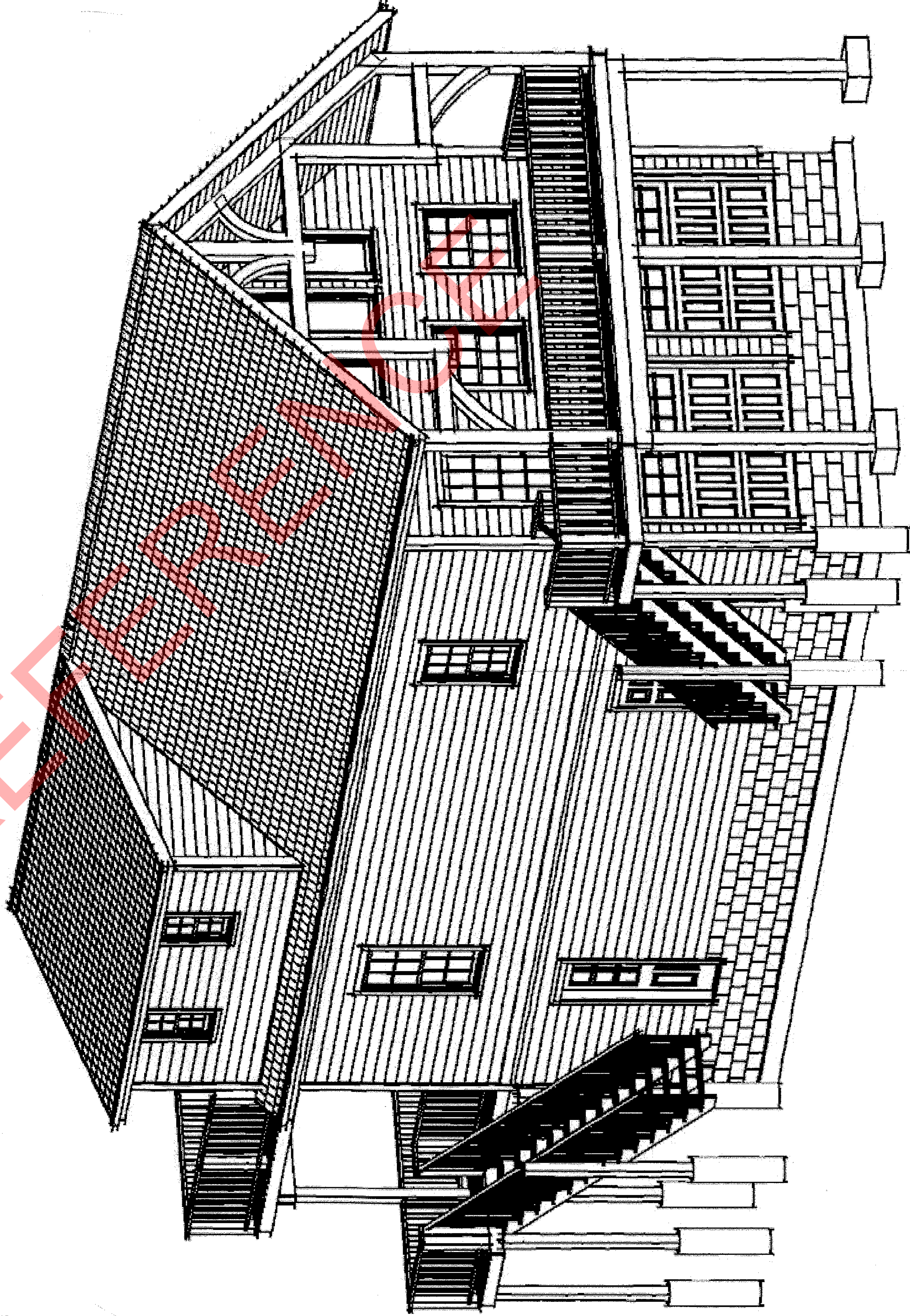
STAIRS - 40 PSF

2. SEISMIC CATEGORY: A

3. ALL ELEMENTS OF CONSTRUCTION NOT SPECIFICALLY NOTED ON THESE DRAWINGS WILL COMPLY WITH 2015 MRC BUILDING CODE

## DRAWING INDEX:

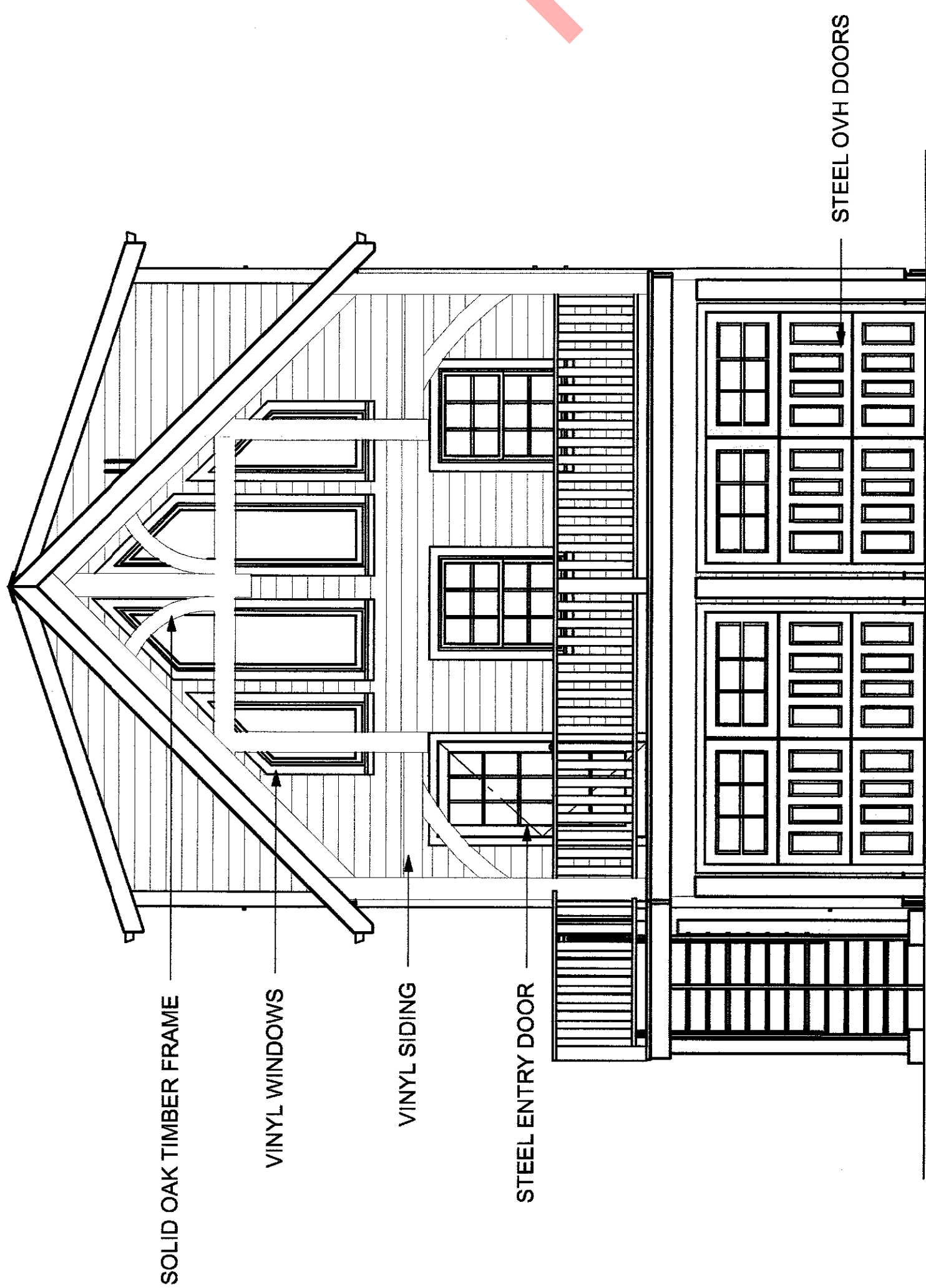
- A-1 ELEVATIONS
- A-2 FOUNDATION PLAN
- A-3 FIRST FLOOR PLAN
- A-4 SECOND FLOOR PLAN
- A-5 LOFT FLOOR PLAN
- F-1 CROSS SECTIONS



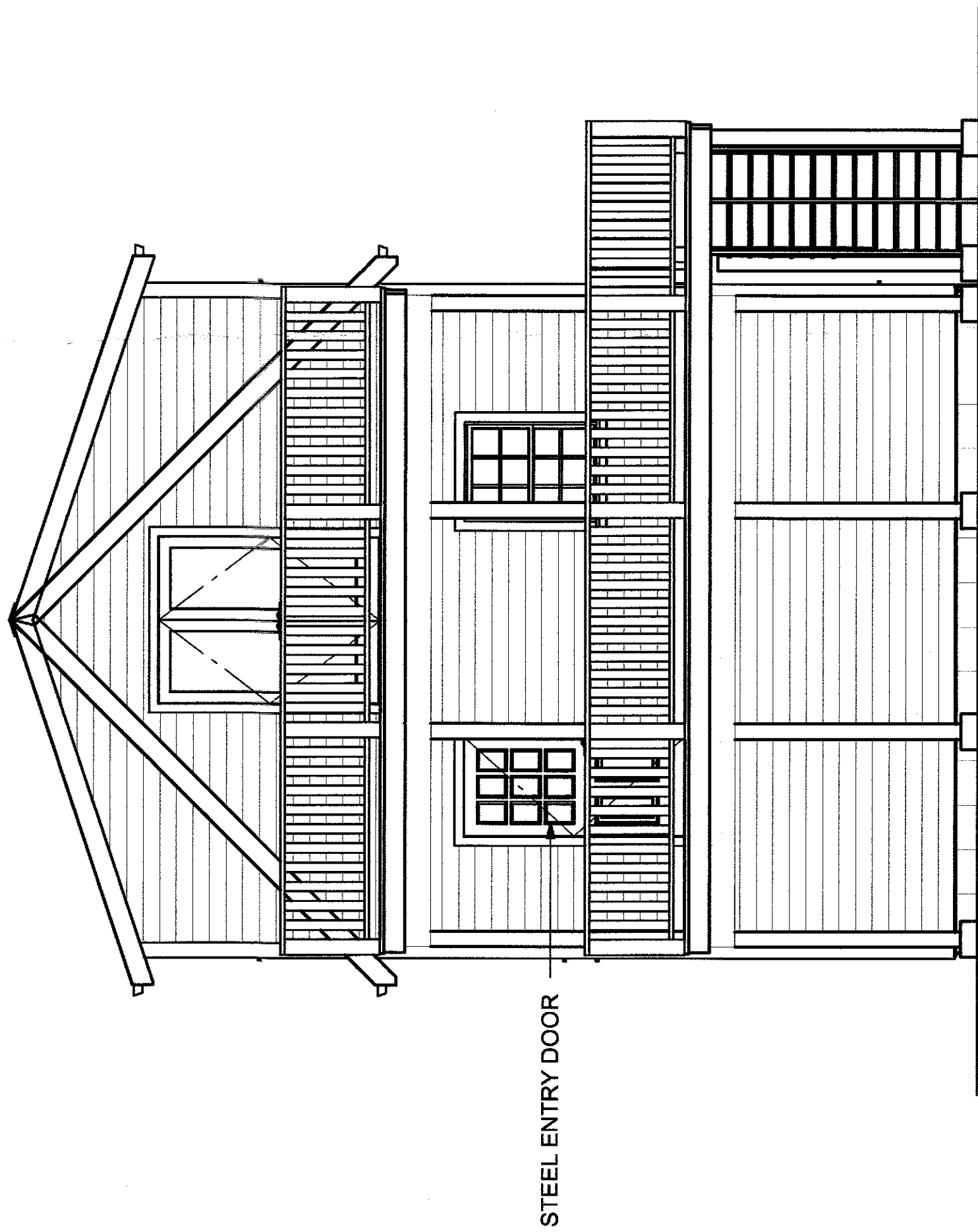
Larry Zelanka

Belleville MI

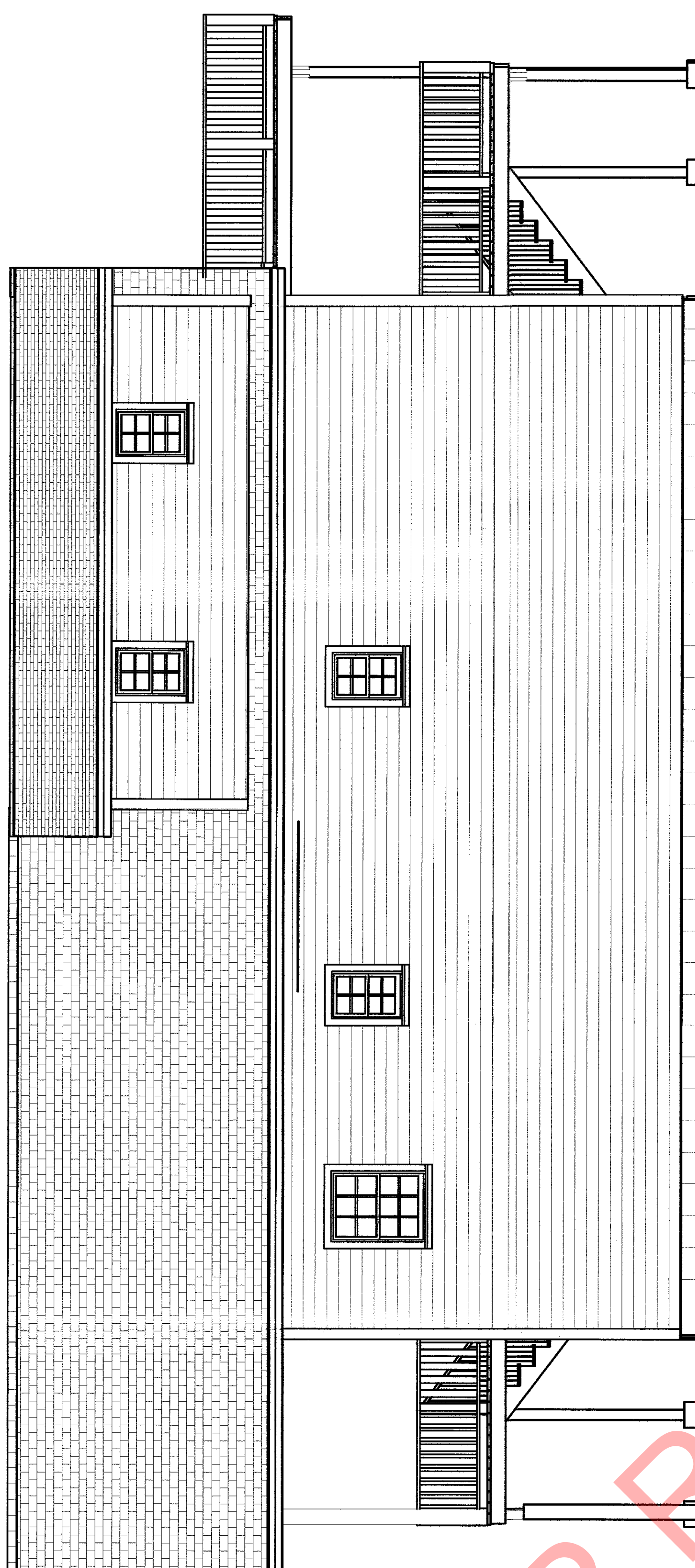




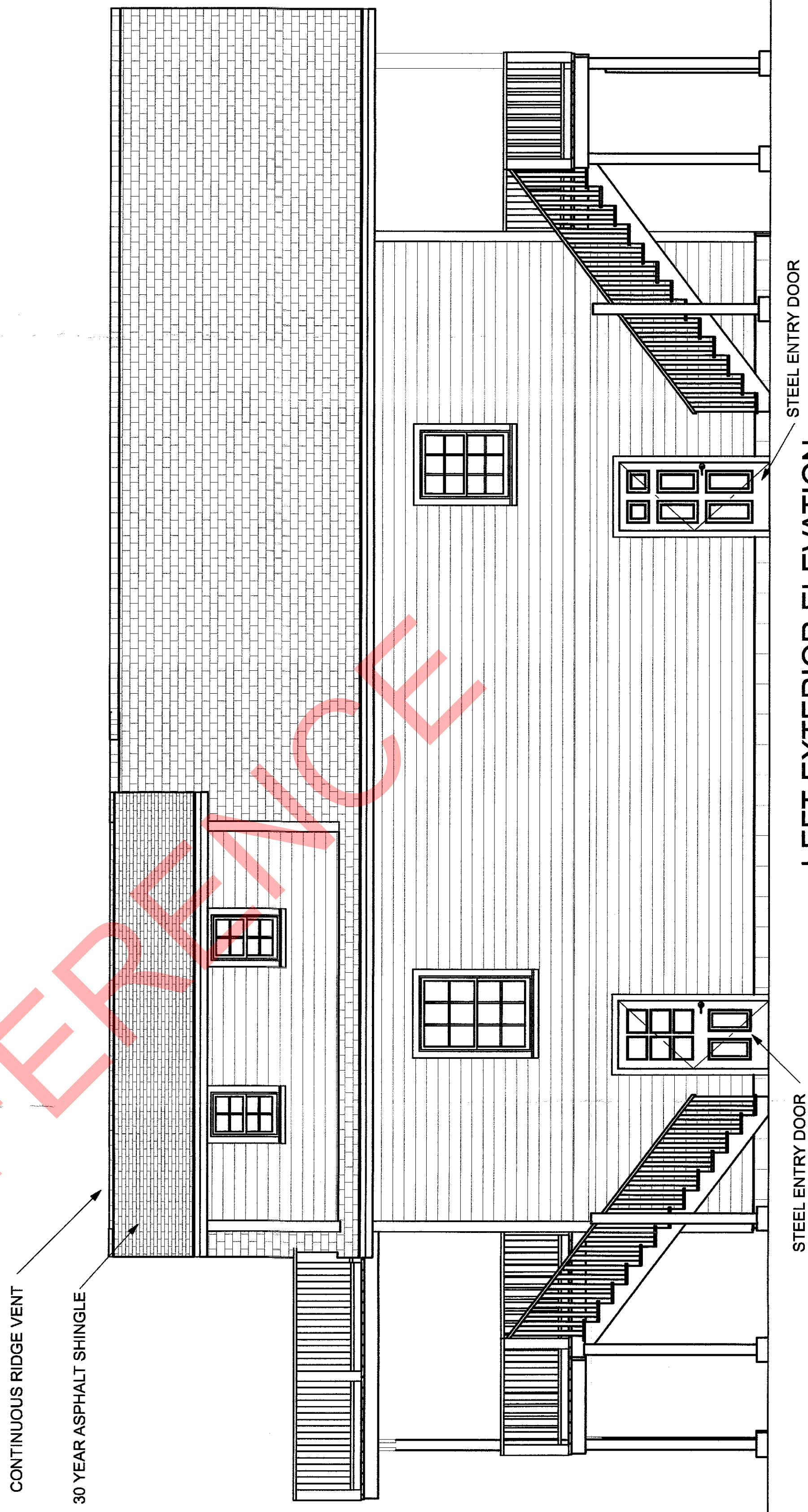
**FRONT EXTERIOR ELEVATION**



## REAR EXTERIOR ELEVATION



## RIGHT EXTERIOR ELEVATION



**LEFT EXTERIOR ELEVATION**







# FIRST FLOOR PLAN

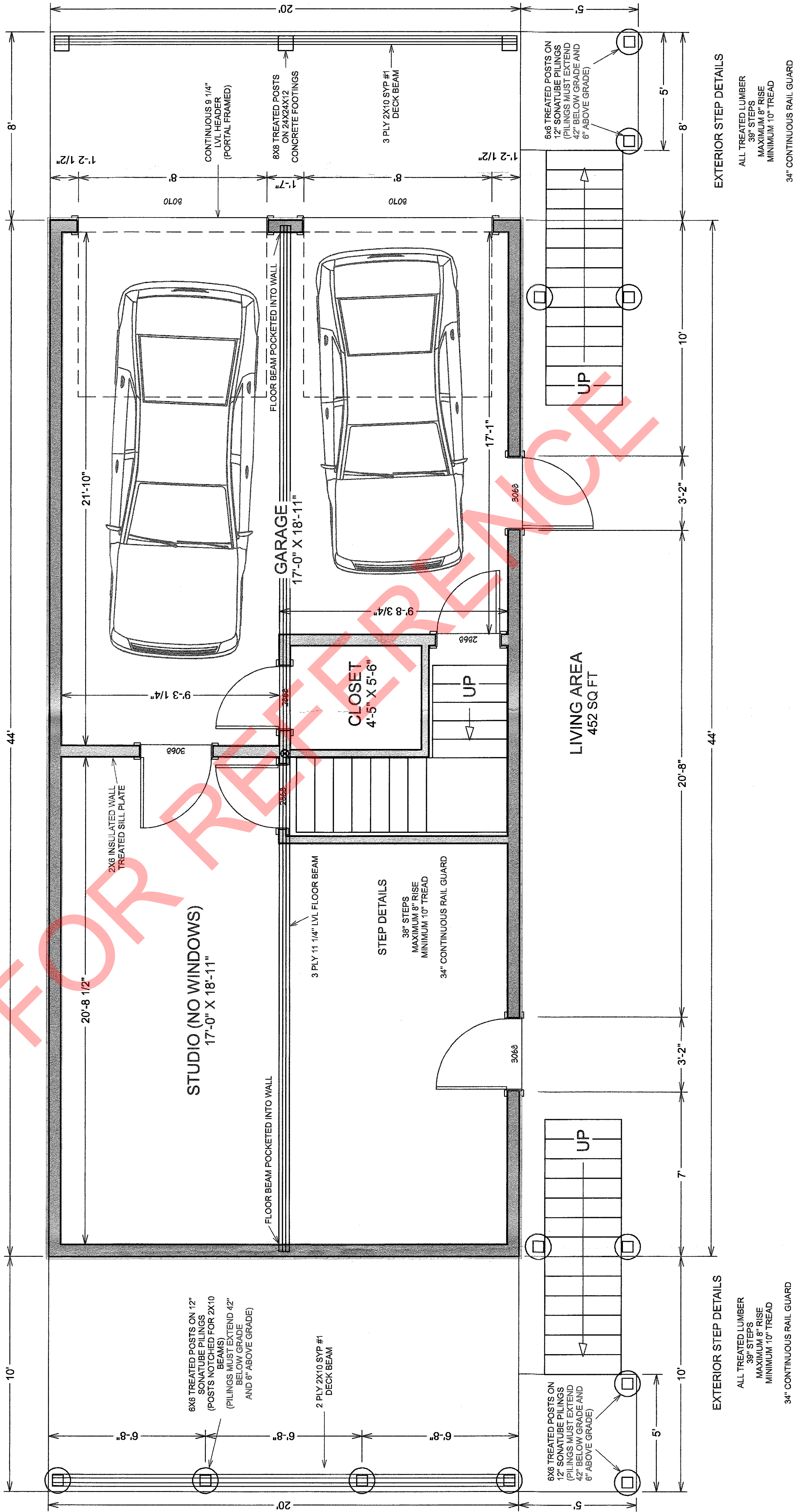
Larry Zelanka  
13125 Ormond Drive  
Belleville, MI 48111

REVISED:  
1/19/2019

SHEET SIZE:  
11" X 17"

SCALE:  
3/16" = 1'

SHEET:  
A-3





## SECOND FLOOR PLAN

**Larry Zelanka**  
13125 Ormond Drive  
Belleville, MI 48111

REVISÉ:  
11/19/2019

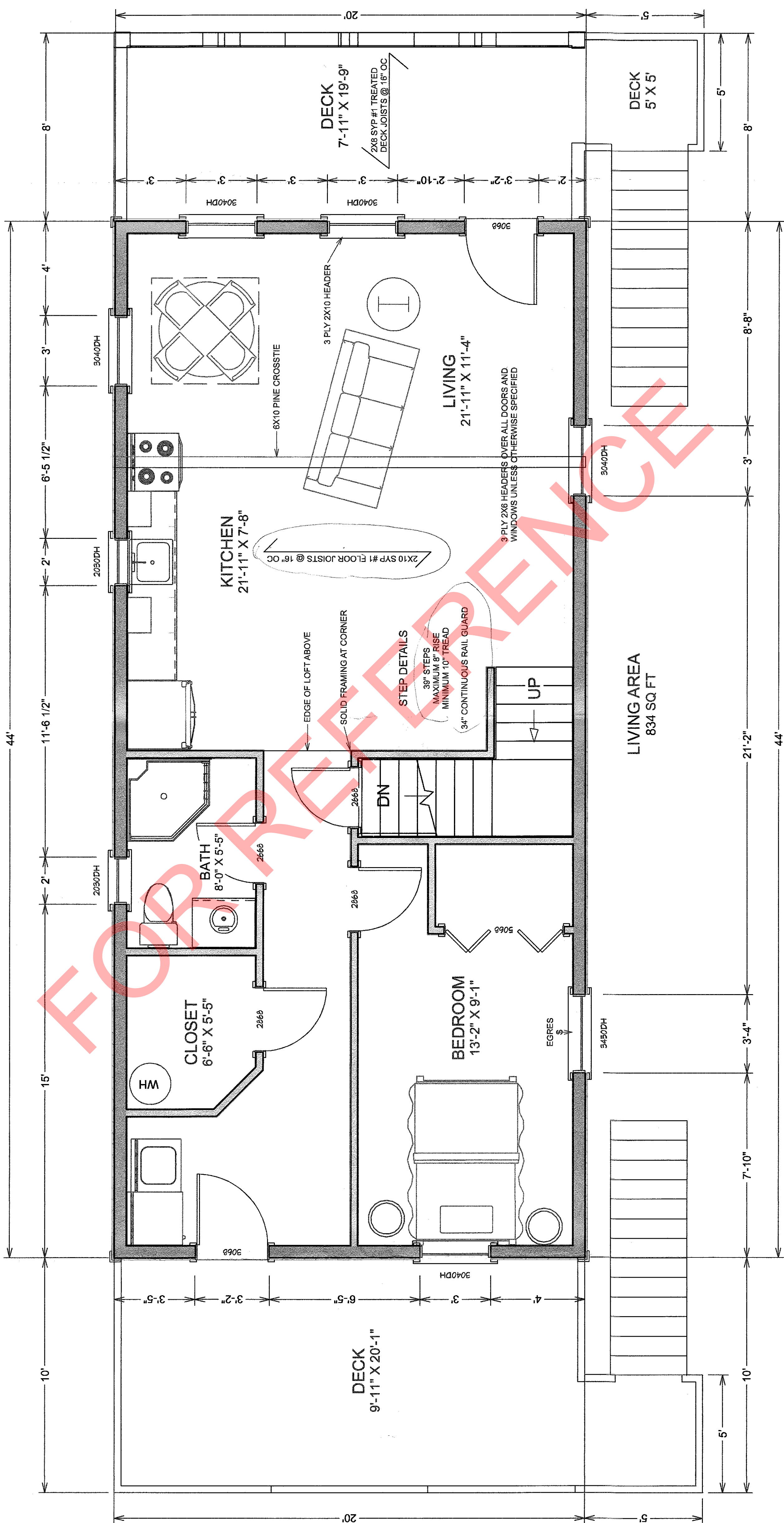
**SHEET SIZE:**  
**11" X 17"**

SCALE:

$$3/16" = 1'$$

SHEET:

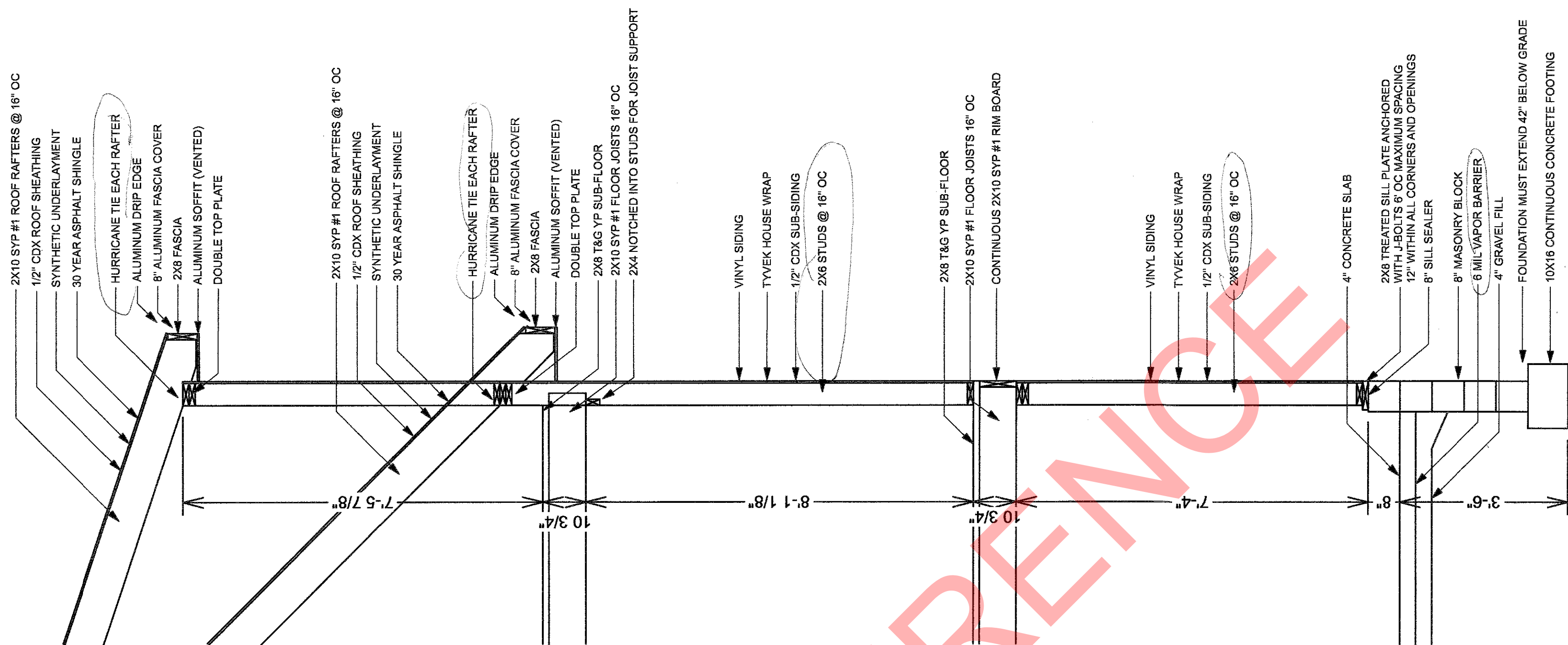
**A-4**





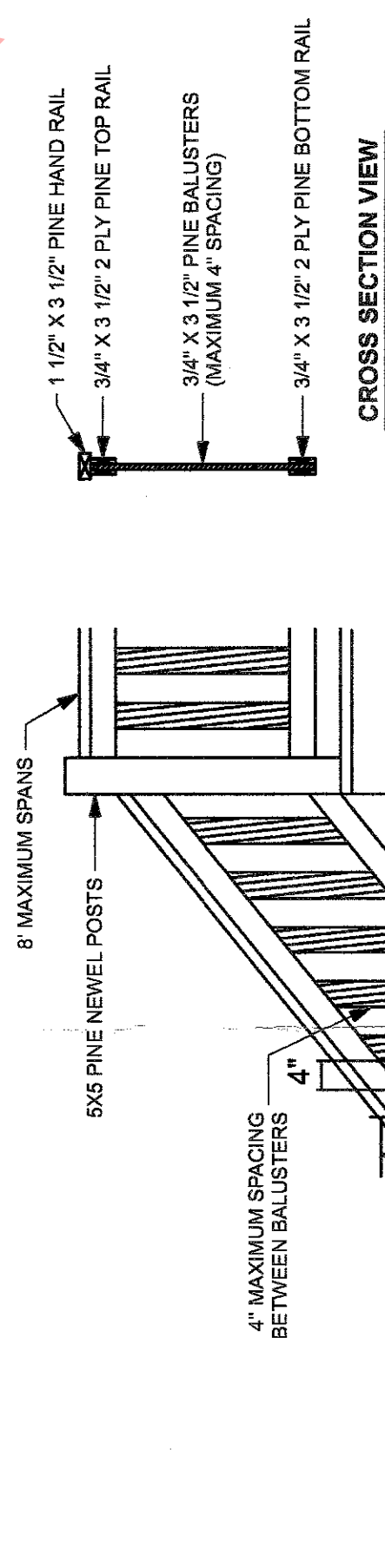






# MAIN EXTERIOR WALL SECTION

SCALE: 1/4" = 1'



## 1X4 PINE STAIR RAIL DETAIL

SCALE: 1/4" = 1'