

**CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS AGENDA
Tuesday, April 11, 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/89569350146>

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Webinar ID: 895 6935 0146

International numbers available: <https://us06web.zoom.us/j/89569350146>

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

BZA Chair John Herman	___	Planning Commission Rep. Jeffrey S. Jahr	___
BZA Vice-Chair Amos Grissett	___	BZA Alt. 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	___

ACCEPTANCE OF AGENDA

APPROVAL OF MINUTES: Approval of minutes from March 14, 2023

CORRESPONDENCE

PUBLIC HEARING (new business items)

1. Case Number: 23-014 – Dimensional (height) variance – Lawrence Zelanka / 13125 Ormond Drive

Request: Request for a dimensional variance by Lawrence Zelanka to construct a 2.5 story home that is approximately 29.6 feet tall. The subject property is located at 13125 Ormond Drive (tax parcel ID 83 080 01 0059 000), located on the east side of Ormond Drive, between Edgar Avenue and Ellen Avenue. The property is zoned R-1B – Single Family Residential District. The request is contrary to the requirements

of Section 3.106(D) of the Zoning Ordinance as described below:

- **Section 3.106(D) - R-1A, R-2A, R-1B, and R-1C, Single-Family Residential Districts – Dimensional Regulations**
 - **Maximum allowable height:** 30.0 feet or 2.0 stories, whichever is more restrictive per Section 1.106 of the Van Buren Township Zoning Ordinance.
 - **Proposed height (feet):** Approximately and not to exceed 30 feet
 - **Proposed height (stories):** 2.5
 - **Variance requested:** 0.5 stories

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

UNFINISHED BUSINESS

NEW BUSINESS

1. Case Number: 23-014 – Dimensional (height) variance – Lawrence Zelanka / 13125 Ormond Drive

Request: Request for a dimensional variance by Lawrence Zelanka to construct a 2.5 story home that is approximately 29.6 feet tall. The subject property is located at 13125 Ormond Drive (tax parcel ID 83 080 01 0059 000), located on the east side of Ormond Drive, between Edgar Avenue and Ellen Avenue. The property is zoned R-1B – Single Family Residential District. The request is contrary to the requirements of Section 3.106(D) of the Zoning Ordinance as described below:

- **Section 3.106(D) - R-1A, R-2A, R-1B, and R-1C, Single-Family Residential Districts – Dimensional Regulations**
 - **Maximum allowable height:** 30.0 feet or 2.0 stories, whichever is more restrictive per Section 1.106 of the Van Buren Township Zoning Ordinance.
 - **Proposed height (feet):** Approximately and not to exceed 30 feet
 - **Proposed height (stories):** 2.5
 - **Variance requested:** 0.5 stories

- 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 MINUTES
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:

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent Excused: Charles Larocque

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

Others in Attendance: Brian Cullin (Planning Commission Alt.)

ACCEPTANCE OF AGENDA

Haase motioned; Grissett seconded to accept the Agenda as presented. **Motion Carried**

APPROVAL OF MINUTES:

Jahr motioned; Sellers seconded to approve the minutes from January 10, 2023 as presented. **Motion Carried**

CORRESPONDENCE

Case 22-056 public response documents are attached at the end of the minutes

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 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.

Haase motioned; Grissett seconded to open public hearing. **Motion Carried**

No public comment

Grissett motioned; Sellers seconded to close public hearing. **Motion Carried**

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.

Director Power summarized his letter dated March 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. 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).**

Scott Jones on behalf of the applicant Belleville Yacht Club stated the updates made based on the previous comments from our board members regarding safety and reducing the length from 120 ft to 85.3 ft.

Opened to public comment:

- Jeffrey Riggs at 29 Potter Drive: Likes the change from BYC of the length reduction but stated concerns regarding the Denton Bridge closure, stating BZA should approve 50 ft and design for eventual approval once the traffic study can be done.
- Jack Wright at Harmony Lane: (Handout is attached at the end of the minutes) What authority does the Township have to rule on this now?
 - Director Power stated this article was prior to the Van Buren Township Lake Ordinance in 2016. The Township can give pre-approval before going to EGLE and FERC.
- Kathleen Walsh at 45415 Harmony Lane: Wants to make sure if this gets Township approval with conditions that nothing will move forward until EGLE and FERC approval are granted.

- Corey Gibson at 43160 East Huron River Drive: Happy with the reduction of length. Believes this is what the BYC always wanted and what they built prior without approval.
- Laura Ridenour at 12993 Lindavista Ave: Non-conforming illegal and non-conforming with permits are completely different and the Township has the authority to make them take down their docks because they are non-conforming illegal. This is taking away "Township" property away from the community and giving it to a private group for personal use which is unfair. Extra boat slips not detrimental to the BYC whom operate all winter long without boat slips. The intent of the language was 40ft not to be altered by anyone.
- Tim Craiger at 41166 Lakeview Court: read speech with is attached at the end of the minutes.

Board Comments

Sellers: Original length was concerning but the revised 85.3 ft/ current length would be a hinderance to the lake. Based on this parcel, this use and this proposal at this time I would vote yes.

Jahr: The docks from 2020 were legal non-conforming and were removed. The current docks are an unpermitted structure which are not in the plans today. Because of our Hydro electric generation dam approvals should go through EGLE and then FERC. Believe based on the FERC license it states structures can go out to 75 ft, so even if the 85.3ft passes locally it may not pass federally through FERC. Going through the 5 findings of criteria in his opinion all 5 findings are not met.

Grissett: Agrees with Jahr's comments the 5 findings are not met, would vote no.

Haase: These are the same 5 facts from January when they came before us and went to Planning Commission. This is an exception which is different from a variance and can't be precedence setting, unless another club was zoned the same with the same use. They took our comments into consideration and came back with an updated plan and believes they do meet all 5 of the finding facts criteria. So, at this time I would vote yes.

Martin: Agreeable with Jahr's assessment. Has concerns for the length and safety. The ordinance is clear when it was written of the 40ft length. Could be precedence setting and end in a lawsuit, 5 findings criteria are not met, would vote no.

Herman: Would give approval with conditions.

Following review of BZA Rules and Procedures by staff, it was determined that a any decision made by the BZA shall require a majority vote of the membership of the BZA.

Scott Jones on behalf of BYC would like to postpone the meeting until there is a full board.

Grissett motioned to postpone for full board, Haase corrected the motion to postpone case #22-056; Sellers seconded to postpone case #22-056 – Belleville Yaht Club. **Motion Carried**

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.

Director Power summarized his letter dated March 9, 2023. Director Power recommended approval of the requested interpretation appeal.

Haase motioned; Sellers seconded that the issue in 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 be referred to the Planning Commission for additional clarification and modifications.

Jahr motioned; Grissett seconded to interpret the ordinance in the traditional way spelled out by section 1.106 shall be applied to the matter of building height that both measurements shall be taken into consideration and the more restrictive numbers shall prevail as required. Also, the Board of Zoning Appeals ask Planning Commission to consider story limit increase.

ROLL CALL:

Yeas (3): Grissett, Martin, Jahr

Nays (3): Herman, Haase, Sellers

Absent (1): Larocque

Motion Failed due to tie, Decision cannot be made

Haase motioned; Jahr seconded to direct staff to work with the applicant on a variance for Section 3.106(D) - R-1A, R-2A, R-1B, and R-1C, Single-Family Residential Districts – Dimensional Regulations, and further more have staff work with the Planning Commission on the same stated regulations to clarify the ordinance. **Motion Carried**

ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION None

ADJOURNMENT

Grissett motioned; Haase seconded to adjourn the meeting at 9:40pm. **Motion Carried**



152 Main St., Suite 9, Belleville, MI 48111 - Belleville's Favorite Newspaper

BELLEVILLE - AREA INDEPENDENT

Front Page News

VBT Lacks Authority to Approve BYC Marina

- by [Rosemary K. Otzman](#)
 - March 31, 2011

Because of a 1987 license from the Federal Energy Regulatory Commission for French Landing Dam, Van Buren Township doesn't have the authority to approve a marina project on Belleville Lake, as requested by BYC.

On Nov. 19, 2009 the private club, BYC, applied to the township for permission to construct docks on Belleville Lake to go along with a planned club house on North Liberty Street in the City of Belleville, yet to be approved or constructed.

On March 23, Terry Carroll, interim director of VBT Planning and Economic Development, sent a letter to BYC Commodore Scott Jones detailing the denial. Carroll said BYC may appeal to FERC.

The 24-page license from FERC for the French Landing Hydro Water Power Project prohibits approval of such a project on page 9. The agreement is between VBT, FERC, and Adirondack Hydro Development Corporation.

Carroll said Jones had asked him to research how other commercial docks could be located on Belleville Lake if the FERC license contains this prohibition.

"I have been told that they were grandfathered as being in place when the FERC license was issued," Carroll wrote.

Carroll said although the dam is at the far eastern end of the lake, an impoundment of the Huron River, the hydro-power project area includes the whole lake.

As backup documentation, Carroll also sent a copy of a review letter of the request completed by planning consultant McKenna Associates, dated March 21, 2011.

The BYC request is described in the Nov. 19 letter as: "In summary, our plan is to construct docks for use by our members and guests to enable them to dock their boats, per the attached plan. In doing so, we believe the BYC will enhance our community and bring needed revenue to the down town and township businesses.

"The construction of our BYC docks prior to the start of construction of our club house will reduce our cost of the club house construction.

"As you will see from our drawings, we will construct and maintain a high quality, aesthetically pleasing dock site," the letter reads.

Plans call for the docks to extend 145' from the shore into the lake on the east side, plus 105' into the lake from the shore on the west side for 45 boat slips. The property width is 140' at the street and 145' at the lake.

Article 412 (b) of the license outlines the types of use and occupancy of project lands and waters for which the licensee (VBT) may grant permission without prior approval from FERC:

(1) landscape plantings; (2) non-commercial piers, landings, boat docks, or similar structures and facilities that can accommodate no more than 10 watercraft at a time and where said facility is intended to serve single-family type dwellings; and (3) embankments, bulkheads, retaining walls, or similar structures for erosion control to protect the existing shoreline.

Also, "to the extent feasible and desirable to protect and enhance the project's scenic, recreational, and other environmental values, the licensee shall require multiple use and occupancy of facilities for access to project lands or waters..."

The BYC, originally named the Belleville Yacht Club, was established on July 4, 2009 by Jones, Steve Davenport, John Hughes, Dave Marvin, and Ted Mull.

It turned out that Marash (Mike) Nuculaj of Johnny's Grill in Belleville has the legal rights to the "Belleville Yacht Club" name, so the group calls itself BYC.

— **Rosemary K. Otzman**

Independent Editor

Good evening township board and the people of our community. This subject has created such a division in our community that it has weighted heavy on my heart so much so that I have lost sleep over this and I just want to say a few words on the topic of community, passion and goodwill. Everyone in this room is here because they are passionate about our community from Byc members to the non-Byc members to the people on the board. We are here because we all care deeply about our community so I'd like to start out first by talking to the Byc members about the passionate people in our community that are against this project. These folks are just passionate people that do not have anything against the BYC and and think it has been a great asset for the community, they just are against this project. Now id Talk about the Byc. First of all, I'd like the record state that I am not a Byc member. It is also very obvious the BYC members have passion and love for our community. The list is long of the goodwill that they bring to the community which is such a positive asset such as, Sponsoring the school robotics team

Providing Championship rings to BHS football team

Multiple lake cleanups each year

Providing an Army of volunteers to help with the Lakefest activities

Participating in the winter fest parade

Providing Christmas to dozens of underprivileged families in the community each year

And the awesome fireworks display that is totally funded by the Byc.

There are many more items as well, not mentioned, but I bring this Just remind everyone of goodwill gestures that helps create positive energy in our community The BYC has a beautiful building which

they graciously allow the public to use for many many functions and fundraisers including

The annual polar bear plunge that raises funds for Special Olympics the warthogs hog roast to benefit families of fallen first responders and countless other fundraising events each year.

These are the ones that are visible. The members work behind the scenes donating to local charities almost weekly.

And then there's Mr. Jones the visionary and founding member of the the club. It's also obvious Mr Jones has great passion for the community. He has chosen invest in this community which has brought a lot of new businesses and great energy to our community. Granted, it's for profit, but because of his love and passion for this community, he could've invested elsewhere, but he chose to invest in our community.

To wrap things up because of the goodwill and positive asset Mr. Jones and the BYC has brought to our community it is my hope and desire that we can reach some kind of compromise to allow the BYC to expand their docks and still remain friendly and cordial with one another.

thank you for your time.

Letter presented by Tim Craiger, 41166 Lakeview Court



VAN BUREN CHARTER TOWNSHIP

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT

46425 TYLER ROAD, VAN BUREN TOWNSHIP, MI 48111

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

BOARD OF ZONING APPEALS APPLICATION

APPLICANT INFORMATION

NAME: <u>LAWRENCE MARY (Ceccanes) ZELANKA</u>	PHONE: <u>734 485-2723</u>
ADDRESS: <u>13125 ORMOND DR.</u>	CELL PHONE: <u>734 771-6076</u>
CITY, STATE & ZIP: <u>Bellerive MI. 48111</u>	FAX:
EMAIL: <u>lpzmup@comcast.net</u>	

PROPERTY OWNER INFORMATION (If different than the applicant)

NAME: <u>LAWRENCE ZELANKA</u>	PHONE:
ADDRESS: <u>9109 PANAMA AVE</u>	CELL PHONE:
CITY, STATE & ZIP: <u>UPSILANTI MI 48198</u>	FAX:
EMAIL: <u>ceccanes@umich.edu</u>	

SITE INFORMATION

PROJECT ADDRESS: <u>13125 ORMOND DR.</u>		
PROPERTY LOCATION: On the <u>EAST</u> Side of <u>ORMOND</u> Road; Between <u>Bawsonville</u> Road and <u>Bellerive</u> Road.		
SIZE OF LOT WIDTH: <u>50'</u>	SIZE OF LOT DEPTH: <u>156'</u>	ACREAGE OF SITE: <u>.18</u>
DATE PROPERTY ACQUIRED: <u>1995</u>	TYPE OF OWNERSHIP OF PROPERTY: <u>Sole Owner</u>	
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):
EXPLANATION OF THE PRACTICAL DIFFICULTY OF THE PROPERTY AS DEFINED IN SECTION 19.07 (OR EXPLANATION OF REQUEST FOR ADMINISTRATIVE REVIEW):
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

LAWRENCE P. ZELANKA Lawrence P. Zelanka 3/21/2023
PRINT PROPERTY OWNER'S NAME SIGNATURE OF PROPERTY OWNER DATE

STATE OF MICHIGAN
COUNTY OF WAYNE

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

Subscribed and sworn before me this 21st day of March 2023
Deanna S. Murphy Notary Public, Wayne County, Michigan

DEANNA S. MURPHY
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES Nov 1, 2028
ACTING IN COUNTY OF

My Commission expires 11-01, 2028



MEMO

TO: Van Buren Township Board of Zoning Appeals (BZA)
FROM: Dan Power– Director of Planning and Economic Development
Reviewed and edited by Vidya Krishnan, McKenna Associates Senior Principal Planner – Van Buren Township Planning Consultant
RE: Case # 23-014 – 13125 Ormond Drive Height Variance Request.
DATE: April 5, 2023

Dear Board Members:

I have reviewed the above referenced application submitted by Lawrence Zelanka for a dimensional (height) variance to allow a 2.5 story single family residential dwelling to be constructed. The following are my review comments based on the criteria in the Zoning Ordinance and the information provided:

File Number: 23-014

Parcel Size and Tax ID: 0.179 acres / Parcel ID# 83 080 01 0059 000. The subject property is located at 13125 Ormond Drive, located on the east side of Ormond Drive, between Edgar Avenue and Ellen Avenue. The parcel was part of the original *Edgewater Heights* subdivision, which was platted in 1929.

Property Owner: Lawrence and Mary Zelanka

Zoning and Existing Use: R-1B (Single Family Residential District). The parcel is currently unimproved. A previous home with a ground area of 604 square feet was demolished in 2018-2019.

Project Description: The applicant is proposing to construct an approximately 2,000 square foot home with a height of 29'8" as measured at the half-way point between the eave and the peak of the roof.

Notice: Notice for the public hearing was published in the Belleville Area Independent on March 22, 2023 in accordance with the Michigan Zoning Enabling Act and notices were mailed to the owners of real property within 300' of the subject property on March 23, 2023.

Variance Request:

Section 3.106(D) - R-1A, R-2A, R-1B, and R-1C, Single-Family Residential Districts – Dimensional Regulations

- **Maximum allowable height:** 30.0 feet or 2.0 stories, whichever is more restrictive per Section 1.106 of the Van Buren Township Zoning Ordinance.
- **Proposed height (feet):** Approximately and not to exceed 30 feet
- **Proposed height (stories)** 2.5

- **Variance requested:** 0.5 stories

Background. During the March 14th Board of Zoning Appeals (BZA) meeting, the BZA was requested to consider an appeal for an interpretation of Section 3.106(D) regarding maximum allowable building height in the R-1A, R-2A, R-1B, and R-1C Zoning Districts being 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. The BZA was requested to make this interpretation based on their authority to review the interpretation of the provisions of the Zoning Ordinance per Section 12.403(B)(1) of the Van Buren Township Zoning Ordinance.

This case was brought before the BZA following the review of a building permit application. The Township Building 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 has since expired. 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 a loft bedroom. "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.

Based on a staff 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 the proposed building maintaining a maximum height less than 30 feet tall. The Building Official, Planning and Economic Development Director and other reviewing staff questioned possible ambiguity in the terminology of the Zoning Ordinance with regard to height. Staff therefore requested the BZA to review the interpretation as referenced in the agenda text. During the meeting on March 14th, the BZA

had a split decision and did not take action to affirm either the more permissive interpretation that height could be limited only by height in feet, or the more restrictive interpretation that both the height in feet and the height in number of stories would each independently limit the permissible height of a principal building in the R-1A, R-2A, R-1B, and R-1C zoning districts. **The BZA did, however, move to request staff to work with the applicant to apply to seek a variance from the BZA from Section 3.106(D)** and to work with the Planning Commission to consider a zoning ordinance text amendment to clarify this section. This direction is the basis of the request before the BZA in this packet. While the Planning Commission is simultaneously reviewing the potential for a Zoning Ordinance amendment to increase the permissible height from 2.0 to 2.5 stories, the BZA is requested to proceed with considering the variance request. For the BZA's reference, in this packet, I am also including a memo from the Planning Consultant dated 4/2/2023 that includes analysis regarding the Zoning Ordinance text amendment review by the Planning Commission.

The BZA is asked to review the request as submitted and evaluate the request on its merits.

COMMENTS

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

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

that the subject site is 0.179 acres (roughly 7,800 square feet) and is non-conforming with respect to minimum lot area requirement of 10,000 sq. ft for the district, which limits the buildable area of the parcel. The proposed dwelling has a footprint of 1,056 sq. ft. . The minimum required floor area for a principal dwelling in the R-1B Zoning District, excluding decks, patios, porches, breezeways, attached garages, basements and other spaces not heated or intended for dwelling purposes, is 1,500 square feet. The maximum permitted lot coverage by roofed structures is 30 percent, or 2,339.17 square feet. The proposed dwelling is well within the lot coverage requirements and complies with the required setbacks.

The applicant's floor plan includes an attached garage and studio / storage space on the first level, a master bedroom, living room, bathroom and kitchen on the main level, and a loft bedroom and bathroom on the third story. These improvements are built vertically into the home across 2.5 stories, rather than with a floor plan across one or two stories which would occupy a larger footprint on the small site.

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

justice to others).

Requesting the ability to accommodate a second bedroom within an existing building design would provide substantial justice to the applicant. The BZA must consider if substantial justice would be granted to other property owners in the district if this situation is replicated across similar parcels in the R-1B zoning district. Consider whether other homes in the R-1B District which otherwise meet the threshold for maximum permitted height in feet could be justified in including a half-story with a loft in lieu of attic or void space above the home's second story.

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

The subject property is 0.179 acres in area, with a width of only approximately 50 feet. The lot was platted as part of the Edgewater Heights Subdivision which was platted in 1929. With limited lot width and area, the room for horizontal expansion on the ground level, and ground floor area, is limited. No more than 30% of the lot area, or 2,339 square feet, can be covered with roofed structures. The BZA may consider whether these factors uniquely constrain the parcel in a manner that justifies building vertically, rather than horizontally. The proposed building reflects these constraints with a limited footprint area that is proportional to the constraints of the site.

4) That the problem is not self-created.

The subdivision was platted in 1929. The applicant demolished a structure that was incompatible with the current Zoning Ordinance's minimum requirements for floor area and pursued a building permit with the guidance of staff, in compliance with all Zoning Ordinance requirements other than the maximum allowable number of stories. The existence of the legal non-conforming lot is not a self-created issue. It could be argued that the applicant's proposal eliminates a greater nonconformity (dwelling size) on the site.

Section 12.403 (D) Standards of approval.

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

Zoning is a valid exercise of the police power bestowed by the State of Michigan in the Michigan Zoning Enabling Act (PA 110 of 2006).

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

The proposed height in feet meets current zoning ordinance requirements. Whether or not a half-story is approved, the resulting height of the structure will remain the same.

Approving the variance is not likely to impair (and may improve) the supply of light and air to adjacent property. The proposed vertical construction will likely reduce certain impacts on neighboring properties related to visibility of the lake, due to it occupying a smaller horizontal footprint on the site than a larger home with a greater footprint. Assuming the half-story is 528 square feet in area and the first and second stories are 1,056 sq. ft. each, a single-story home

would have a footprint that is more than double the proposed footprint and a two-story home would have roughly 1.5x the footprint of the proposed dwelling area if the half-story loft bedroom was redesigned to be integrated into one of the other floors of the home.

The proposed half-story loft bedroom will not likely increase the congestion in the abutting public streets.

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

The proposed variance is not likely to increase the hazard of fire or flood or endanger the public safety. The proposed dwelling meets required minimum front, side and rear yard setbacks.

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

The requested variance is not anticipated to diminish or impair surrounding property values.

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

Whether or not the requested variance is granted, the dwelling's height in feet would be permitted as proposed. Granting the variance 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.

If the variance is granted by the BZA, the proposed building plan will be closely reviewed by staff for compatibility with the architecture of the surrounding homes per Section 5.114(F) of the Van Buren Township Zoning Ordinance. Therefore, the requested variance is not likely to alter the essential character of the neighborhood. Staff also recommends that the applicant explore addition of dormer windows on the half-story level to break up the mass of this level along the sides of the house.

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

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

Recommendation

For the BZA to consider granting the requested variance, they will need to conclude that there are positive findings for all four (4) "practical difficulty" criteria and all seven (7) listed standards of approval. If the BZA agrees that these criteria have been met relative to this case, the variance may be granted, on the condition that the applicant will work with staff to ensure the proposed dwelling meets the standards for aesthetically compatibility in design and appearance with other residences in

the vicinity, per Section 5.114(F) of the Van Buren Township Zoning Ordinance. Staff also recommends that the applicant explore the addition of dormer windows on the half-story level to break up the mass of this level along the sides of the house.

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

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: Vidya Krishnan, Senior Principal Planner / Van Buren Township Planning Consultant,
McKenna Associates



Memorandum

TO: Planning Commission, Charter Township of Van Buren
FROM: Vidya Krishnan; Gage Belko
SUBJECT: Building Height and Story Standards
DATE: April 2, 2023

BACKGROUND

Recent discussion related to a building permit for a single-family dwelling resulted in the Planning Commission directing staff to research single-family residential building height and story standards. The ordinance currently allows for building heights up to 30 feet and 2 stories; leaving no room in the ordinance for functional attic “half stories”. Under this provision, no new single-family homes may be built with a functional attic above the second story and any home previously built with an attic under the previous ordinance would be considered legally non-conforming structure, which appears to be neither practical nor desirable.

The Planning Commission directed us to research zoning ordinances to consider raising the maximum height requirement for single-family homes from 2 stories to 2.5 stories, while maintaining the nominal height standard of 30 feet. Following is an analysis of residential building height standards in nearby communities. In completing the research for this memo, we attempted to find cases where the height standards were amended from 2 stories to 2.5 stories or vice-versa; however, that data was not readily available, and it appears the standards in the table below were effective as of the most recent ordinance adoption.

ANALYSIS

We started out by looking at how the Township’s ordinance defines ‘height’ and ‘story.’ We found that although there is slight variation in the quantification of attic space in different communities (i.e., floor to ceiling height, minimum square footage, usable floor area, etc.), all ordinances define a half-story as that portion of a building between a pitched roof and the uppermost full story – the attic. It should be noted that flat-roofed buildings are not allowed an attic space because it would be considered a third story, having the same usable floor area as the story below.

Current Standards: Section 2.102

HEIGHT OF BUILDING: The vertical distance from the established grade of the center of the front of a building to the highest point of the roof surface of a flat roof to the deck line for a mansard roof or to the mean height level between the eaves and ridge for hip, gable and gambrel roofs.

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.

Current Standards, Comparative: Section 3.106(D)

We looked at several community zoning ordinances to provide comparison among nearby townships with populations that are similar, larger, and smaller than Van Buren.

Community (Population)	Van Buren (Subject)	Northville (Similar)	Plymouth (Similar)	Pittsfield (Larger)	Ypsilanti (Larger)	Superior (Smaller)
Stories	2	-	2.5	2.5	2	2.5
Feet	30	35	35	35	25	35

All standards were derived from the schedules of regulations for single-family-zoned lots. Most communities, regardless of size, have less stringent height standards for single-family districts. Two outliers – Northville and Ypsilanti Townships – do not regulate story height at all or have *more* stringent standards for nominal height.

Slope

The slope of a roof is regulated by the Michigan Building Code, subject to factors such as assembly, finish material, and occupancy characteristics. While some of the communities above have additional zoning regulations for the slope of roofs of accessory buildings and certain buildings in mixed-use districts, most refer to the provisions of the Michigan Building Code.

CONCLUSION

We do not find that allowing for half-stories, while maintaining nominal height standards for single-family districts, will have a detrimental impact to the surrounding neighborhood(s) or public, health, safety, and welfare. The Township has very stable neighborhoods, with several subdivisions and housing developments and more of these projects to come. Ensuring the community has desirable, yet reasonable provisions for single-family homes – and their overhead storage needs – will benefit residents and developers, allowing for higher and better use of these low-density areas, and lessening confusion while designing single family dwellings.

We will be present at the Planning Commission meeting to discuss the matter when scheduled.

Respectfully,
McKENNA

Vidya Krishnan
Senior Principal Planner

Gage Belko
Associate Planner



REFERENCES

Charter Township of Northville. *Zoning Ordinance, Article 18*:
<https://ecode360.com/13532451> Web. March 2023.

Charter Township of Plymouth. *Zoning Ordinance, Article 20*:
https://cms5.revize.com/revize/plymouthtownshipmi/Community%20Development/Zoning%20Ordinance%2099/202105-20_ARTICLE_XX_ScheduleofRegulations_Amended.pdf Web. March 2023.

Pittsfield Charter Township. *Zoning Ordinance, Section 40-4.08 through 40-4.11*:
<https://ecode360.com/37334827> Web. March 2023.

Superior Charter Township. *Zoning Ordinance, Article 3*:
<https://superiortownship.org/wp-content/uploads/2019/03/Article-03-Dimensional-Standards.pdf> Web. March 2023.

Van Buren Charter Township. *Zoning Ordinance, Section 3.106*:
[https://cms9files.revize.com/vanburentwp/Document_Center/Department/Public%20Services/Building,%20Planning%20&%20Economic%20Development/Planning%20&%20Zoning%20Applications/ADOPTED%20ZONING%20ORDINANCE%20\(Effective%202017_06_02;%20Amended%20-2-8-2021.pdf](https://cms9files.revize.com/vanburentwp/Document_Center/Department/Public%20Services/Building,%20Planning%20&%20Economic%20Development/Planning%20&%20Zoning%20Applications/ADOPTED%20ZONING%20ORDINANCE%20(Effective%202017_06_02;%20Amended%20-2-8-2021.pdf) Web. March 2023

Ypsilanti Charter Township. *Zoning Ordinance, Section 406*:
[https://library.municode.com/mi/ypsilanti_charter_township_\(washtenaw_co.\)/codes/code_of_ordinances?nodeId=COOR_APXAZO_ARTIVDIRE_S406OMIREDI](https://library.municode.com/mi/ypsilanti_charter_township_(washtenaw_co.)/codes/code_of_ordinances?nodeId=COOR_APXAZO_ARTIVDIRE_S406OMIREDI) Web. March 2023.

EDgewater HEIGHTS SUBDIV

OF PART OF THE S.E. 1/4 & PART OF THE S.W. 1/4 OF SEC. 20 & PART OF N.E. 1/4 OF SEC. 29, T28N, R13E, Van Buren Twp., Wayne Co., Mich.

Map of Edgewater Heights Subdivision
as shown on the map of the
Van Buren Twp., Wayne Co., Mich.

Subdivision map

Notwithstanding any law, rule or decree to the contrary

I HEREBY CERTIFY THAT THIS COPY IS
A TRUE COPY OF THE MAP OR PLAN
FORWARDED THE REGISTER OF DEEDS
FOR RECORDING.

RECORDED Aug 18, 1925
DEPUTY AUDITOR GENERAL

COPY
Register's Office
Wayne County, Mich.

Edgewater Heights
Subdivision

Aug 25, 1925
in the 36 1364

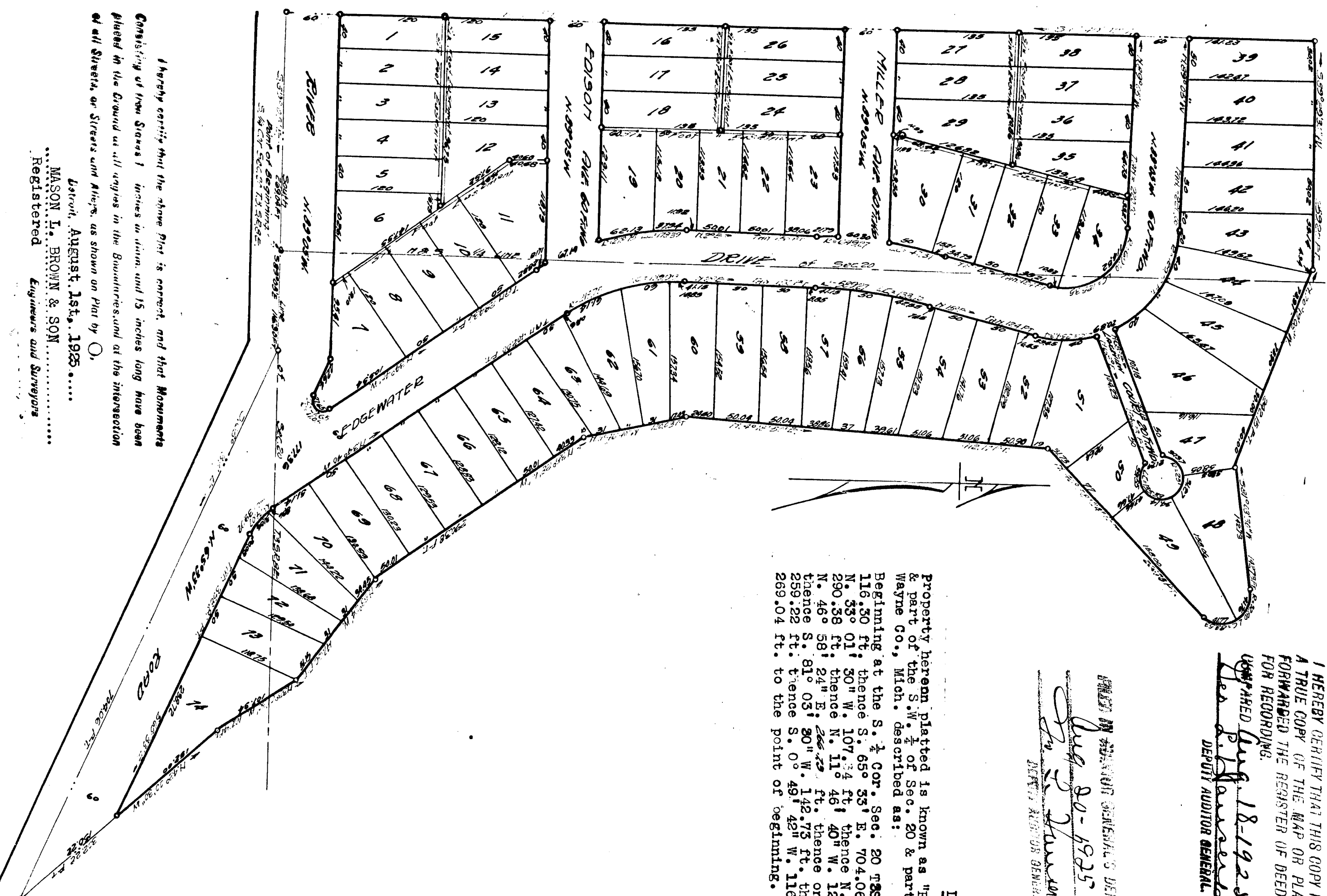
on 1 page 120
C. E. Allen

ORIGINAL ON FILE

DESCRIPTION

Property herein platted is known as "EDGEWATER HEIGHTS SUBD." of part of the S.E. 1/4 & part of the S.W. 1/4 of Sec. 20 & part of N.E. 1/4 of Sec. 29, T28N, R13E, Van Buren Twp., Wayne Co., Mich. described as:

Beginning at the S. 1/4 Cor. Sec. 20 T28N, R13E, thence along the S. line of Sec. 20 S. 89° 05' E. 116.30 ft., thence S. 65° 33' E. 704.06 ft., thence N. 42° 00' 30" W. 302.22 ft., thence N. 33° 01' 30" W. 107.34 ft., thence N. 53° 24' W. 147.60 ft., thence N. 35° 28' 10" W. 290.38 ft., thence N. 11° 46' 40" W. 120.03 ft., thence N. 48° 58' 24" E. 266.43 ft., thence on a curve to the left 83.53 ft., radius equals 32.80 ft., thence S. 81° 03' 30" W. 142.73 ft., thence N. 70° 19' 08" W. 242.15 ft., thence S. 89° 29' 30" W. 259.22 ft., thence S. 0° 48' 42" W. 1161.23 ft., thence along the S. line of Sec. 20 S. 89° 05' E. 269.04 ft. to the point of beginning.



I hereby certify that the above Plat is correct, and that Monuments
Consisting of Iron Stakes 1 inches in diam. and 15 inches long have been
placed in the Ground at all angles in the Boundaries and at the intersection
of all Streets, or Streets and Alleys, as shown on Plan by O.

Dated, August, 15th, 1925.....
MASON L. BROWN & SON.....
Registered Engineers and Surveyors

ATTEST: ALL MEN BY THESE PRESENTS That Alpha J. Arney, (Attorney)
Frederick L. Miller and Lydia F. Miller (his wife)
by Frederick L. Miller (her attorney in fact) as
MORTGAGEE, PEOPLE'S STATE BANK OF BELLEVILLE, BY
MORTGAGEE, PEOPLE'S STATE BANK OF BELLEVILLE, as Mortgagees
have caused this plat to be shown to the Surveyor, and shown
to the known us, WEDGEWATER HEIGHTS SUBD. of part of the
S.E. 1/4 & part of the S.W. 1/4 of Sec. 20 & part of N.E. 1/4 of
Sec. 29, T28N, R13E, Van Buren Twp., Wayne Co., Mich.
Allegan, and that the Streets and Alleys shown on said plat are hereby
dedicated to the use of the public.

Witness our hands and seals this 4th day of August, 1925.....
A. D. Nineteen Hundred Twenty Five

In presence of
Peoples State Bank of Belleville
Emory M. Clark (L.S.) (Pres.)
Frank H. Clark (L.S.) (Sec.)
Alpha J. Arney (L.S.)
Frederick L. Miller (L.S.)
Lydia F. Miller (L.S.)

By Frederick L. Miller (Attorney in fact)

STATE OF MICHIGAN) SS
COUNTY OF WAYNE)
On this 4th day of August, 1925, before me,
Alpha J. Arney, Notary Public in and for said county, personally appeared the above
Frederick L. Miller (Attorney in fact) for
Lydia F. Miller
known to me to be the same persons who executed the above dedication, and
who acknowledged the same to be their free act and deed.

Albert E. Smith, Notary Public
Wayne County, Michigan

My Commission Expires Jan. 20th, 1929.

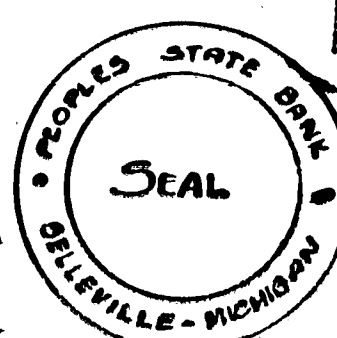
Wayne County Treasurer's Office
Dated: Aug 15th, 1925
I hereby certify that the above plat is correct, and that Monuments
Consisting of Iron Stakes 1 inches in diam. and 15 inches long have been
placed in the Ground at all angles in the Boundaries and at the intersection
of all Streets, or Streets and Alleys, as shown on Plan by O.

Edgewater Heights
Subdivision

STATE OF MICHIGAN) SS
COUNTY OF WAYNE)
On this 4th day of August, 1925, before me, a Notary Public in and for said county, personally appeared
and Frank H. Clark

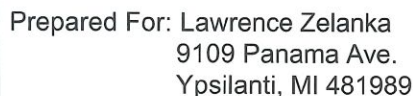
known to me to be the same persons who executed the above dedication, and
who acknowledged the same to be their free act and deed.

My Commission Expires January 20th, 1929.



The above plat was approved by the Township of Van Buren, as a plat to be recorded on the 4th day of August, 1925.

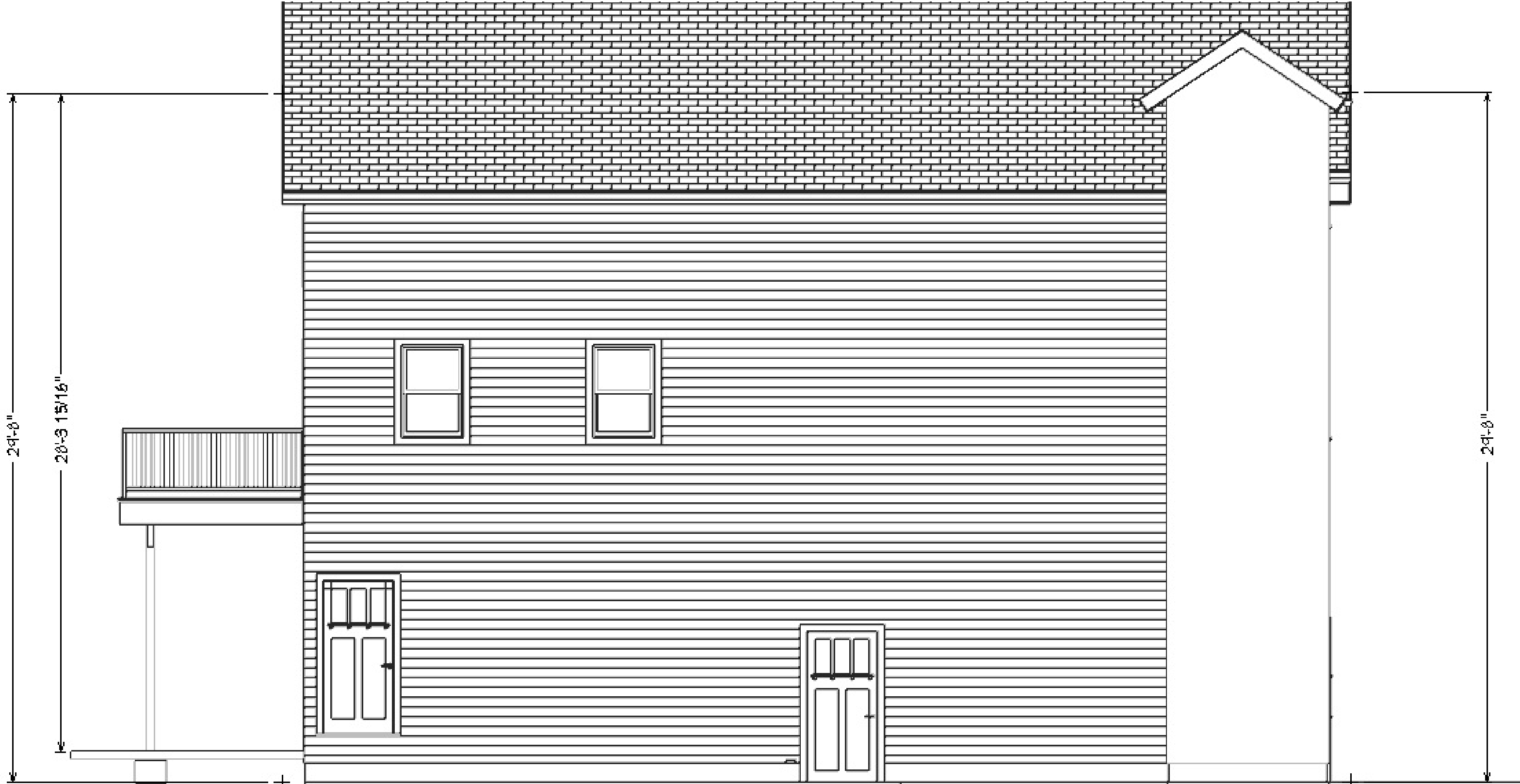
EDGEWATER HEIGHTS SUBDIVISION
SECTION 20, T3S, R8E, VAN BUREN TOWNSHIP
WAYNE COUNTY, MICHIGAN



Situated in the Township of Van Buren, Wayne County, Michigan described as:
Lot 59 of Edgewater Heights Subdivision, as recorded in Liber 56 of Plats, Page
72, Wayne County Public Records.

OFFICIAL SEAL

A circular professional seal for the State of Michigan. The outer ring contains the text "STATE OF MICHIGAN" at the top and "LICENSED PROFESSIONAL SURVEYOR" at the bottom, separated by two stars. The center of the seal contains the name "TERRY RICHARD CAMPBELL", the title "PROFESSIONAL SURVEYOR", and the license number "No. 4001060806".



VARIANCE FOR ZELANKA RESIDENCE ON ORMOND DRIVE

March, 2023

We would like to request a variance to our building a 2 ½-story house at 13125 Ormond Drive, Belleville, Michigan.

This home is a unique circumstance that would maintain essential character to the neighborhood and would do substantial justice to the property owners. The house design is not out of character with the neighborhood and would not negatively impact our neighbors.

Our lot width is 50' with a 25' buildable envelope, as opposed to others in the neighborhood that range upwards of 80' and more. Because the lot size is so narrow and to satisfy yard setback and building code requirements, we need to build up to obtain a comparable floor plan that provides normal living space including a kitchen, living room, two bathrooms, two bedrooms, and storage space. Building out would negatively impact our neighbor to the south by boxing them in.

Finally, this problem is not self-created.

We appreciate your consideration of this request.

**CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS
PUBLIC HEARING**

Notice is hereby given that the Charter Township of Van Buren Board of Zoning Appeals (BZA) will hold a public hearing on **Tuesday, April 11, 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 request:

Case # 23-014- Request for a **dimensional variance** by Lawrence Zelanka to construct a 2.5 story home that is approximately 29.6 feet tall. The subject property is located at 13125 Ormond Drive (tax parcel ID 83 080 01 0059 000), located on the east side of Ormond Drive, between Edgar Avenue and Ellen Avenue. The property is zoned R-1B – Single Family Residential District. The request is contrary to the requirements of Section 3.106(D) of the Zoning Ordinance as described below:

Section 3.106(D) - R-1A, R-2A, R-1B, and R-1C, Single-Family Residential Districts – Dimensional Regulations

- Maximum allowable height: 30.0 feet or 2.0 stories, whichever is more restrictive per Section 1.106 of the Van Buren Township Zoning Ordinance.
- Proposed height (feet): Approximately and not to exceed 30 feet
- Proposed height (stories) 2.5
- Variance requested: 0.5 stories

Members of the public may participate in the meeting electronically per guidance provided by the Wayne County Local Public Health Department for meetings of governmental bodies held under public act 228 of 2020, effective January 1, 2022. Members of the public may access the agenda materials via the Township website – www.vanburen-mi.org by **April 10, 2023**. On the meeting webpage, members of the public will also gain access to **means of participating in the electronic meeting. On the agenda for the meeting**, a unique Zoom weblink and dial-in phone number with a meeting ID for meeting videoconference or teleconference access will be provided. The meeting will be available to view live on the Van Buren Township YouTube Channel. Closed captioning will be available after YouTube fully renders meeting video.

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

To comply with the Americans with Disabilities Act (ADA), any citizen requesting accommodation to attend a meeting, and/or to obtain this notice in alternate formats, please contact the Clerk's Office at 734.699.8900 extension 9205.

Posted: 03/21/2023

Published: 03/23/2023

82 83 078 99 0002 702
VAN BUREN CHARTER TOWNSHIP
46425 TYLER RD
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0009 000
SAYRE, JAMES M.
13206 ORMOND DR
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0010 000
SAYRE, JAMES M.
13206 ORMOND DRIVE
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0011 303
PERALA, STANLEY-CINDY
48411 EDGAR AVE
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0012 305
MARTIN, ARTHUR-BEVERLY
48465 EDGAR AVE
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0016 000
GRECA, PAT
48466 EDGAR AVE
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0017 000
GRECA, PAT
48466 EDGAR AVE
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0018 000
SETTLES, WILLIAM-JUDY
48460 EDGAR AVE
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0019 000
SETTLES, WILLIAM-JUDY
48460 EDGAR AVE
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0020 000
RAZO, RAMON & CICOTTE, LENORE
13132 ORMOND DRIVE
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0021 000
RAZO, RAMON & CICOTTE, LENORE
13132 ORMOND DR
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0022 000
PAICH FAMILY TRUST
13108 ORMOND DR
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0024 301
KING, CINDY L.
48455 ELLEN AVE
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0027 000
HUBBARD, LEANNE
48460 ELLEN AVE
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0028 000
HUBBARD, LEANNE
48460 ELLEN AVE
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0030 000
TRIPODI, ANTHONY
48444 ELLEN AVE
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0031 000
SZAREK, JOSEPH-DIANA
13034 ORMOND DR
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0032 002
RABAUT, JEFFREY
13012 ORMOND DR
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0051 002
KAZEN, THOMAS-CYNTHIA
13011 ORMOND DR
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0053 002
BRODERICK, THERESA
13033 ORMOND DR
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0055 000
FARRINGTON, WILLIAM & KERI
13045 ORMOND DR
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0056 000
HAVER, GRACE
13069 ORMOND DR
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0057 000
FIX, LARRY
13103 ORMOND DR
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0058 000
ENGSTROM, JOSHUA & JENKINS, MELISSA
13115 ORMOND DR
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0059 000
ZELANKA, LAWRENCE & MARGARET
9109 PANAMA AVE
YPSILANTI MI 48198

82 83 080 01 0060 000
SAVAS, TIMOTHY & DOROTHY
13141 ORMOND DR
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0061 000
BEAGAN, STEVEN J.
13157 ORMOND DR
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0062 000
EARHART, ALLEN
13189 ORMOND DR
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0063 000
MALLOY, FREDERICK L. & DEBRA JEAN
13201 ORMOND DR
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0064 000
PATTERSON, AMY
13209 ORMOND DR
VAN BUREN TOWNSHIP MI 48111

82 83 080 01 0065 000
THOMAS, GARY
13237 ORMOND DR
VAN BUREN TOWNSHIP MI 48111

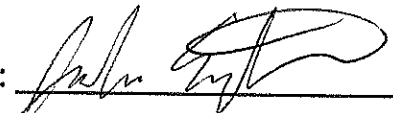
82 83 080 01 0068 301
KOTB, ABDELAZIZ & WAGNER, AMY L.
13295 ORMOND DR
VAN BUREN TOWNSHIP MI 48111

TO: Van Buren Township

FROM: Joshua Engstrom

DATE: 4-3-23

I/we have looked at the plans provided by Lawrence Zelanka regarding building a new home at 13125 Ormond Drive in Belleville, MI. I/we believe that this new structure would add value to our neighborhood and we are supportive of this effort.

Signed:  _____

Print Name: Joshua Engstrom

TO: Van Buren Township

FROM:

DATE: 4/3/23

I/we have looked at the plans provided by Lawrence Zelanka regarding building a new home at 13125 Ormond Drive in Belleville, MI. I/we believe that this new structure would add value to our neighborhood and we are supportive of this effort.

Signed:  _____

Print Name: LARRY J FOX

TO: Van Buren Township

FROM:

DATE: 4/3/23

I/we have looked at the plans provided by Lawrence Zelanka regarding building a new home at 13125 Ormond Drive in Belleville, MI. I/we believe that this new structure would add value to our neighborhood and we are supportive of this effort.

Signed: Lenore & Ramon Razo

Print Name: LENORE & RAMON RAZO

TO: Van Buren Township

FROM:

DATE: 4/3/23

I/we have looked at the plans provided by Lawrence Zelanka regarding building a new home at 13125 Ormond Drive in Belleville, MI. I/we believe that this new structure would add value to our neighborhood and we are supportive of this effort.

Signed: Tony Paich

Print Name: Tony Paich



Motion: Variance Request BZA 23-014

Case 23-014: I make a motion to (approve / **deny**) the request by Lawrence Zelanka for 13125 Ormond Drive (tax parcel ID 83 080 01 0059 000) for a variance from Section 3.106(D) (R-1A, R-2A, R-1B, and R-1C, Single-Family Residential Districts – Dimensional Regulations):

- **Maximum allowable height:** 30.0 feet or 2.0 stories, whichever is more restrictive per Section 1.106 of the Van Buren Township Zoning Ordinance.
- **Proposed height (feet):** Approximately and not to exceed 30 feet
- **Proposed height (stories):** 2.5
- **Variance requested:** 0.5 stories

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

Practical difficulty is presented by the following findings

- (1) That strict compliance with area, setbacks, frontage, height, bulk or density would / **would not** 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 / **would not** 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 / **is not** due to the unique circumstances of the property;
- (4) That the problem is / **is not** self-created.

Findings of fact: _____

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

- (1) That the proposed appeal or variance is / **is not** 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 / **will** not impair an adequate supply of light and air to adjacent property or increase the congestion in public streets;
- (3) **Will not** / **will** increase the hazard of fire or flood or endanger the public safety;



- (4) **Will not / *will*** unreasonably diminish or impair established property values with in the surrounding area;
- (5) **Will not / *will*** in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township;
- (6) **Will not / *will*** alter the essential character of the neighborhood; and
- (7) **Is / *is not*** necessary to meet the intent and purpose of the zoning regulations; is related to the standards established in the Ordinance for the land use or activity under consideration, and is necessary to ensure compliance with those standards.

Findings of fact: _____

Conditions: Recommended Condition (if variance is granted):

Condition: _____

Condition: _____

Motion made by: _____

Support from: _____

Ayes: _____ Nays: _____

Motion **carries / fails**