

**CHARTER TOWNSHIP OF VAN BUREN  
BOARD OF ZONING APPEALS AGENDA  
Tuesday, November 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/85620992309>

Or One tap mobile :

+13052241968,,85620992309# US

+13092053325,,85620992309# US

Or Telephone: Dial: US: +1 305 224 1968

Webinar ID: 856 2099 2309

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

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

**ACCEPTANCE OF AGENDA**

**APPROVAL OF MINUTES:** Approval of minutes from May 9, 2023

**CORRESPONDENCE**

**PUBLIC HEARING (new business items)**

**1. Case Number: 23-059 – Crossroads Distribution Center North 11, LLC**

**Location:** The subject property is located at parcel ID number V-125-83 005 99 0009 701, located on the south side of Van Born Road, between Morton Taylor Road and Haggerty Road. The property is zoned M-T – Industrial Transportation District.

**Request:** Request for a **dimensional variance** by Ashley Capital on behalf of owner Crossroads Distribution Center North 11, LLC to construct a Distribution Center that will include trailer staging spaces that will be within 207.3 feet of a residential zoning district. The property is zoned M-T – Industrial Transportation District. The adjacent residentially zoned land is zoned R-1B, Single Family Residential

District, and is also owned by the subject property owner. The request is contrary to the requirements of Section 5.112(C) of the Zoning Ordinance as described below:

**Section 5.112(C) – Development Standards for Specific Uses - Distribution Centers**

- Minimum setback from a residential zoning district to truck docks, overhead doors, and trailer staging areas accessory to a distribution center: 350 feet
  - Proposed setback from a residential zoning district to truck docks, overhead doors, and trailer staging areas accessory to a distribution center: 207.3 feet
  - Variance requested: 142.7 feet (40.77%)
- A. Open Public Hearing.  
B. Public Comment.  
C. Close Public Hearing.

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**1. Case Number: 23-059 –Crossroads Distribution Center North 11, LLC**

**Location:** The subject property is located at parcel ID number V-125-83 005 99 0009 701, located on the south side of Van Born Road, between Morton Taylor Road and Haggerty Road. The property is zoned M-T – Industrial Transportation District.

**Request:** Request for a **dimensional variance** by Ashley Capital on behalf of owner Crossroads Distribution Center North 11, LLC to construct a Distribution Center that will include trailer staging spaces that will be within 207.3 feet of a residential zoning district. The property is zoned M-T – Industrial Transportation District. The adjacent residentially zoned land is zoned R-1B, Single Family Residential District, and is also owned by the subject property owner. The request is contrary to the requirements of Section 5.112(C) of the Zoning Ordinance as described below:

**Section 5.112(C) – Development Standards for Specific Uses - Distribution Centers**

- Minimum setback from a residential zoning district to truck docks, overhead doors, and trailer staging areas accessory to a distribution center: 350 feet
  - Proposed setback from a residential zoning district to truck docks, overhead doors, and trailer staging areas accessory to a distribution center: 207.3 feet
  - Variance requested: 142.7 feet (40.77%)
- A. Presentation by Township Staff.  
B. Presentation by the Applicant.  
C. Board of Zoning Appeals Discussion.  
D. Board of Zoning Appeals Action.

**2. Rules of Procedure / Bylaws Discussion**

The Board of Zoning Appeals (BZA) will discuss changes to Rules of Procedure, including the addition of a required date for appeal from a Planning Commission decision in Section 7 (Voting), a statement that unapproved minutes will be available no later than eight (8) business days after the meeting in accordance

with Sec. 15.269 of the Michigan Open Meetings Act (Public Act 267 of 1976), rules regarding voting by BZA members who serve on the Planning Commission, and statements regarding voting on interpretations and dimensional variances.

A. Presentation by Township Staff.

B. Board of Zoning Appeals Discussion.

C. Board of Zoning Appeals moves to consider further discussion or recommend draft changes to be presented at a future meeting.

#### **ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION**

#### **ADJOURNMENT**

**CHARTER TOWNSHIP OF VAN BUREN  
BOARD OF ZONING APPEALS AGENDA  
Tuesday, May 9, 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 7:01PM by Chairperson John Herman

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

**Absent Excused:** None

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

**Others in attendance:** Brian Cullin (Planning Commission Alt.)

**ACCEPTANCE OF AGENDA**

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

**APPROVAL OF MINUTES:**

Jahr motioned; Grissett seconded to accept the minutes from April 11, 2023 as presented. **Motion Carried**

**CORRESPONDENCE** None

**PUBLIC HEARING (new business items)**

**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 May 4, 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 each member of the BZA should use the motion template attached to this packet to assist in making their decision, and each member should make statements regarding their decision on the case based on the five (5) criteria under**

**Section 3.120(F)(7)(c).** 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).**

Applicant Scott Jones from 11696 Juniper Drive representing Belleville Yacht Club shared photos of docks/lake distance (in Director Powers packet). Stated would have 551 ft of navigable water at current distance/requested special exception distance. With this approval the docks would go from 6ft off the lot lines to 21ft from the lot lines for EGLE approval. The current docks have been at this distance since fall of 2020 with no accidents.

Board Comments:

Herman: Difference between exception and variance, if approved will go to PC, Board, EGLE and FERC. With that being said this is not precedence setting, Planning Commission can approve the site plan. Would vote yes for this exception.

Sellers: Based on the criteria in front of us, this dock has been out at this many feet for 2.5 years with zero (0) issues. This water area is usually occupied by boats that are being launched so this wouldn't propose an issue with navigable area. I would vote to approve this exception.

Jahr: Opinion has not changed since the facts of the case have not changed. Having a 60ft dock does not deny use to the Yacht club. The purpose of the community standard is to limit distance of docking in to the water. Does not meet the special circumstance which believes is for lot size limits or shape of lot. Do not find the conditions were met so would vote no.

Grissett: Stuck on the word variance, however this is a special exception not a variance so this is not precedence setting. Vote would not be a yes.

Haase: At 120 feet this case was a hard no. Switching configurations to this request will be less hazardous. Exception and not a variance, per McKenna report: The ordinance does not define the term "exception". However, exception is generally defined as *a deviation from a rule*. In order to grant such a deviation, the BZA must find that the standards (a) through (e) are met. Sub-section (d) further states "*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.*" The statement essentially means that each and every case that appears before the BZA seeking an exception must meet the criteria (a) through (e) with the overarching 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 the Ordinance**. Therefore, if the BZA grants a deviation to one property on the shoreline, it does not necessarily mean other properties on the shoreline will also be granted the same deviation, unless they can demonstrate that they have the exact same conditions or circumstances. Vote continues to be a yes in favor of this special exception.

Martin: The Lake ordinance put together by residents on the lake, worked on very hard, and put in to effect for safety reasons. Docks do not meet the criteria so no, would not approve this.

Larocque: Agree that the 40ft dock length is to serve the purpose of the lake for everyone involved. All 5 findings are not in support of this special exception so would vote no.

Haase Motioned, Sellers seconded to: **Case 22-056**: I make a motion to **approve** 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).

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

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

#### **ROLL CALL:**

Yeas (4): Herman, Grissett, Haase, Sellers

Nays (3): Martin, Jahr, Larocque

**NEW BUSINESS** None

#### **ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION**

Herman asked about Michigan State BZA online program, Director Power said he will send out an email.

#### **ADJOURNMENT**

Grissett motioned; Jahr seconded to adjourn the meeting at 7:59pm. **Motion Carried**



# 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: Ashley Capital (Acting Agent Dennis Schultz)	PHONE: (734)394-1900
ADDRESS: 2575 S. Haggerty Road	CELL PHONE: (734)637-4763
CITY, STATE & ZIP: Canton, MI 48188	FAX: (734)436-0256
EMAIL: dschultz@ashleycapital.com	

### PROPERTY OWNER INFORMATION (If different than the applicant)

NAME: Crossroads Distribution Center North 11, LLC	PHONE: (734)394-1900
ADDRESS: 2575 S. Haggerty Road	CELL PHONE: (734)637-4763
CITY, STATE & ZIP: Canton, MI 48188	FAX: (734)436-0256
EMAIL:	

### SITE INFORMATION

PROJECT ADDRESS:		
PROPERTY LOCATION: On the <u>West</u> Side of <u>Haggerty</u> Road; Between <u>Ecorse</u> Road and <u>Van Born</u> Road.		
SIZE OF LOT WIDTH: 1438 F of Van Born & 1992 ft on Haggerty	SIZE OF LOT DEPTH: 2,870 ft.	ACREAGE OF SITE: 175
DATE PROPERTY ACQUIRED: 1995 - 2023	TYPE OF OWNERSHIP OF PROPERTY: Land owner. A limited Liability Company	
STATE ALL DEED, SUBDIVISION IMPROVEMENT AND PROPERTY RESTRICTIONS IN EFFECT AT THIS TIME, TOGETHER WITH DATES OF EXPIRATION:  None		

### VARIANCE REQUEST

VARIANCE TO ZONING ORDINANCE SECTION(S): Section 5.112 (C)
EXPLANATION OF THE PRACTICAL DIFFICULTY OF THE PROPERTY AS DEFINED IN SECTION 19.07 (OR EXPLANATION OF REQUEST FOR ADMINISTRATIVE REVIEW): The requested variance would be over existing land owned by the developer and is part of the overall development area.
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

Dennis Schultz PRINT PROPERTY OWNER'S NAME      [Signature] SIGNATURE OF PROPERTY OWNER      10/31/23 DATE

STATE OF MICHIGAN  
COUNTY OF WAYNE

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

Subscribed and sworn before me this 31 day of October 2023

Julia Anne Gibbs Notary Public, Wayne County, Michigan  
Julia Anne Gibbs

My Commission expires 12/20, 2027







## MEMO

---

TO: Van Buren Township Board of Zoning Appeals (BZA)  
FROM: Dan Power– Director of Planning and Economic Development  
RE: 23-059 – Crossroads Distribution Center North 11, LLC  
Dimensional Variance Request  
DATE: November 7, 2023

---

The BZA is asked to consider a request by Ashley Capital on behalf of owner Crossroads Distribution Center North 11, LLC to construct a Distribution Center that will include trailer staging spaces that will be within 207.3 feet of a residential zoning district. The property is zoned M-T – Industrial Transportation District. The adjacent residentially zoned land is zoned R-1B, Single Family Residential District, and is also owned by the subject property owner. The request is contrary to the requirements of Section 5.112(C) of the Zoning Ordinance as described below:

- Section 5.112(C) – Development Standards for Specific Uses - Distribution Centers
- Minimum setback from a residential zoning district to truck docks, overhead doors, and trailer staging areas accessory to a distribution center: 350 feet
- Proposed setback from a residential zoning district to truck docks, overhead doors, and trailer staging areas accessory to a distribution center: 207.3 feet
- Variance requested: 142.7 feet (40.77%)

The subject property is located at parcel ID number V-125-83 005 99 0009 701, located on the south side of Van Born Road, between Morton Taylor Road and Haggerty Road. The property is zoned M-T – Industrial Transportation District.

A completed BZA Application form; a memo from the Township Principal Planner / Planning Consultant dated October 30, 2023; submittals from the applicant including a narrative letter dated October 5, 2023, a site plan dated 10/11/2023; a copy of the public hearing notice for the November 14, 2023 meeting, and a **model motion sheet** are included in this packet for the BZA's reference. I encourage the BZA to use the model motion sheet as a template for their motion to act on this request.

Thank you for your consideration of this request.

Sincerely,

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

Dan Power, AICP

Planning and Economic Development Director  
Public Services Department  
Charter Township of Van Buren

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



**MCKENNA**

October 30, 2023

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

**Subject: Ashley Capital CRN Building 11/south side of Van Born, west of Haggerty Road/Variance Review; Application not dated or signed; letter dated 10/5/2023.**

Dear Board Members:

We have reviewed the above referenced application submitted by Dennis Schultz of Ashley Capital on behalf of Crossroads Distribution Center North 11, LLC to construct a 630,517 square foot distribution Center that will include trailer staging spaces. The proposal requires a variance from minimum setback from residential zoning standards. The following are our review comments based on the criteria in the Zoning Ordinance and the information provided:

**File Number:** VBT-23-059

**Parcel Size and Tax ID:** ≈118 Acres/Parcel ID# 83-005-99-0009-701

**Property Owner:** Ashley Capital LLC

**Zoning and Existing Use:** M-T Industrial Transportation District. The parcel is currently vacant.

**Project Description:** Construction of a new distribution center building with trailer staging spaces which necessitates a variance or minimum setback for trailer staging spaces from residential zoning.

**Notice:** Notice for the public hearing was published in the Belleville Independent on October 18, 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 October 16, 2023.

**Variance Request:**

**Section 5.112(C) – Development Standards for Specific Uses - Distribution Centers**

- Minimum setback from a residential zoning district to truck docks, overhead doors, and trailer staging areas accessory to a distribution center: 350 feet
- Proposed setback from a residential zoning district to truck docks, overhead doors, and trailer staging areas accessory to a distribution center: 207.3 feet
- Variance requested: 142.7 feet

**COMMENTS**

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

**HEADQUARTERS**  
235 East Main Street  
Suite 105  
Northville, Michigan 48167

○ 248.596.0920  
F 248.596.0930  
**MCKA.COM**

**Communities for real life.**

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

The M-T District requires a 350-foot setback for all trailer staging areas from a residential district boundary. The plan proposes a 203-foot setback to the residential district boundary to the west as shown below (fig 2). Per the applicant, the presence of extensive wetlands on the property and restrictions from EGLE have significantly impacted the size and placement of the proposed building.

The subject site is a large parcel of land located on the east side of the 350-foot ITC corridor which separates the industrial uses from the single-family residential uses to the west. The west property line of the parcel is at an angle, as a result of which a regular north-south placement of the building places the south side of the structure a lot closer to the west property line than the northern portion of the building. In addition, the subject site has a small portion of land owned by the applicant, abutting the ITC corridor that is zoned R-1B Single Family Residential zoning (see fig 1).

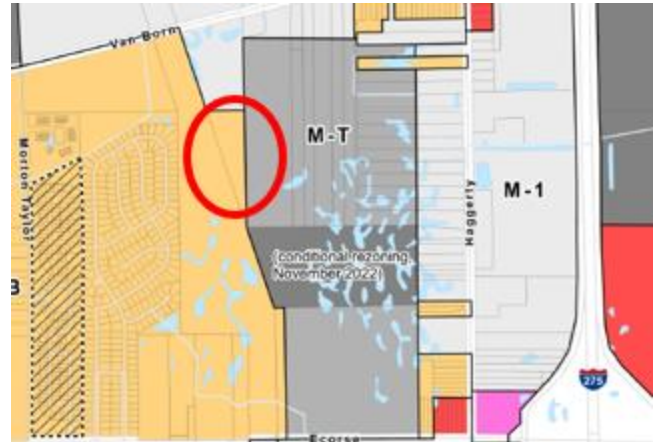


Fig 1

The intent behind the 350-foot setback requirement for trailer spaces from residential zoning was to allow for the establishment of greenbelts and provide for significant separation between non-


compatible uses. The setback was intended to mitigate any potential adverse impacts from the trailer staging area such as noise, odor and other quality of life factors. The subject site is in an unusual situation where the trailer staging spaces are in fact 350+ feet away from the ITC corridor and located 900+ feet from the nearest residential use boundary line. However, they do not comply with the setback from their own residentially zoned parcel. It is important to note that the residentially zoned triangular portion of land will never be developed or built upon and will be maintained in perpetuity in a conservation easement.



Fig 2

Strict compliance with the setback requirement for the trailer spaces would result in the building footprint being significantly reduced which does not allow the project to be feasible based on the applicant's history of construction distribution centers for use in today's market. Moving the trailer spaces would make them non-functional since the loading spaces are mostly in the rear of the building and placing them in a side or front yard of the building is not desirable. The proposed site design meets the intent of the ordinance standards. Compliance with the ordinance standards in this unique situation would be unnecessarily burdensome.



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

A variance from the setback requirement would provide substantial justice to the applicant. It would enable them to construct a marketable distribution center building and is not likely to have any adverse effect on the other property owners in the district. The land to the east, south and a significant portion to the north are all zoned industrial and mostly under the applicant's ownership. As previously noted, the nearest single-family use is over 900 feet away to the west and will have the added protection of preserved wetlands and wooded areas along the ITC corridor.

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

The parcel is located within the only area of the Township that is zoned M-T and allows for distribution centers. Therefore, the challenges faced are unusual and unique to this site/area. The location of an R-1B zoned parcel, abutting and owned by an industrial user and not viable for use on its own, is not a common occurrence in the Township.

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

The parcel has a significant number of wooded areas and wetlands, many of which are required by EGLE to be placed under permanent conservation easements. The diagonal property line is also a situation not created by the applicant. As a result, the buildable area of the parcel is less than would otherwise be available. The problem could be considered partly self-created due to the proposed size of the building; however, a distribution center requires trailer staging spaces to function, and the building has to be a certain size to be viable in the current market.

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

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

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

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

Approving the variance is not likely to impair adequate supply of light and air to the adjacent properties. As previously noted, the proposed trailer staging spaces are located over 900 feet from a residentially used parcel to the west and is not likely to have any adverse impacts on the use.

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

The requested variance has no impact on fire or public safety concerns on the site.

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

The surrounding areas are mostly industrial in nature, owned by the applicant and occupied by other large distribution center buildings. Therefore, the proposal is not likely to diminish or impair established property values within the surrounding areas.



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

Allowing for a reduced setback from the applicant's own residentially zoned (and protected in perpetuity) parcel of land is not likely to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

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

As previously noted, the proposed building is located in an industrial area with other distribution center and manufacturing uses. The site is zoned, and master planned for the proposed use and is not altering the character of the area in which it is located.

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

The purpose of zoning regulations is to provide for orderly and planned use of land. The request at this time does not alter the use of the land and is intended to accommodate additions as required by the State.

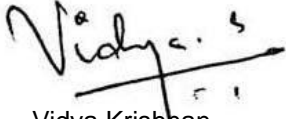
## **RECOMMENDATION**

Subject to any additional information presented and discussed by the applicant, Board, and/or the public during the public hearing and incorporated into the record prior to any findings being made, we recommend that the Board of Zoning Appeals approve the requested setback variance for Crossroads North Building 11, to be located on the property as described in this letter. The above recommendation is based on the following findings of fact:

1. Strict compliance with setbacks would prevent the applicant from constructing a viable distribution center building and would render the conformity unnecessarily burdensome.
2. The parcel has significant wetlands and the R-1B zoned parcel from which the applicant is seeking the setback deviation is to be preserved with a permanent conservation easement.
3. The nearest single family residential use is located over 900 feet away.
4. The requested variance would provide substantial justice to the applicant and is not averse to the interests of the other property owners.
5. The applicant's proposal still meets the intent of the ordinance.
6. The subject site is located in the only area of the Township zoned for industrial transportation and distribution center uses.
7. The site is challenged by a diagonal property line that does not allow for easy placement of structures onsite.
8. The proposed variance is related to the valid exercise of police power.
9. Approving the variance is not likely to impair adequate supply of light and air to the adjacent properties.
10. Approval of the variances is not likely to increase the hazard of fire.
11. Approval of the variances is not likely to diminish or impair established property values within the surrounding areas.
12. Approval of the variances is not likely to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.
13. Approval of the variances is not likely to alter the essential character of the neighborhood.
14. Approval of the variances does not alter the use of the land.



Respectfully,  
**McKENNA**

A handwritten signature in black ink, appearing to read "Vidya Krishnan", with a horizontal line drawn across the middle of the signature.

Vidya Krishnan  
Senior Principal Planner

Cc: Dan Power, Director of Planning and Economic Development





October 5, 2023

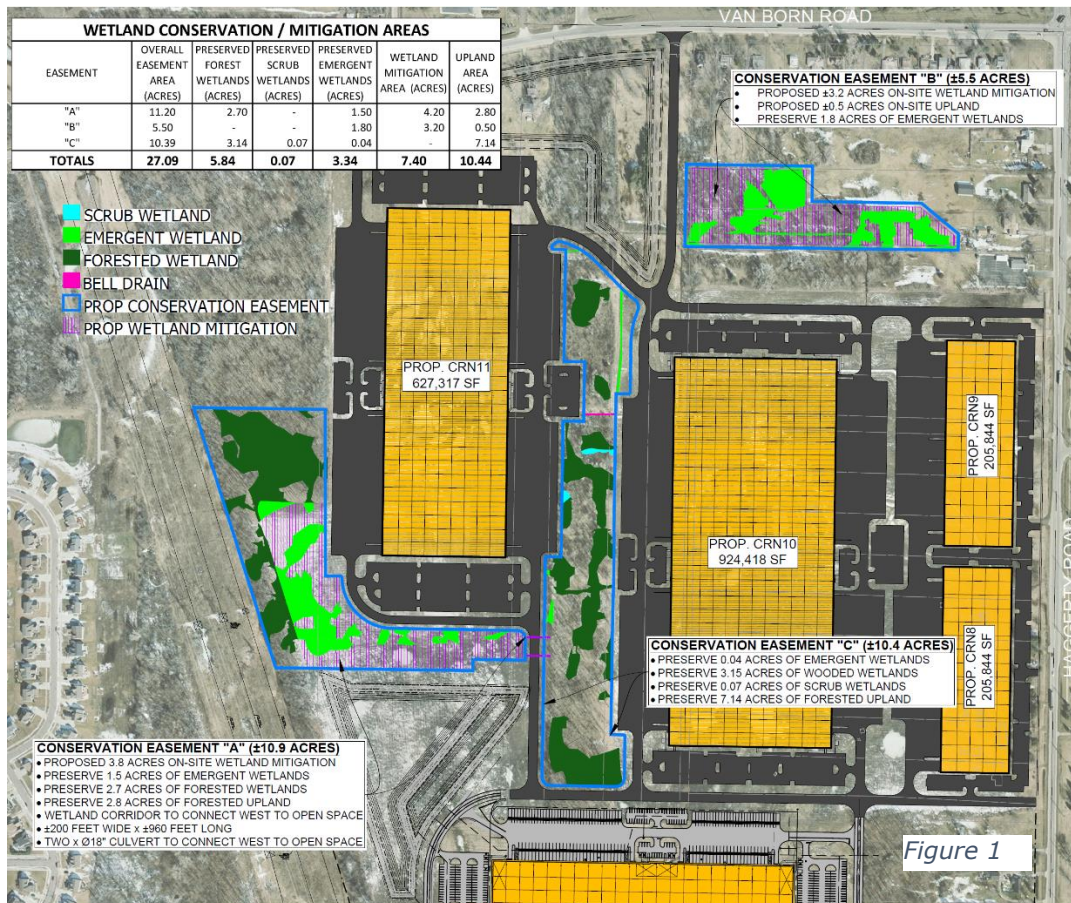
Mr. Dan Power  
Director of Planning and Economic Development  
Charter Township of Van Buren

Subject: Crossroads Distribution Center North – Building 11 ZBA Variance

Mr. Power,

Ashley Capital (on behalf of Crossroads Distribution Center North 11, LLC) is requesting a variance to Zoning Ordinance section 5.112(C) for the setback of trailer staging for proposed building 11 to be less than the required 350 feet from residentially zoned property.

Due to the presence of EGLE regulated wetlands on the site, Ashley Capital spent over 2 years working with EGLE staff to receive a permit to move forward with the development. As a condition of the overall development, Ashley Capital was required to substantially reduce the size of originally designed building 11 from nearly 1MM square feet to the proposed 630K square feet, as well as place a substantial area of land in EGLE conservation easements. The conservation easements are labeled in Figure 1 below (Areas A, B, C).





Due to the conservation easements, as well as a small area of R1B zoned property that Ashley Capital owns on the east side of the ITC corridor (see red circle in figure 2), planned trailer staging for building 11 is within 350' of Ashley Capital owned property which is zoned residential. Per the dimensions in figure 3, Ashley Capital's building 11 is over 350' from the residentially zoned ITC corridor. Rather than rezone the R1-B property, we are requesting a variance to the ordinance required 350' setback because rezoning would not conform with the master plan. The closest trailer staging spot will be over 900' from the closest residential structure. Additionally, the area zoned R1B would be placed in a conservation easement and existing trees/buffer would remain.

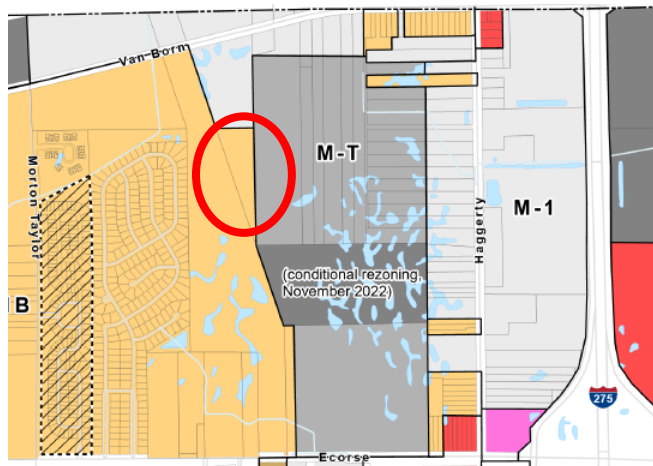


Figure 3

Figure 2





opportunity into value

Lastly, the red line shown in figure 3 indicates the 350' setback line from Ashley Capital's owned R1B property. This setback would make Building 11 functionally obsolete (no trailer staging or dock doors on the west side of the building) as well as reduce the size of the overall building. Buildings this size and depth are required to be "cross-dock", meaning with dock doors on both the east and west sides. We are not able to shift the building north or east due to the conservation easements.

Thank you for your consideration and we look forward to building upon the success of Crossroads Distribution Center Buildings 1-6.

Sincerely,

Kyle Morton



Exhibit A:

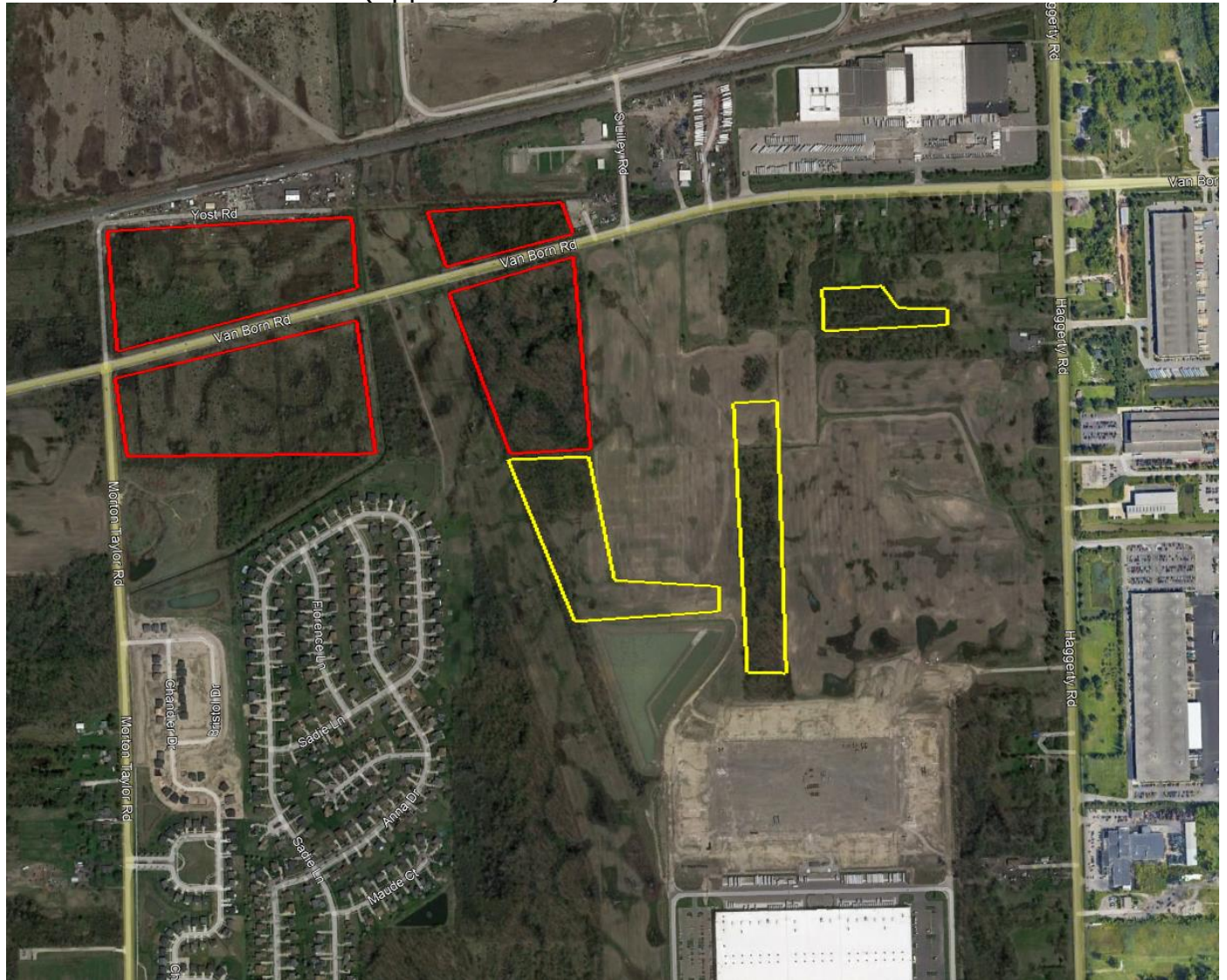
Drone Aerial of Area





## Exhibit B:

### Conservation Easements (approximate) – on and off site









**Ordinance, standards for specific uses day care or child care, as was described in the staff letter dated 9-15-23.**

**Roll Call:**

**Yeas: Budd, Grant, Atchinson, Pahle, Jahr and Cullin.**

**Nays: None.**

**Excused: Creal.**

**Motion Carried. (Letter Attached)**

**ITEM #2: CASE 23-031 – CROSSROADS DISTRIBUTION CENTER NORTH 11, LLC – SPECIAL LAND USE.**

**TITLE: A REQUEST BY CROSSROADS DISTRIBUTION CENTER NORTH 11, LLC TO CONSTRUCT A DISTRIBUTION CENTER. THIS DISTRIBUTION CENTER CONSISTS OF ONE (1) BUILDING WITH A GROUND AREA OF APPROXIMATELY 630,417 SQUARE FEET OF SPACE AND AFFILIATED SITE IMPROVEMENTS, ALONG WITH GRADING AND EARTHWORK ON PROPERTY SURROUNDING THE BUILDING SITE. THE TOTAL AFFECTED AREA WILL BE APPROXIMATELY 175.0 ACRES. THE PROPERTY IS ZONED M-T – INDUSTRIAL TRANSPORTATION DISTRICT.**

**THE DISTRIBUTION CENTER AND AUXILIARY IMPROVEMENTS WILL BE CONSTRUCTED ON THE SOUTH SIDE OF VAN BORN ROAD, WEST OF HAGGERTY ROAD, INCLUDING PARCEL ID 83-005-99-0009-701, 42065 VAN BORN ROAD (PARCEL ID 83-005-99-0010-000), 42033 VAN BORN ROAD (PARCEL ID 83-005-99-0007-000), 41941 VAN BORN ROAD (PARCEL ID 83-005-99-0005-000) AND 42333 VAN BORN ROAD (PARCEL ID 83-005-99-0009-002).**

Director Power informed that he has additional comments after the Planning Consultants review and deferred to Vidya Krishnan for presentation of her review.

Vidya Krishnan of McKenna Associates presented her review letter dated 9-19-23. The proposed distribution center meets the general standards for consideration of special land use approval in the M-T District and most of the standards specific to distribution centers. Therefore, McKenna Associates recommends the Planning Commission recommend approval of the requested special land use to the Township Board of Trustees, subject to the following conditions:

1. Approval of a variance for the staging area from the Board of Zoning Appeals.
2. Final site plan approval.

Applicant, Kyle Morton provided a PowerPoint presentation, displaying the conceptual site and building renderings. Ashley Capital specializes in developing bulk warehouse buildings. The overall site for Crossroads Distribution Center North is 290 acres. Building 11 is very similar to buildings 5 and 6, architecturally they are the same. The plan is for the building to have up to eight (8) tenants and the applicant is currently speaking with a tenant that would take up two thirds of the building. That tenant is currently located in Romulus and wants to be in Van Buren Township. Mr. Morton displayed aerial photos of the site as it currently sits. The applicant spent

a lot of time working with EGLE to keep trees in place and took two (2) years on wetland preservation and development. The applicant acquired four (4) neighboring parcels in June, all 76 acres will be under a conservation easement. Mr. Morton displayed the areas covered by the conservation easement. The variance request is based upon unique site constraints, they have a very small area to fit the building, they lost about a third of the building after working with EGLE. The building is currently 350 feet away from the ITC corridor. The applicant had three (3) options, make the building smaller, rezone, or put in a conservation easement and file for a variance. The applicant has been working with Wayne County for the past five (5) years in an effort to accelerate the time frame for the reconstruction of Haggerty Road, they fronted \$300,000 for the engineering costs and received a grant from Our Next Energy (ONE). As of August 2<sup>nd</sup>, the state gave the County the notice to proceed with the project. The project is fully funded, will start with the water main and begin road reconstruction in 2024.

Commissioners had the following questions and comments:

- Commissioner commented that Haggerty Road has been a problem for at least 5 years, he has seen full semis on the wrong side of the road avoiding potholes. Knowing construction will not happen until mid to late 2024, when is it scheduled to be complete? Director Power informed the road should be complete in 2025. Commissioner inquired if there is someone that can provide a safety solution in the meantime on behalf of the residents, such as temporary paving over the road to make it safe for the interim.
- Commissioner inquired to the applicant, how does the plan for the Haggerty Road reconstruction line up with the timeline for the building and when will the building be ready for occupancy? Kyle Morton informed that the grant was originally received from MDOT in 2022 for the road and he anticipates the building to be complete in the end of 2024. The road may not be fully complete, in an urgent case scenario they will still be able to get traffic through.
- Commissioner inquired if the traffic light is also through Wayne County and dependent upon the road?
- Commissioner inquired to the applicant, if the tenant they are working with falls through, would the applicant still continue? Kyle Morton informed if the applicant went away, it may slow things down, the applicant needs the building by November 1<sup>st</sup>, 2024. The applicant didn't want to submit 3-4 buildings at the same time.
- Commissioner commented regarding the variance, normally with a special land use, we don't like to make a recommendation. This isn't really the right forum. Commissioner understands the reasoning for pursuing the variance through the Zoning Board. If the Commission considers making a recommendation, it needs to be made clear that it is conditional upon the variance and if it was denied they would have to modify the site plan. Vidya Krishnan informed they can condition the recommendation on the variance; however, the special land use will still stand, it is only approving the use. The preliminary site plan would have to go back to the drawing board.
- Commissioner inquired about the building numbering and the lack of a building number 7. Mr. Morton informed that number 7 is a placeholder in the numbering system.
- Commissioner inquired about the possibility of resurfacing the road, is that efficient or a waste of money? Paul Kammer of Fishbeck Associates informed that you could either rehab the road or fully reconstruct it. The base structurally can't hold the weight, if you

grind off the top 3 inches, mill and fill, the road will look like it does now within a month. It is an economically feasible waste. Wayne County can fill potholes and regrade the shoulders to add safety.

- Commissioner commented that there still needs to be some type of maintenance plan for the road. These are not typical potholes and its not going to be a good enough repair until the job is complete. It needs to be brought up with Wayne County, its not just a few potholes its craters in the road and they will need to maintain the road for the workers safety as well. Vidya Krishnan asked the applicant to speak with Wayne County to have them patch the roads. Director Power provided information on the Wayne County Hazard Reporting System online. Mr. Morton encouraged everyone to use the reporting system. Director Power will share the link with Commissioners and residents.
- Commissioner inquired when tenants sign the lease and are told what roads to take, who do we contact when they don't use the correct roads? Mr. Morton informed that typically his tenants have to stay on class-A roads. Vidya Krishnan informed that the only business that is currently restricted is Costco.

No questions or comments from the audience or remote viewers.

**Motion Jahr, Grant second to recommend the Township Board grant the applicant Crossroads Distribution Center North 11, LLC special land use approval to permit construction of a distribution center, consisting of one (1) building with a ground area of approximately 630,417 square feet of space and affiliated site improvements, along with grading and earthwork on property surrounding the building site, located on the south side of Van Born Road, west of Haggerty Road, including parcel ID number 83-005-99-0009-701, 42065 Van Born Road (parcel ID number 83-005-99-0010-000), 42033 Van Born Road (parcel ID number 83-005-99-0007-000), 41941 Van Born Road (parcel ID number 83-005-99-0006-000), 41861 Van Born Road (parcel ID number 83-005-99-0005-000) and 42333 Van Born Road (parcel ID number 83-005-99-0009-000), based on the analysis and subject to the conditions in the McKenna Associates review letter dated 9-19-23 and staff letter dated 9-15-23 specifically noting the feedback and concerns presented by the public and the Commission regarding the urgency for the Haggerty Road improvements to be completed as planned.**

**Roll Call:**

**Yeas: Budd, Grant, Atchinson, Pahle, Jahr and Cullin.**

**Nays: None.**

**Excused: Creal.**

**Motion Carried. (Letters Attached)**

**ITEM #3: CASE 23-031 – CROSSROADS DISTRIBUTION CENTER NORTH 11, LLC – PRELIMINARY SITE PLAN.**

**TITLE: A REQUEST BY CROSSROADS DISTRIBUTION CENTER NORTH 11, LLC TO CONSTRUCT A DISTRIBUTION CENTER. THIS DISTRIBUTION CENTER CONSISTS OF ONE (1) BUILDING WITH A GROUND AREA OF APPROXIMATELY 630,417 SQUARE**



**FEET OF SPACE AND AFFILIATED SITE IMPROVEMENTS, ALONG WITH GRADING AND EARTHWORK ON PROPERTY SURROUNDING THE BUILDING SITE. THE TOTAL AFFECTED AREA WILL BE APPROXIMATELY 175.0 ACRES. THE PROPERTY IS ZONED M-T – INDUSTRIAL TRANSPORTATION DISTRICT.**

**THE DISTRIBUTION CENT AND AUXILIARY IMPROVEMENTS WILL BE CONSTRUCTED ON THE SOUTH SIDE OF VAN BORN ROAD, WEST OF HAGGERTY ROAD, INCLUDING PARCEL ID 83-005-99-0009-701, 42065 VAN BORN ROAD (PARCEL ID 83-005-99-0010-000), 42033 VAN BORN ROAD (PARCEL ID 83-005-99-0007-000), 41941 VAN BORN ROAD (PARCEL ID 83-005-99-0005-000) AND 42333 VAN BORN ROAD (PARCEL ID 83-005-99-0009-002). THE GRADING AND EARTHWORK WILL ALSO INVOLVE PARCELS 83-005-99-0004-000, 83-005-99-0008-000, 83-005-01-0019-000, 83-005-01-0020-300, -0023-300, -0024-300, -0025-300, -0026-300, -0027-300, -0028-300, -0029-300, -0030-300, -0031-300, -0032-300, -0033-300 and -0034-300.**

Director Power deferred the discussion to Planning Consultant Vidya Krishan for presentation of her review.

Vidya Krishnan of McKenna Associates presented her review letter dated 9-19-23. Many of the comments from the initial staff review have been addressed on the revised plan set; however, some issues remain to be addressed or corrected, though these are not likely to materially impact the layout of the site. Items that are either missing or require additional information can be included for the final site plan review. Therefore, McKenna Associates recommends the Planning Commission grant preliminary site plan approval only for a new “Building 11 (CRN11)” at Ashley Capital Crossroads Distribution Center North, subject to the following conditions:

1. Approval of the special land use by the Township Board of Trustees.
2. Approval of lot combinations prior to commencement of construction.
3. Clarification regarding lot coverage pursuant to future lot combination.
4. Approval of a variance for trailer staging area setback on the southwest corner of the site.
5. Provision of interior sidewalks to connect all existing and proposed CRN sites.
6. Planning Commission approval of the deferred/converted parking plan.
7. Notation of potential locations of EV charging spaces and provision of infrastructure to support future installations.
8. Planning Commission approval of landscape plan with additions and deviations.
9. Clarification regarding tree replacement counts.
10. Planning Commission approval of building colors and material samples.
11. Submission of a signage package in compliance with Ordinance standards.
12. Wayne County and Township Engineer approval of proposed stormwater detention system.
13. Wayne County approval of proposed detention basin landscaping.

Paul Kammer of Fishbeck Associates presented his review letter dated 9-20-23. Fishbeck Associates recommends the Planning Commission grant the Crossroads Distribution Center North – Building No. 11, preliminary site plan approval, based on the engineering feasibility of the plans

and subject to the comments in the review letter. The applicant should begin discussions with the County for stormwater management if they haven't done so already. County permits should be obtained prior to the applicant moving to Final Engineering review with the Township.

Director Power presented the Fire Department review letter dated 8-31-23. The 8" water main now runs down the length of the building, eliminating dead ends. If a security gate is to be installed at the entrance to the complex, an approved access control service will be required. The device for Van Buren Township gate access is a Knox gate and key switch Model 3501. An Emergency Responder Radio Coverage test will need to be completed.

Director Power also provided a link to the completed 2021 traffic Impact Study for the project, informed that the applicant has started the application process for the required parcel combination and the Municipal Services Department will seek updates on the start of the Haggerty Road project. Wayne County anticipates the project to start in the fall with an anticipated completing date of spring 2025. Director Power also provided a link for public updates on the project.

Mr. Morton gave a presentation and confirmed that the parcel consolidation application has been submitted. In regard to EV parking spaces, they have additional spaces prepped, they prefer to have them in the greenbelt, they will be located on the next site plan. The trailer lot is easier to convert from a trailer lot to an auto lot in the event of parking changes. The applicant has reviewed the landscape requirements in the McKenna Associates review letter and agrees to all. The new DTE Morton station will be going in on Ecorse Road. The County has been talking about drain abandonment for about 3 years, have to do stream mitigation offsite. The tenant is a global supplier for the big 3, not contract based work and they may come back with the need for fencing. If preliminary site plan is received, hoping they will sign the lease. They are distribution and warehousing, not manufacturing and are mostly auto related.

Joe Webb of Webb Engineering informed that the applicant has started conversation with Wayne County drain abandonment. The applicant has submitted to Wayne County for stormwater and curb cuts. The sanitary sewer is on the east side of buildings 8, 9 and 10, they are putting in 90% new water going into the north basin and the east side of building 11 is prepped for stormwater with retention.

Commissioners had the following questions and comments:

- Commissioner inquired when the parcels are merged, what is the overall zoning? Vidya Krishnan informed when they are merged there will still be different zoning.
- Commissioner inquired if the sidewalk network is to make a more unified campus? Vidya Krishnan informed yes, and that may be modified to include a security fence.
- Commissioner inquired with the new north basin, is there fencing along the road? Joe Webb informed, no there is a 6-foot shelf. Vidya Krishnan confirmed the 6-foot shelf meets the requirements.
- Commissioner inquired about the sign conditions, there needed to some additional language about the sign, was that called out in the McKenna letter? Vidya Krishnan

informed, yes, the proposed sign must be reviewed administratively for compliance with ordinance standards.

- Commissioner commented on the deviation to the parking standard, normally we do so when knowing what the use will be. Commissioner is not in favor of granting a parking deviation. Vidya Krishnan commented that if the tenant has already signed the lease prior to the final site plan approval, they can propose the same project. If the building is still speculated it could be built to trailer grade and striped for parking spaces.
- Commissioner commented on the site being located near regulated wetlands and preserving some of the natural areas, could this be an application for a potential pollen garden? Vidya Krishnan informed, yes, for a bioswale or rain garden.
- Commissioner inquired where does the Belle Drain exist? Mr. Morton displayed where the drain is located along Haggerty and jogging into the property, they are basically just cutting of the tail which currently sits in the middle of the field.
- Commissioner inquired to the Township Engineer is it typical for Wayne County to abandon a drain? Paul Kammer informed that he believed the Subaru development had a similar situation, had very old drain. It is very difficult, you are moving from one watershed and taking a completely different path. Mr. Morton commented that the applicant petitioned Wayne County two (2) years ago to have a plan to do some comprehensive work to the McClarey Drain.

No comments from the audience or remote viewers.

**Motion Jahr, Grant second to grant the applicant, Crossroads Distribution North 11, LLC preliminary site plan approval to construct a distribution center consisting of one (1) building with a ground area of approximately 630,417 square feet and affiliated site improvements, along with grading and earthwork on property surrounding the site located on the south side of Van Born Road, west of Haggerty Road, including parcel ID 83-005-99-0009-701, 42065 Van Born Road (PARCEL ID 83-005-99-0010-000), 42033 Van Born Road (PARCEL ID 83-005-99-0007-000), 41941 Van Born Road (PARCEL ID 83-005-99-0005-000) and 42333 Van Born Road (PARCEL ID 83-005-99-0009-002). The grading and earthwork will also involve parcels 83-005-99-0004-000, 83-005-99-0008-000, 83-005-01-0019-000, 83-005-01-0020-300, -0023-300, -0024-300, -0025-300, -0026-300, -0027-300, -0028-300, -0029-300, -0030-300, -0031-300, -0032-300, -0033-300 and -0034-300, based on the analysis and subject to the conditions detailed in the McKenna Associates review letter dated 9-19-23, Fishbeck Associates review letter dated 9-20-23, Fire Department review letter dated 8-31-23 and staff letter dated 9-15-23, along with the additional conditions that the proposed sign must undergo further administrative review and with the understanding that the issue of the parking deferment shall be addressed before final site plan is to be granted and also that the variance is required on this plan before final site plan review, the issue of the variance shall be resolved, additionally, the interior sidewalk network plan must be finalized and discussed before final site plan approval may be granted.**

**Roll Call:**

**Yeas: Budd, Grant, Atchinson, Pahle, Jahr and Cullin.**

**Nays: None.**

**Excused: Creal.**

**Motion Carried. (Letters Attached)**

**ITEM #4: CASE 19-037 – HAMPTON MANOR SENIOR HOUSING PROJECT – SITE PLAN AMENDMENT.**

**TITLE: A REQUEST BY THE APPLICANT, VAN BUREN INVESTORS LAND HOLDINGS LLC, FOR AN AMENDMENT TO THE SITE PLAN AND ARCHITECTURAL PLANS FOR A PROPOSED SENIOR HOUSING FACILITY CALLED HAMPTON MANOR WITH ASSISTED LIVING AND MEMORY CARE UNITS.**

**THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF TYLER ROAD, BETWEEN MORTON TAYLOR AND HAGGERTY ROAD AND IS ZONED C (LOCAL BUSINESS) DISTRICT, AT 43345 TYLER ROAD (PARCEL ID NUMBER 83-054-99-0012-701). THE PARCEL IS 7.11 ACRES IN SIZE.**

Director Power deferred to Planning Consultant Vidya Krishnan for presentation of her review.

Vidya Krishnan of McKenna Associates presented her review letter dated 9-18-23. The elevations as built/implemented have several changes from the approved plan. Over the past three years the Planning Commission has reviewed and approved several large projects, many of which are under construction or completed, as approved. While supply-chain delays could have impacted the availability of materials, any changes to the site plan should have been presented to the Planning Commission for approval, prior to being implemented.

At this time, addition of cultured stone to meet the masonry requirement as shown on the approved plan, is a step in the right direction towards correcting the violations. While some changes such as roof dormers cannot be added to the building at this late date, a few additional changes are possible to bring the site closer into compliance. If the Planning Commission should consider approval of the amended site plan, the additional recommended corrections are:

1. Addition of metal panel roof to the cupola. Replacement of the asphalt shingles with the previously approved metal roof will create the focal feature for the building, as was originally intended.
2. Addition of metal roofs to the dormers. While addition of new dormers is not feasible at this time due to the possibility of creating roof damage, it is possible to add metal roof to the dormers already constructed.
3. Replacement of siding. The applicant has stated that a certificate of occupancy is required to enable them to accommodate 40 families that have committed to joining the facility by October end. While being considerate to the families that have been assured occupancy as promised by the applicant, the Planning Commission can consider granting a temporary certificate of occupancy, subject to the blue siding being entirely replaced with the previously approved neutral/earth-tone siding color. This would allow the applicant to meet their obligations, but also ensure a major correction to the façade as-built.
4. Submission of a final site plan to ensure that all exterior doors on the building open onto sidewalks or concrete landings.

**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, November 14, 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 # 23-059-** Request for a **dimensional variance** by Ashley Capital on behalf of owner Crossroads Distribution Center North 11, LLC to construct a Distribution Center that will include trailer staging spaces that will be within 207.3 feet of a residential zoning district. The subject property is located at parcel ID number V-125-83 005 99 0009 701, located on the south side of Van Born Road, between Morton Taylor Road and Haggerty Road. The property is zoned M-T – Industrial Transportation District. The adjacent residentially zoned land is zoned R-1B, Single Family Residential District, and is also owned by the subject property owner. The request is contrary to the requirements of Section 5.112(C) of the Zoning Ordinance as described below:

**Section 5.112(C) – Development Standards for Specific Uses - Distribution Centers**

- Minimum setback from a residential zoning district to truck docks, overhead doors, and trailer staging areas accessory to a distribution center: 350 feet
- Proposed setback from a residential zoning district to truck docks, overhead doors, and trailer staging areas accessory to a distribution center: 207.3 feet
- Variance requested: 142.7 feet (40.77%)

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 **November 13, 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: 10/16/2023

Published: 10/18/2023



Regarding the request for a dimensional variance by \_\_\_\_\_  
(NAME)

**Practical difficulty** is presented by the following findings

- (1) 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 **because**  
\_\_\_\_\_  
\_\_\_\_\_
- (2) 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) because  
\_\_\_\_\_  
\_\_\_\_\_;
- (3) Plight of the owner **is** due to the unique circumstances of the property because  
\_\_\_\_\_  
\_\_\_\_\_  
and  
(4) The problem **is not** self-created because  
\_\_\_\_\_  
\_\_\_\_\_.

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

- (1) That the proposed appeal or variance **is** related to the valid exercise of the police power  
and purposes which are affected by the proposed use or activity because  
\_\_\_\_\_  
\_\_\_\_\_;
- (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 because  
\_\_\_\_\_  
\_\_\_\_\_;
- (3) **Will not** increase the hazard of fire or flood or endanger the public safety because  
\_\_\_\_\_  
\_\_\_\_\_;



- (4) **Will not** unreasonably diminish or impair established property values with in the surrounding area because

\_\_\_\_\_;

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

\_\_\_\_\_;

- (6) **Will not** alter the essential character of the neighborhood because

\_\_\_\_\_;

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 because

\_\_\_\_\_;



## MEMO

---

TO: Van Buren Township Board of Zoning Appeals (BZA)  
FROM: Dan Power– Director of Planning and Economic Development  
RE: Discussion of Rules of Procedure  
DATE: November 9, 2023

---

Dear members of the BZA:

At the request of the Chair, the Board of Zoning Appeals (BZA) will discuss changes to the BZA's Rules of Procedure, including the following potential changes:

- The addition of a required date for appeal from a Planning Commission decision in Section 7 (Voting);
- A statement that unapproved minutes will be available no later than eight (8) business days after the meeting in accordance with Sec. 15.269 of the Michigan Open Meetings Act (Public Act 267 of 1976);
- Rules regarding voting by BZA members who serve on the Planning Commission, including that members of the BZA must not vote twice on matters before the PC and BZA including site plans and PUD / PRD approvals per Sec. 601.13 of the Michigan Zoning Enabling Act (MZEA) (Public Act 110 of 2006);
- Statements regarding interpretations and dimensional variances requiring a simple majority of BZA members per Sec. 604.10 of the MZEA; and
  - o Note: Use variances are prohibited under Section 12.404(B) of the Van Buren Township Zoning Ordinance.
- Other items at the request of the BZA.

For your reference, this packet includes a copy of the latest adopted BZA Rules of Procedure. Thank you for your consideration of this request.

Sincerely,

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

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



**CHARTER TOWNSHIP OF VAN BUREN**  
**BOARD OF ZONING APPEALS RULES OF PROCEDURE**  
Effective: June 5, 2018

**ARTICLE 1: AUTHORITY**

These rules of procedure are adopted by the Charter Township of Van Buren Board of Zoning Appeals (hereinafter referred to as the "BZA"), to facilitate the duties of the BZA as outlined in Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et. seq.) and the Charter Township of Van Buren Zoning Ordinance.

**ARTICLE 2: MEMBERSHIP**

**Section 1.** The BZA shall consist of seven (7) regular members and two (2) alternate members appointed by the Charter Township of Van Buren Board of Trustees as follows:

- A. Planning Commission Liaison.** One (1) member shall be a member of the Township Planning Commission.
- B. Township Board Liaison.** One (1) member of the Township Board may be a regular member or alternate member of the BZA, but shall not be the chairperson of the BZA.
- C. Other Members.** The remaining members shall be electors of the Township selected and appointed by the Township Board from among the electors, residing in the unincorporated area of the Township, who shall be representative of the population distribution and of the various interests present in the Township. No employee or contractor of the Township Board may serve simultaneously as a member or employee of the BZA.
- D. Alternates.** The Township Board shall appoint two (2) alternate members to the BZA who shall have authority to vote on appeals that come before the BZA. The alternate members shall only be allowed to sit in place of a regular member of the BZA. The alternate members shall only be allowed to sit as members of the BZA and/or vote when a regular member of the BZA is absent. Alternates shall be expected to attend all BZA meetings regardless as to whether they are sitting as members or not.
- E. Terms.** Terms of members and alternates of the BZA shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively, and the period stated in the resolution appointing them. When members and alternates are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- F. Removal.** Appointed members may be removed for misfeasance, malfeasance, or nonfeasance in office by the Township Board only after misconduct of written charges and a public hearing by the Township Board, pursuant to Public Act 110 of 2006 as amended. Failure of a member to disqualify him/herself from a vote in which he has a conflict of interest shall constitute malfeasance in office.

- G. Resignation.** A member may resign from the BZA by sending a letter of resignation to the Township Supervisor or the Township Board.

**Section 2.** Members of the BZA shall be subject to the following membership requirements.

- A. Attendance.** If any member of the BZA is absent from three (3) consecutive meetings, whether excused or unexcused, then that member shall be considered delinquent. Delinquency can be grounds for the Township Board to remove a member of the BZA for nonperformance of duty or misconduct after holding a public hearing on the matter.
- B. Training.** Each member shall have attended at least four (4) hours of training per year in planning and zoning during the member's current term of office. Failure to meet the training requirements may result in the member not being reappointed to the BZA. Training can be provided from a variety of sources which may include the Michigan Association of Planning, Michigan State University Extension, Michigan Township Association, Michigan Municipal League, or any other applicable organization.
- C. Staff Support.** Township staff will have the ability to participate in discussion with the BZA and nothing else. Township staff cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements in these rules of procedure. Township staff includes employees, agents and consultants of Charter Township of Van Buren. Other individuals may be allowed to participate in discussion at the discretion of the chairperson.

### **ARTICLE 3: OFFICERS**

**Section 1.** The BZA shall elect a Chairperson, a Vice Chairperson and a Secretary from its members and may create and fill such other officers or committees as it may deem advisable. The BZA may appoint advisory committees outside of its membership. The terms of all officers shall be for one (1) year.

- A. Duties of the Chairperson.** The Chairperson retains his or her ability to discuss, make motions, and vote on issues before the Appeals Board. The Chairperson shall:
1. Preside at all meetings with all powers under parliamentary procedure;
  2. Shall sign all decisions of the BZA pursuant to M.C.L. 125.3606(3);
  3. Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity; or other remarks which are not about the topic before the BZA;
  4. Restate all motions or request the Recording Secretary to restate all motions prior to voting on said motions;
  5. Appoint committees;
  6. May call special meetings pursuant to Section 5.3 of these Rules of Procedure;
  7. Review with staff, prior to an BZA meeting, the items to be on the agenda if he or she chooses to do so;
  8. Acts as the BZA's chief spokesman to represent the BZA at local, regional, and state government levels;
  9. Represent the BZA, along with the Township Board BZA member before the Township Board;

10. Represent the BZA along with the Planning Commission member, before the Planning Commission; and
11. Perform such other duties as may be ordered by the BZA.

**B. Duties of the Vice-Chairperson.** The Vice-Chairperson shall:

1. Act in the capacity of Chairperson, with all the responsibilities, powers, and duties outlined in these Rules of Procedure, in the Chairperson's absence; and
2. Perform such other duties as may be ordered by the BZA.

**C. Duties of the Secretary.** The Secretary shall:

1. Preside at meetings in the absence of the Chairperson and the Vice-Chairperson; and
2. Perform such other duties as may be ordered by the BZA.

**D. Absence of Elected Officers.** Should neither the Chairperson, Vice-chairperson, nor the Secretary be present at a meeting, a temporary chairperson shall be elected by a majority vote of the members present under the following process:

1. Any member of the BZA may call the meeting to order.
2. The first order of business after calling the roll will be to appoint a temporary chairperson for that evening's meeting. The temporary chairperson will be appointed by a simple majority of the members present.
3. The temporary chairperson shall assume the position immediately following their appointment.

**Section 2.** The election of officers shall be carried out in the following manner.

**A. Elections.** At the first meeting of the calendar year, the BZA shall select from its membership a Chairperson, a Vice-chairperson, and a Secretary who shall serve for a twelve-month (12) period and who shall be eligible for re-election. A candidate receiving a majority vote of the membership present shall be declared elected. Newly elected officers will assume their office at the next meeting.

**B. Vacancies.** Vacancies in office shall be filled by regular election procedure and shall only serve the remainder of the term.

**ARTICLE 4: ADMINISTRATIVE DUTIES**

**Section 1. Duties of Township Staff.** Township Staff is responsible for the execution of documents in the name of the BZA and shall perform the duties hereinafter listed below, and other such duties as the BZA may determine.

**A. Records.** Township staff shall keep, or cause to be kept, a record of BZA meetings, which shall at a minimum include an indication of the following:

1. A copy of the meeting posting as required in Section 6.D, 6.E, 6.F, 6.G of these Rules of Procedure.
2. A copy of the minutes of the meeting.
3. A signed statement indicating that notices, as required in Section 6.D, 6.E, 6.F, 6.G of these Rules of Procedure, were sent out, with a list of to whom, and an indication of by whom, and a copy of a newspaper notice, if one was published.

4. A copy of the Application for Appeal, including any maps, drawings, site plans, etc.
5. The records of any action on a case by the zoning administrator.
6. The records of all past records regarding the property involved in a case (previous permit, special use permit, variances, appeals).
7. Any relevant maps, drawings, photographs, presented as evidence at a hearing.
8. Copies of any correspondence received or sent out in regard to a case.
9. A copy of relevant sections, or a list of citations of sections of the zoning ordinance.
10. A copy of any follow-up correspondence to or from the petitioner regarding the decision.

**B. Minutes.** BZA minutes shall be prepared by the Recording Secretary. The minutes shall contain the following:

1. Time and place the meeting was called to order.
2. Attendance.
3. Indication of others present (listing names if others choose to sign in and/or a count of those present).
4. Summary or text of points of all reports (including reports of what was seen and discussed at a site inspection) given at the meeting and who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.
5. Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition, or letter, if it is provided in written form.
6. Full text of all motions introduced, whether seconded or not, who made the motion, and who seconded the motion. For each motion, the following should be included:
  - a. Who testified and a summary of what was said.
  - b. A statement of what is being approved (e.g. special use permit, variance, conditional use permit, subdivision, land division, etc.)
  - c. The location of the property involved (tax parcel number and description, legal description is best).
  - d. What exhibits were submitted (list each one, describe each, number or letter each and refer to the letter or number in the minutes).
  - e. What evidence was considered (summary of discussion by members at the meeting).
  - f. The administrative body's findings of fact.
  - g. Reasons for the decision made. (If the action is to deny, then each reason should refer to a section of an ordinance which would be violated or with which not complied.)
  - h. The decision (e.g. approve, deny, approve with modification).
  - i. A list of all required improvements (and if they are to be built up-front or name the type of performance security to be used), if any.
  - j. List of all changes to the map/drawing/site plan that was submitted. (Sometimes it is easier to use a black flair felt pen and draw the changes on the map of what was applied for, rather than listing the changes. Do not use different colors. The map will most likely be photo copied. Then colors on the copy will not show at all or will just be black.)
  - k. Make the map/drawing/site plan part of the motion (e.g. "...attached to the original copy of these minutes as appendix 'A', and made a part of these minutes...").
7. A summary of all points made by members and staff in debate or discussion on the motion or issue.
8. Who called the question.
9. The type of vote and its outcome. If a roll call vote, indicate who voted yes, no, abstained or a statement the vote was unanimous. If not a roll call vote, then simply a statement: "the motion passed/failed after a voice vote."

10. That a person making a motion withdrew it from consideration.
11. All the Chairperson's rulings.
12. All challenges, discussion, and vote/outcome on a Chairperson's ruling.
13. All parliamentary inquiries or points of order.
14. When a voting member enters or leaves the meeting.
15. When a voting member or staff has a conflict of interest and when the voting member ceases or resumes participating in discussion, voting, and deliberations at a meeting.
16. All calls for an attendance count, the attendance, and the ruling if a quorum exists or not.
17. The start and end of each recess.
18. All chair's rulings of discussion being out of order.
19. Full text of any resolutions offered.
20. Summary of announcements.
21. Summary of informal actions, or agreement on consensus.
22. Time of adjournment.

- C. Correspondence.** Township Staff shall be responsible for the issuance of formal written correspondence with other groups or persons, as directed by the BZA.
- D. Attendance & Training.** Township Staff shall be responsible for maintaining an attendance & training record for each member of the BZA.
- E. Notices/Agenda.** Township Staff shall issue such notices and prepare the agendas for all meetings.
- F. Retention.** The record of each meeting shall be permanently kept on file with a copy filed with the Township Clerk. All pertinent documents and minutes for each case shall be maintained by the Planning & Economic Development office.

## ARTICLE 5: MEETINGS

**Section 1. Regular Meetings.** Regular meetings of the BZA shall be scheduled the second Tuesday of every month. The dates and times shall be posted at the Township Hall in accordance with the Open Meetings Act. Any changes in the date or time of the regular meetings shall be posted in the same manner as originally established. When a regular meeting falls on or near a legal holiday, suitable alternate dates in the same month shall be selected in accordance with the Open Meetings Act.

**Section 2. Meeting Notices.** All meetings shall be posted at the Township Hall according to the Open Meetings Act. The notice shall include the date, time and place of the meeting.

**Section 3. Special Meetings.** A special meeting may be called by three members of the BZA upon written request to the chairperson or by the chairperson himself/herself. The business which the BZA may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. Public notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meetings Act, and Township Staff shall send notice of a special meeting to BZA members.

**Section 4. Open Meetings.** All meetings of the BZA shall be opened to the public and held in a place available to the general public. A person shall be permitted to address the BZA during public comment or during the public hearing on a specific item before the BZA. A person shall not be excluded from a meeting of the BZA except for breach of the peace, committed at the meeting. The Chairperson may limit the amount of time allowed for each person wishing to make public comment at a BZA meeting.

The Chairperson may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the BZA meeting with an extended time limit.

**Section 5. Public Record.** All meetings, minutes, records, documents, correspondence, and other materials of the BZA shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.

**Section 6. Quorum.** In order for the BZA to conduct business or take any official action, a quorum consisting of the majority of the voting members of the BZA shall be present. When a quorum is not present, no official action, except for closing of the meeting shall occur. The members of the BZA may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next available regular meeting.

**Section 7. Voting.** Any decision made by the BZA shall require a majority vote of the membership of the BZA. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any BZA member or directed by the chairperson. All BZA members shall vote on every motion placed on the floor unless there is an impermissible conflict of interest, as established in ARTICLE 6 or is otherwise prohibited.

Any member of the BZA shall avoid situations where they are sitting in judgement and voting on a decision, which they had a part in making. As used here, sitting in judgement and voting on a decision which they had a part in making at a minimum shall include, but not necessarily be limited to, the following:

- A. When the appeal is of an administrative or other decision by the Planning Commission, and the member of the BZA sits both on the Planning Commission and BZA.
- B. When the appeal is of an administrative or other decision by the Township Board, and the member of the BZA sits both on the Township Board and BZA.
- C. When the appeal is of an administrative or other decision by any committee of the Planning Commission, Township Board, other committee, and the member of the BZA sits both on that committee and the BZA.

Any member abstaining from a vote shall indicate their intention to abstain prior to any discussion on that item and shall not participate in the discussion of that item.

**Section 8. Agenda.** A written agenda for all regular meetings shall be prepared as follows: The required agenda items for all regular meetings shall be:

- A. Call to Order, Pledge of Allegiance, and Roll Call
- B. Approval of Agenda and Minutes
- C. Correspondence
- D. Public Comment
- E. Unfinished Business
- F. New Business
- G. Announcements, Comments, and Open Discussion
- H. Adjournment

**Section 9. Rules of Order.** All meetings of the BZA shall be conducted in accordance with generally accepted parliamentary procedure, as governed by “Robert’s Rules of Order” as modified by the BZA.

**Section 10. Public Hearings.** Hearings shall be scheduled and due notice given in accordance with the Charter Township of Van Buren Zoning Ordinance and the Michigan Zoning Enabling Act. Public hearings conducted by the BZA shall be run in an orderly and timely fashion. This shall be accomplished by the established hearing procedures as follows.

- A. Announce Subject.** The chairperson announces each agenda item and describes the subject to be considered.
- B. Open Public Hearing.** The chairperson summarizes the hearing rules and then opens the hearing to the floor.
- C. Close Public Hearing.** The chairperson should give ample opportunity for comment, including a “last call” for comments. The chairperson will then close the hearing.
- D. Deliberation.** Any action of the BZA must be supported by reasonable findings and conclusions, which will become part of the record through minutes, resolutions, staff reports, etc. All motions shall summarize these findings, or provide reasons for the suggested action. If a matter is tabled to a specific meeting date, it is not necessary to re-advertise the hearing so long as the public hearing was opened and closed and proper notice as specified in the zoning ordinance and Zoning Enabling Act was given.
- E. Action.** After deliberation, the BZA may take any of the following actions:
  - 1. In the event of a variance request, the BZA may table the request, approve the request, deny the request or approve the request with conditions.
  - 2. In the event of an administrative appeal, the BZA may decide in favor of the Zoning Administrator or may reverse any order, requirements, decision, or determination of the Zoning Administrator.
  - 3. In the event of a request to make an interpretation of the zoning ordinance, the BZA may take action explaining the interpretation.

**Section 11. Postponement of a Decision on a Variance Request.** The BZA may postpone a decision on a variance request until the next regular meeting provided that the date and time of the meeting is provided in the motion. The BZA shall not authorize more than two (2) requests to postpone a variance decision. If additional time is needed by the applicant that would require a decision to be postponed more than twice, the BZA may, after written request from the applicant, remove the item from the agenda and allow the applicant to reapply at a later date. If the applicant reapplies then the variance request shall be treated as a new request with a new case number, a new public hearing notice as required by the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et. seq.), and a new application fee shall be paid.

## **ARTICLE 6: CONFLICT OF INTEREST**

**Section 1. Declaration of Conflict.** No BZA member shall participate in any matter where they have an impermissible conflict of interest. BZA members shall declare a conflict of interest when any one (1) or more of the following occur:

- A.** The BZA member has a business or financial interest in the property involved in the request, or has a business or financial interest in the applicant's company, agency, or association.
- B.** A relative or other family member of a BZA member has a business or financial interest in the property involved in the request, or has a business or financial interest in the applicant's company, agency, or association.
- C.** Where an action made by the BZA will result in a monetary benefit to the BZA member.
- D.** The employer or an employee of the BZA member is an applicant, agent for an applicant, or has a direct interest in the outcome.
- E.** The BZA member or a relative or other family member of a BZA member owns or has a financial interest in neighboring property. For purposes of this Section, a neighboring property shall include any property falling within the three hundred (300) foot notification radius for the request, as required by the Zoning Ordinance and Michigan Zoning Enabling Act.
- F.** There is a reasonable appearance of a conflict of interest, as determined by the BZA member declaring such conflict.

**Section 2. Requirements.** When a conflict of interest exists, the member of the BZA shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:

- A.** Prior to the meeting in which they have a conflict, the BZA member shall contact either Township staff or the Chairperson to make them aware of the conflict. Township staff and/or the Chairperson shall then contact the alternate(s) to ensure there are a sufficient number of members present and without conflict to conduct business at the meeting;
- B.** Declare a conflict exists at the meeting;
- C.** Cease to participate at the BZA meetings, or in any other manner, or represent one's self before the BZA, its staff, or others; and
- D.** During the deliberation of the agenda item before the BZA, the member declaring a conflict of interest shall leave the meeting room until that agenda item is concluded.

## **ARTICLE 7: POWERS OF THE BZA**

**Section 1. Powers and Duties.** The BZA shall have the following powers/duties as granted by the Michigan Zoning Enabling Act and the Charter Township of Van Buren Zoning Ordinance:



- 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 or body in carrying out, enforcing, any provision of the Zoning Ordinance.
- B. Interpretation.** To hear and decide in accordance with the provisions of the Township's Zoning Ordinance.
  - 1. Appeals for the interpretation of the provisions of the Zoning Ordinance.
  - 2. Requests to determine the precise location of the boundary lines between zoning districts as they are displayed on the zoning map.
- 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 meeting the specified criteria in the Zoning Ordinance.
- D. Belleville Lake Shoreline District Special Exceptions.** The BZA may interpret the Belleville Lake Shoreline District (Section 3.120) section of the Zoning Ordinance if questions arise and may approve modifications to particular provisions of this Section, and grant special exceptions for a given case in accordance with the standards for special exceptions (Section 3.120(F)(7)(c)). 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 the Zoning Ordinance.

**Section 2. Prohibited Variances.** The BZA is prohibited from granting the following variances:

- A. Special Approval Uses.** No variance shall be made in connection with a condition attached to a special approval use approved by the Township Board.
- B. Use Variance.** No variance shall be made in the use of land, and the BZA shall not consider use variance requests.

## **ARTICLE 8: OTHER DUTIES**

**Section 1. Duties.** The following are duties which are expected of the individual members of the ZBA.

- A. Ex Parte Contact.** Ex parte contact occurs when a party to a case or someone involved with a party, talks or writes to or otherwise communicates directly with a BZA member about the issues in a case without the other BZA members or party's knowledge. Members shall avoid Ex Parte contact, whenever possible. Sometimes it is not possible to avoid Ex Parte contact. When this occurs the member should take detailed notes about what was discussed and report it to the BZA at a public meeting so that every member and other interested party is made aware of what was said.
- B. Site Inspections.** Members may perform site inspections, however, no more than one (1) member may perform a site inspection at the same time. Members should avoid discussing the merits of the request with the applicant, family member of the applicant or agent of the applicant.

- C. Accepting Gifts.** Per the Township's Ethics Policy, no BZA member shall solicit, accept, or receive, directly or indirectly, any gift, compensation, or anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality or any other form, or a promise of any of these things for an agreement that the vote or decision of the BZA member would be influenced thereby.
- D. Conduct.** Each member of the BZA, upon appointment, shall comply with all applicable Township policies and ordinances.
- E. Policy.** The BZA may also formulate and provide advice and may advise policy to the Planning Commission, Township Board, or any committee thereof, on issues dealing with administration, text, map, and enforcement of the Zoning Ordinance.

## **ARTICLE 9: ADOPTION, REPEAL, AND AMENDMENTS**

**Section 1. Adoption.** Upon adoption of these Rules of Procedure, they shall become effective and all previous rules of procedure, as amended, shall be repealed.

**Section 2. Amendments.** These Rules of Procedure may be amended at any regular or special meeting by a majority vote of the total members of the BZA, so long as such amendment does not result in a conflict with state law, zoning ordinance, or court decision.

**Section 3. Temporary Suspension of the Rules of Procedure.** Any Rule of Procedure may be temporarily suspended by a majority vote of the total members of the BZA, so long as such temporary suspension does not result in a conflict with state law, zoning ordinance, or court decision.