

**CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS AGENDA
Tuesday, February 13, 2024 – 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 to join the webinar: <https://us06web.zoom.us/j/83521214220>

Or One tap mobile :

+13052241968,,85620992309# US

+13092053325,,85620992309# US

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

Webinar ID: 835 2121 4220

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 John Haase	___	Recording Secretary Brittney Williams	___
BZA Member / Trustee Kevin Martin	___	Director Dan Power	___
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 January 9, 2024

CORRESPONDENCE

PUBLIC HEARING (new business items)

1. Case Number: 23-074 – Arbor Farms Development / Hickory Woods Phase II

Location: The subject 13.1-acre property will encompass current parcels 83 043 01 0207-0212 000 and 83 043 01 0219-0232 000, located north of the Hickory Woods Condominiums on the north side of Tyler Road between Morton Taylor Road and Parkwood Street. The property is zoned RM - Multiple Dwelling Residential District.

Request: Request for a dimensional variance by Arbor Farms Development to construct fifty-seven (57) detached single family residential dwellings which will be set back greater than or equal to 30.0 feet from the back of curb of an existing private road, and greater than or equal to 12.0 feet from the front lot line. The request is contrary to the requirements of Section 3.107(E) of the Zoning Ordinance as described

below:

Section 3.107 (E) – RM - Multiple Dwelling Residential District– Dimension Regulations:

- Minimum required front yard setback for detached single family residential dwellings in the RM District: 30.0 feet
- Proposed front yard setback: 12.0 feet
- Variance requested: 18.0 feet (60.0%).

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

UNFINISHED BUSINESS

NEW BUSINESS

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Section 3.107 (E) – RM - Multiple Dwelling Residential District– Dimension Regulations:

- Minimum required front yard setback for detached single family residential dwellings in the RM District: 30.0 feet
- Proposed front yard setback: 12.0 feet
- Variance requested: 18.0 feet (60.0%).

- 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 proposed changes to the BZA's Rules of Procedure / Bylaws.

- 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 or recommend the proposed changes to be adopted by the Board of

Trustees.

ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION

ADJOURNMENT

**CHARTER TOWNSHIP OF VAN BUREN
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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), Trustee Kevin Martin, John Haase, Charles Larocque, Brian Cullin (Planning Commission Alt.)

Absent Excused: Aaron Sellers, Jeff Jahr (Planning Commission Rep.),

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

ACCEPTANCE OF AGENDA

Cullin motioned; Haase seconded to accept the Agenda as presented with typographical error of applicant last name Marshal being corrected to Marshall. **Motion Carried**

APPROVAL OF MINUTES:

Haase motioned; Larocque seconded to approve the minutes from November 14, 2023 as presented.

Motion Carried

CORRESPONDENCE

None

PUBLIC HEARING (new business items)

1. Case Number: 23-061 – Alvin Marshall / 7267 Sadie Lane

Location: The subject property is located at 7267 Sadie Lane (parcel ID number 83 007 04 0005 000), located on the east side of Sadie Lane between Ecorse Road and Sophie Drive. The property is zoned R-1B – Single Family Residential District.

Request: Request for a dimensional variance by Kevin Farrell of Great Day Improvements on behalf of owner Alvin Marshall to construct an addition to a home to within 26.0' of a rear lot line. 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 – Dimension Regulations (via Section 7.202(A), Table 3: Accessory Structures and Buildings – All Districts - Dimensional Regulations of Accessory Buildings and Structures):

- Minimum required rear yard setback for attached accessory buildings: 35.0 feet (same as principal structure)
- Proposed rear yard setback: 26.0 feet
- Variance requested: 9.0 feet (25.71%)

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

No Public comment; in person or on zoom.

Haase motioned; Trustee Martin seconded to close the public hearing. **Motion Carried**

UNFINISHED BUSINESS

None

NEW BUSINESS

1. Case Number: 23-061 – Alvin Marshall / 7267 Sadie Lane

Location: The subject property is located at 7267 Sadie Lane (parcel ID number 83 007 04 0005 000), located on the east side of Sadie Lane between Ecorse Road and Sophie Drive. The property is zoned R-1B – Single Family Residential District.

Request: Request for a dimensional variance by Kevin Farrell of Great Day Improvements on behalf of owner Alvin Marshall to construct an addition to a home to within 26.0' of a rear lot line. 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 – Dimension Regulations (via Section 7.202(A), Table 3: Accessory Structures and Buildings – All Districts - Dimensional Regulations of Accessory Buildings and Structures):

- Minimum required rear yard setback for attached accessory buildings: 35.0 feet (same as principal structure)
- Proposed rear yard setback: 26.0 feet
- Variance requested: 9.0 feet (25.71%)

Presentation by Township Staff

Director Power summarized his letter dated January 3, 2024 with 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. At the time of the writing of this report, I find that three of the four (4) “practical difficulty” criteria are not substantially addressed to justify granting a variance.

Power 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.

Presentation by Applicant:

Stacey Elms on behalf of Patio Enclosures for Alvin Marshall at 7267 Saide Lane. Met with owners whom are getting up there in age and would like a safe area to sit outside away from pests, bugs and to walk out their patio door to a screened in deck. Behind their house it is a substantial distance from a neighbor. The owners love the view from the rear of the home and are looking to utilize it.

Commissioner questions/comments:

Is this deck by their door wall/patio door and why they don't want it on the side of the home?

- Correct, this is attached to their door wall for a seasonal enclosure.

This is the smallest house on the block.

Have there been any other variances granted in this neighborhood?

- None that are known of without specifically looking at every address in the neighborhood.

If this was just a freestanding deck without the enclosure would this be approved without a variance?

- Correct, it is because of the enclosure/roof/ attached structure to the home would not require a variance and could encroach up to 10 feet into a required rear yard setback.

If they were to build a shed or like structure, could they could go up to within 10 feet of the property line?

- If it was a detached shed or gazebo like structure they could actually go within 5 feet of the rear or side yard setback. Detaching the building gives it a whole different set of ordinance requirements.

Is this to replace an existing deck?

- Yes, the previous deck is old, dangerous and falling apart.

Are the setbacks that they are requesting a variance for specific for this neighborhood or the entire R-1B zoning?

- They are specific for the entire R-1B residential district.

The thing we have to look at is this going to set a precedence among the neighborhood and the R-1B zoning. And we believe this would set a precedence. Director Power could you please review your recommendation again?

- Director Power summarizes his recommendation.

Is there any chance to retro actively address the Homestead neighborhood to solve some of these setback issues?

- In this neighborhood, the original developer is not currently involved. There is a pretty involved process for this to happen and you would probably have to see a buy in from quite a few of the residents in order for it to go through.

Was there any correspondence from neighbors on this variance?

- No there was not any correspondences from any of the neighbors.

Haase motioned; Trustee Martin seconded to deny the request for a dimensional variance by Alvin Marshall. Practical difficulty is presented by the following findings:

- (1) Strict compliance with area, setbacks, frontage, height, bulk or density 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: No, because they can use the property and add a deck.

- (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): This would grant this variance to everyone in the zoning area throughout the township not just this applicant.
- (3) Plight of the owner is due to the unique circumstances of the property: No, this is not met because there is nothing unique about this property to establish this difficulty; and
- (4) The problem is not self-created.

The variance would set a precedent.

So therefore, I move to deny case 23-061 – Alvin Marshall / 7267 Sadie Lane

ROLL CALL:

Yeas (5): Herman, Trustee Martin, Haase, Cullin, Larocque

Nays (0): None

Absent (2): Sellers, Jahr

Motion Carried

2. Rules of Procedure / Bylaws Discussion

The Board of Zoning Appeals (BZA) will discuss proposed changes to the BZA's Rules of Procedure / Bylaws.

Director Power summarized letter dated January 3, 2024 and read through updated Rules of Procedure.

Haase motioned; Larocque seconded to postpone discussion to next BZA meeting.

3. Election of Officers for 2024

Trustee Martin nominated Herman for Chair; Haase seconded; Herman accepted. **Motion Carried**

Herman nominated Haase for Vice-Chair; Trustee Martin seconded; Haase accepted. **Motion Carried**

Herman nominated Trustee Martin for Secretary; Haase seconded; Trustee Martin accepted. **Motion Carried**

4. Approval of 2024 Meeting Schedule

Haase motioned; Trustee Martin seconded to approve 2024 meeting schedule as presented. **Motion Carried**

ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION

1. Recognition of Amos Grissett

Recognition of Amos Grissett, who has resigned from the Board of Zoning Appeals.

ADJOURNMENT

Haase motioned; Cullin seconded to adjourn the meeting at 8:25pm.



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: ARBOR FARMS DEVELOPMENT	PHONE: 248 615 7680
ADDRESS: 32500 TELEGRAPH RD, SUITE 200	CELL PHONE: 248 921 3996
CITY, STATE & ZIP BINGHAM FARMS MI 48025	FAX:
EMAIL: jeffk@hrsgreen.com	

PROPERTY OWNER INFORMATION (If different than the applicant)

NAME:	PHONE:
ADDRESS:	CELL PHONE:
CITY, STATE & ZIP	FAX:
EMAIL:	

SITE INFORMATION

PROJECT ADDRESS: IRONWOOD DR, HARDWOOD DR.		
PROPERTY LOCATION: On the <u>NORTH</u> Side of <u>TYLER</u> Road; Between <u>MORTON</u> Road and <u>HAGGERTY</u> Road. TAYLOR		
SIZE OF LOT WIDTH:	SIZE OF LOT DEPTH:	ACREAGE OF SITE: 12.49
DATE PROPERTY ACQUIRED:		TYPE OF OWNERSHIP OF PROPERTY:
STATE ALL DEED, SUBDIVISION IMPROVEMENT AND PROPERTY RESTRICTIONS IN EFFECT AT THIS TIME, TOGETHER WITH DATES OF EXPIRATION:		

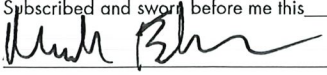
VARIANCE REQUEST

VARIANCE TO ZONING ORDINANCE SECTION(S): SEC. 3.107
EXPLANATION OF THE PRACTICAL DIFFICULTY OF THE PROPERTY AS DEFINED IN SECTION 19.07 (OR EXPLANATION OF REQUEST FOR ADMINISTRATIVE REVIEW): SEE ATTACHED
APPLICANT MUST ALSO SUBMIT PHOTOGRAPHS OF THE BUILDING AND/OR STRUCTURES ON SITE AS WELL AS SKETCH PLAN OR PLOT PLAN SHOWING THE DIMENSIONS OF THE LOT AND THE EXISTING AND PROPOSED SETBACKS.

OWNER'S AFFIDAVIT

PRINT PROPERTY OWNER'S NAME <u>Arbor Farms Development LLC on behalf of Hickory Woods Plaza</u>	SIGNATURE OF PROPERTY OWNER 	DATE <u>12-15-2023</u>
STATE OF MICHIGAN COUNTY OF WAYNE		MICHELLE BAUGHER NOTARY PUBLIC, STATE OF MI COUNTY OF OAKLAND MY COMMISSION EXPIRES <u>Mar 31, 2026</u>

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 8 day of February, 2024

Notary Public, Oakland County, Michigan

My Commission expires 3/31, 2026

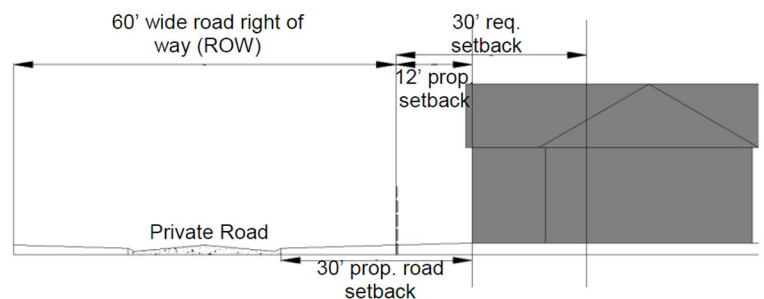


MEMO

TO: Van Buren Township Board of Zoning Appeals (BZA)
 FROM: Dan Power– Director of Planning and Economic Development
 RE: VBT Case 23-074 – Arbor Farms Development / Hickory Woods Phase 2 Variance Request
 DATE: February 8, 2024

The BZA is asked to consider a request by Arbor Farms Development to construct fifty-seven (57) detached single family residential dwellings which will be set back greater than or equal to 30.0 feet from the back of curb of an existing private road, and greater than or equal to 12.0 feet from the front lot line. The property is zoned RM - Multiple Dwelling Residential District. The request is contrary to Section 3.107(E) of the Zoning Ordinance as described below:

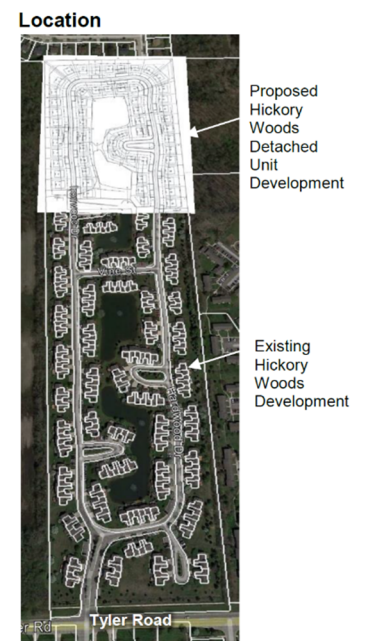
- Minimum required front yard setback for detached single family residential dwellings in the RM District: 30.0 feet
- Proposed front yard setback: 12.0 feet
- Variance requested: 18.0 feet (60.0%).



See the variance graphically explained on the first image:

The subject property is 13.1 acres and will encompass current parcels 83 043 01 0207 through 0212 000 and 83 043 01 0219 through 0232 000, located north of the Hickory Woods Condominiums on the north side of Tyler Road between Morton Taylor Road and Parkwood Street. See the location of the site on the second image:

A completed BZA Application form; a memo from the Township Principal Planner / Planning Consultant dated January 28, 2024, a copy of the original approved Hickory Woods project utility and paving and layout plan sheets, submittals from the applicant including a response letter to the criteria for finding practical difficulty for a variance and a site plan dated December 15, 2023, minutes from the Planning Commission's initial discussion of this request from their regular meeting on November 8, 2023, the mailed public hearing notice for the February 13, 2024 meeting, a correspondence from a resident at 8792 Ironwood Drive, 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". The signature is fluid and cursive, with the first name "Dan" and last name "Power" clearly distinguishable.

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

January 28, 2024

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

Subject: Hickory Woods Phase II/North of Tyler between Morton Taylor and Parkwood Street /Variance Review; Application dated recd. 12/15/2023; recd. for review on 1/18/2024.

Dear Board Members:

We have reviewed the above referenced application submitted by Arbor Farms Development to construct fifty-seven (57) detached single family residential dwellings within the unfinished northern portion of Hickory Woods Condominium Development. The subject site is located north of the Hickory Woods Condominiums on the north side of Tyler Road between Morton Taylor Road and Parkwood Street. The property is zoned RM - Multiple Dwelling Residential District. The proposal requires a variance from front yard setback standard. The following are our review comments based on the criteria in the Zoning Ordinance and the information provided:

File Number: VBT-23-074

Parcel Tax ID: Parcel ID# 83-043-01-0207-0212 and 83-043-01-0219-0232-000.

Property Owner: Not listed on application.

Zoning and Existing Use: RM-Multiple Family Residential District. The parcel is currently occupied by attached single family dwellings in the southern approximately 2/3rd of the condominium site.

Project Description: Applicant is proposing to construct 57 single-family dwellings in the northern portion of the site, with a front yard setback of 12 feet.

Notice: Notice for the public hearing was published in the Belleville Independent on January 24, 2024 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 January 22, 2024.

Variance Request:

Section 3.107 (E) Dimensional Regulations for single-family dwellings in the RM District:

Front Yard Setback:	Required:	30.00 feet
	Proposed:	12.00 feet
	Variance requested:	18.00 feet

COMMENTS

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

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM

Communities for real life.



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

Detached single family dwellings (DSFD's) may be constructed under RM zoning under certain circumstances. Section 4.102 of our Zoning Ordinance (schedule of regulations) provides dimensional requirements for DSFD's in two categories – the *edge* and *interior* categories. The Zoning Ordinance requires single family dwelling in a multiple family residential district to maintain a 30-foot setback from the right-of-way. In this case, the applicant is seeking to maintain a 30' setback from the edge of curb which translates to a 12' setback from the r-o-w line.

Per the applicant, the Hickory Woods condominium was developed in 1999 with the intent to build 65 attached multiple family residences in combination of 4- and 6-unit buildings with a total of 342 units planned. The infrastructure, road, utilities were all laid out at the time; however, the development was never completed on the northern 12.5 acres of the site. The existing multiple family dwellings are all setback 20 to 24 feet from the edge of curb. Per the applicant if the setback of 30 feet were to be measured from the edge of a 60-foot-wide road easement, it would result in a setback of 48 feet from edge of curb. Combining that with the required rear yard setback of 25 to 35 feet depending upon the parcel being edge or interior, would essentially prevent the creation of a viable building envelope on many of the lots and will be unable to accommodate a dwelling meeting minimum size requirement. Compliance with the ordinance would likely prevent the development of the site with single family residential dwellings, and render the project unviable, which can be considered as being unnecessarily burdensome. Moving the building envelopes will also impact existing utility easements on the site. While such easements could possibly be relocated, it renders the project unviable as a single-family development.

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

A variance would do substantial justice to the applicant by enabling them to build single family detached dwellings on a parcel with an existing road network and utilities already laid out and is not averse to the interest of other property owners in the district. The plan proposes a total of 57 detached units in an area that previously was approved for 116 attached units, reducing the density of development. Further, the development has remained incomplete for over 2 decades. The construction of the dwellings would complete the development and allow for improved maintenance of this long vacant parcel.

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

The unique circumstances associated with the property is that the road network is already established limiting the applicant's option for development. The applicant is not asking for a variance from yet to be established roadways, but existing road network which limits what can be done.

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

The applicant is not the original developer of the property or the entity that constructed the road infrastructure and utilities on the site; therefore, the problem is not self-created.

Section 12.403 (D) Standards of approval.

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

Zoning is a valid exercise of the police power bestowed by the State of Michigan in the Michigan Zoning



Enabling Act (PA 110 of 2006). The Zoning Enabling Act specifically gives local municipalities the authority to have a Board of Zoning Appeals and to grant dimensional variances when practical difficulty is demonstrated.

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

Approving the variance will not impair an adequate supply of light and air to adjacent property or increase the congestion in the public streets. While the variance will bring the structures closer to the front lot line, visually the lots will appear to have distance from edge of pavement. The proposed lots are shown compliant with the required side yard setbacks and lot coverage standards.

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

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

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

Approval of the variance is not likely to diminish or impair established property values within the surrounding areas. Completion of the long incomplete condominium development is likely to have a positive influence on property values in the vicinity.

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

Approval of a reduced front yard setback is not likely to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

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

The existing neighborhood is multiple family dwellings. The proposed single-family dwellings will be a different form of housing in the area but are considered as permitted use in the district. Approval of a variance from the front yard setback, while a deviation from standards for detached single family dwellings in an RM district, will still be consistent with the existing setbacks from edge of curb seen throughout the established condominium. As previously noted, the existing multiple family units are located 20 to 24 feet from edge of curb. With a proposed distance of 30 feet, the proposed dwellings will not alter the character of the neighborhood.

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

The purpose of zoning regulations is to provide for orderly and planned use of land. The request does not violate the intent and purpose of the zoning ordinance.

RECOMMENDATION

Subject to any additional information presented and discussed by the applicant, Board, and/or the public during the public hearing and incorporated into the record prior to any findings being made, we recommend that the Board of Zoning Appeals approve the requested variance for Phase II of Hickory Woods Condominium development, as described above. The above recommendation is based on the following findings of fact:

1. The road infrastructure and utilities are already established limiting the location and sizes of proposed lots.
2. Strict compliance with the required front yard in combination with compliance with the required rear yard setbacks would create unviable building envelopes on most lots.



3. The variance would provide substantial justice to the applicant and is not averse to the interests of other property owners in the district.
4. The condominium development road network was established over two decades ago and limits what can be done on the parcel.
5. The need for the variance is not self-created since the applicant was not the original developer or owner of the property at the time the original development was approved.
6. The proposed variance is related to the valid exercise of police power.
7. The variance is not likely to impair light and air to adjacent property or increase the congestion in the public streets.
8. The variance is not likely to increase the hazard of fire or flood or endanger public safety.
9. The variance is not likely to diminish or impair established property values within the surrounding areas.
10. The variance is not likely to impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.
11. The variance is likely to alter the essential character of the neighborhood.
12. The variance does not violate the intent of the zoning ordinance to provide for orderly and planned use of land.

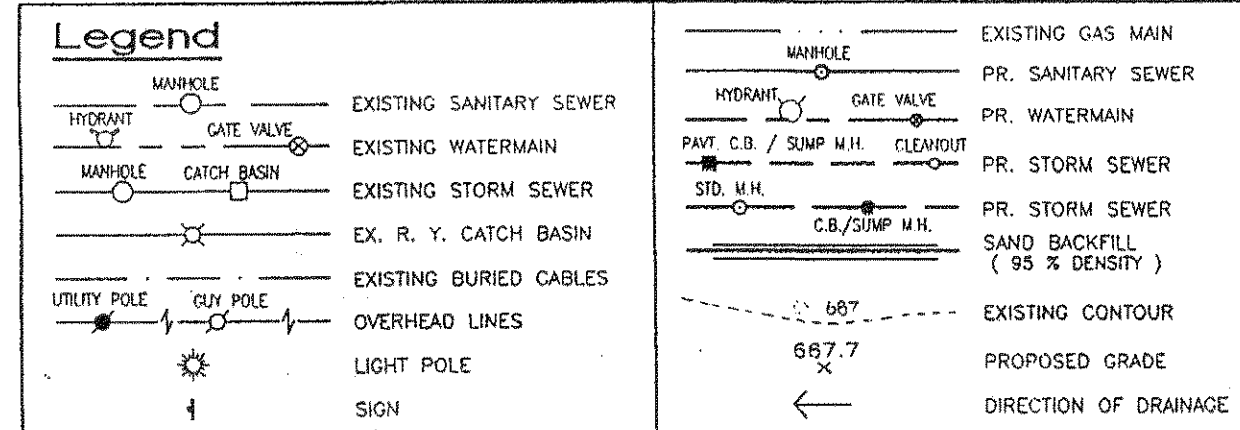
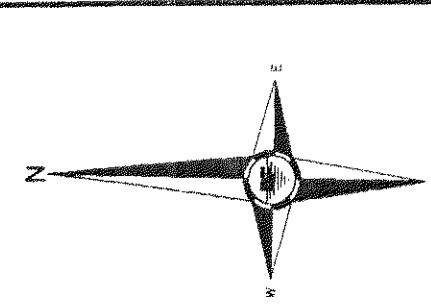
The recommendation is also subject to the following condition:

The standard driveway length adequate to accommodate a parked vehicle is 20 feet. Reduction in the required front yard setback essentially creates a 12-foot-long driveway located on the lot and the remaining 8 feet located within the right-of-way area. In order to ensure that the proposed development does not appear like a series of garages located close to the street, the applicant must incorporate garage doors that are at a minimum flush with the front door of the dwelling i.e., recessed from any porch, and must also incorporate some architecturally enhanced garage doors, to the satisfaction of the Planning Commission at the time of site plan approval.

Respectfully,
McKENNA

Vidya Krishnan
Senior Principal Planner

Cc: Dan Power, Director of Planning and Economic Development



APPLICABLE BUILDING CODES

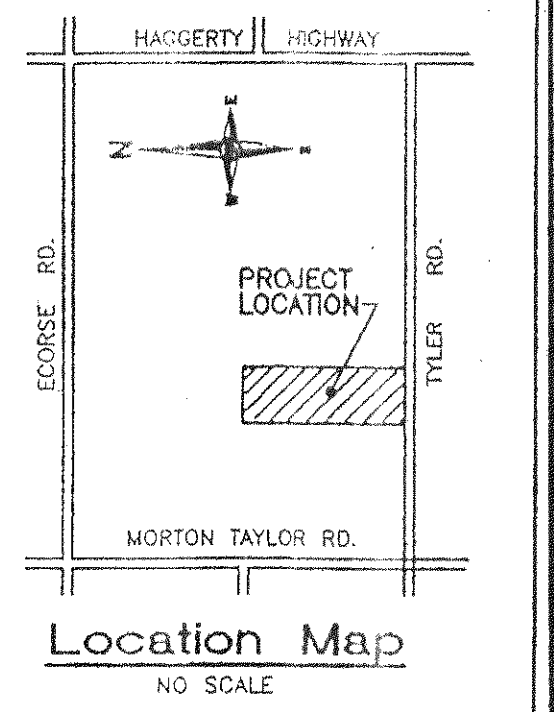
**AND
PERMIT REQUIREMENTS**

1996 B.O.C.A. Code
1998 Mechanical Code
1995 Plumbing Code
1996 Fire Code
Wayne County Soil Erosion and Sedimentation Permit
State M.D.E.Q. Storm Water N.P.D.E.S. Permit
State M.D.E.Q. Sanitary Sewer Permit
State M.D.E.Q. Water Main Permit
Wayne County D.P.S. Storm Drain Permit
Wayne County D.P.S. Pavement Approach Permit

Legal Description

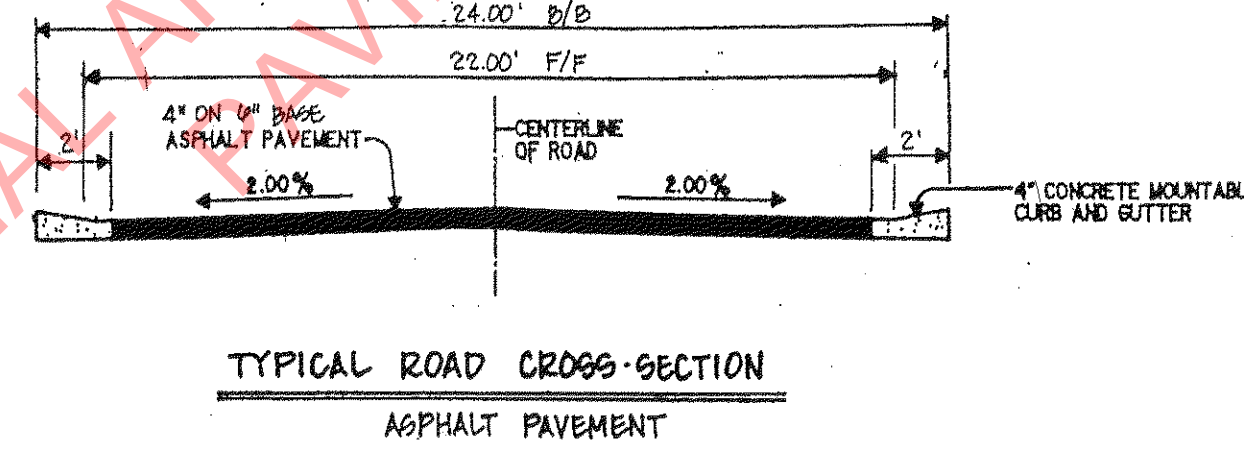
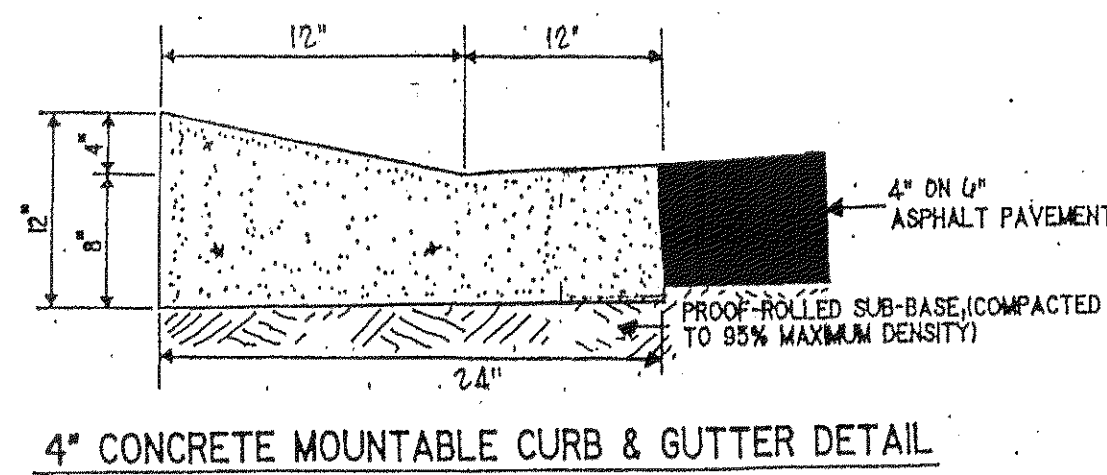
Part of the E. 1/2 of the S.W. 1/4 of Section 11, T.3S., R.8E., Van Buren Township, Wayne County, Michigan, being more particularly described as commencing at the S. 1/4 corner of Section 11, T.3S., R.8E.; thence S. 88°23'28" W., 781.96 feet along the South line of said Section 11 to the point of beginning; thence continuing along said South line, S. 88°23'28" W., 662.75 feet; thence N. 01°36'47" W., 2650.82 feet to a point on the East-West 1/4 line of said Section 11; thence continuing along said East-West 1/4 line, N. 88°48'07" E., 646.83 feet; thence S. 01°57'30" E., 2645.64 feet to the point of beginning. Containing 1,733.969 square feet or 39.806 acres. Subject to easements and restrictions of record.

PARCEL No. 89-043-99-0016-000

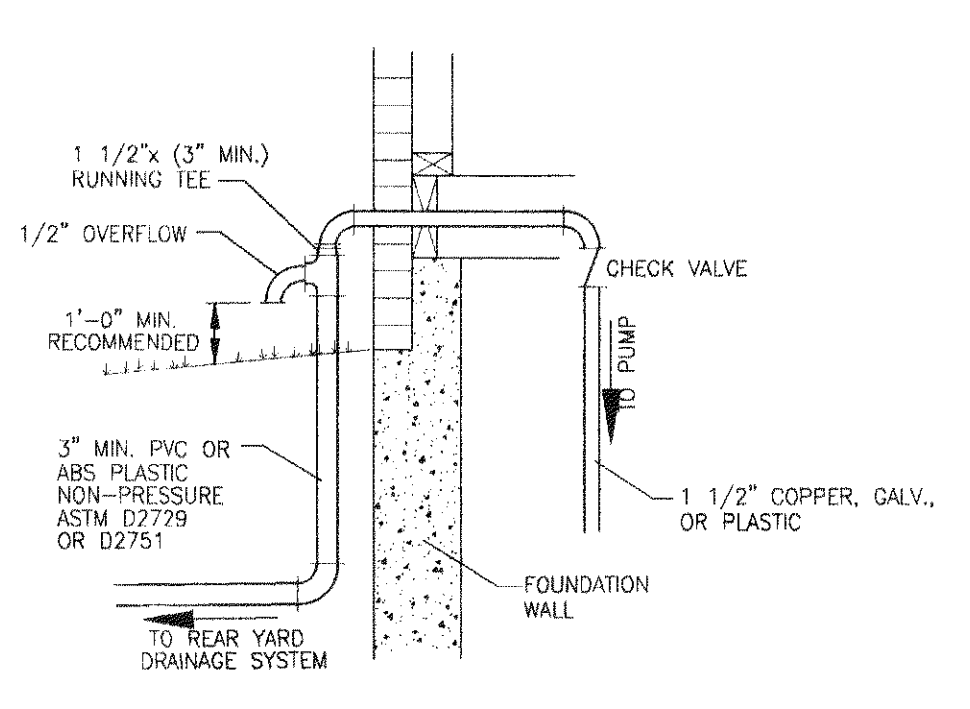
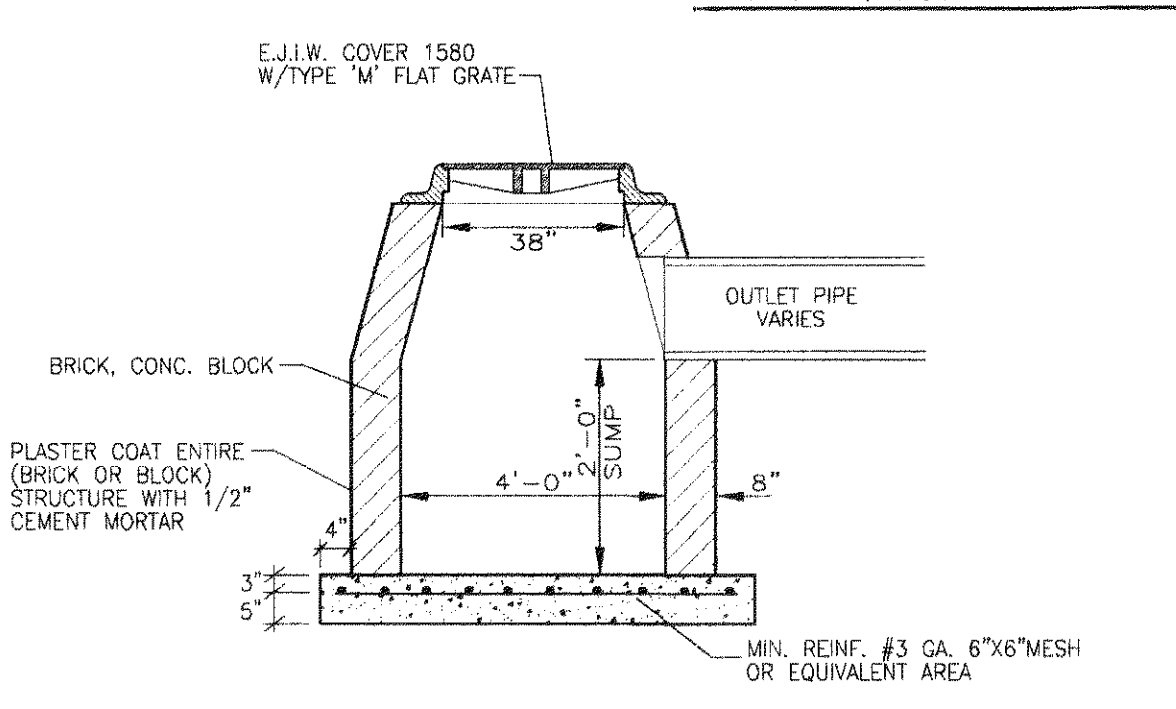
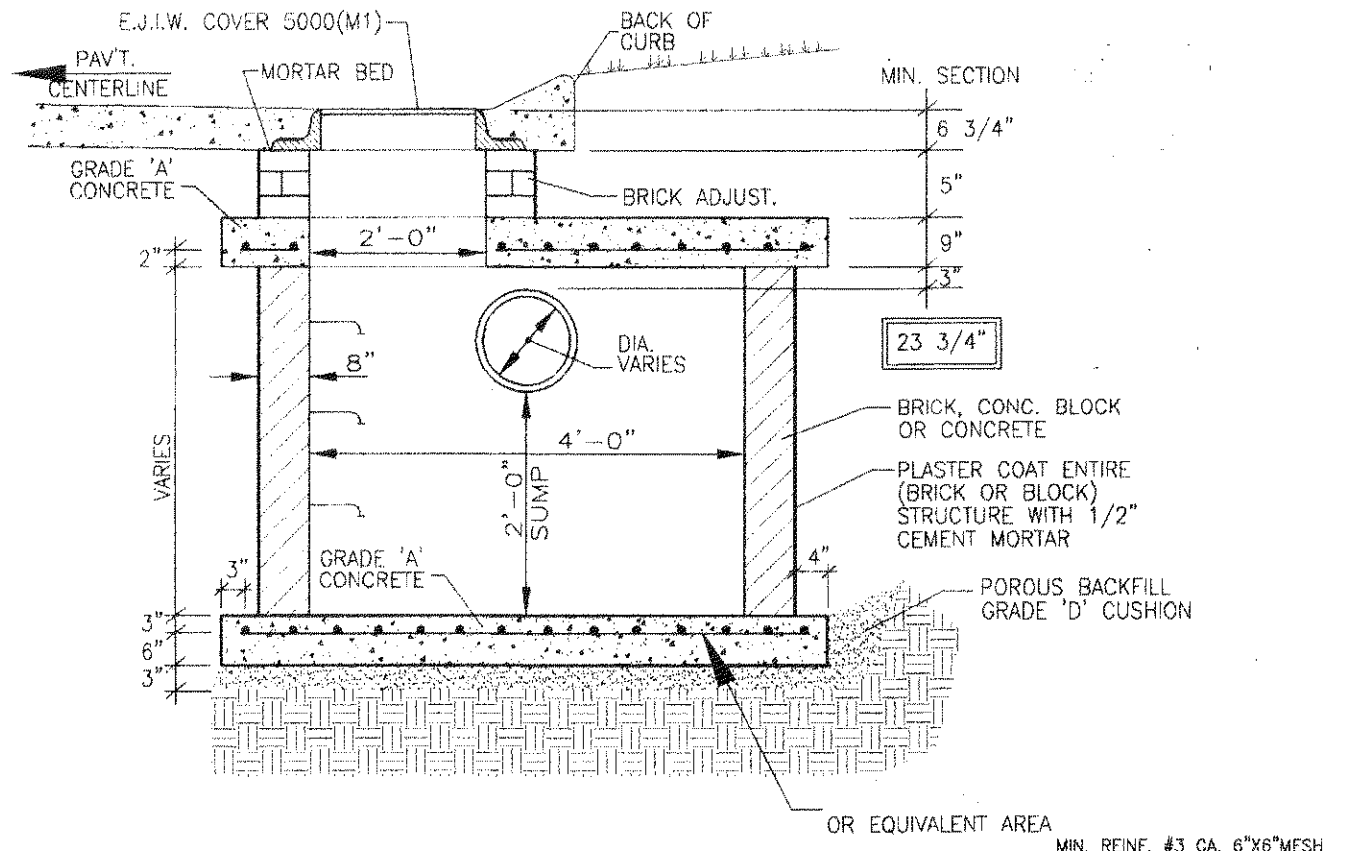
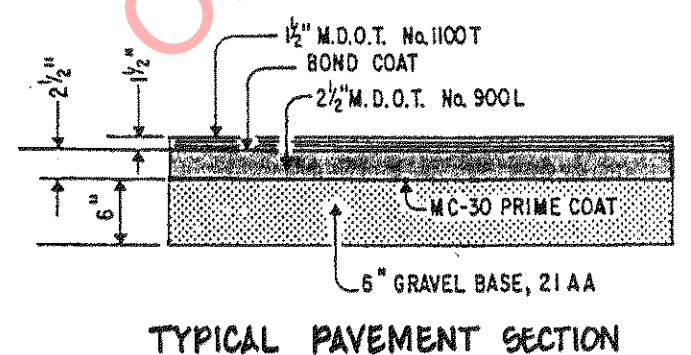


Total Estimated Quantities

Paving	16,755 S.Y.	Asphalt Pavement
	14,509 L.F.	24" Conc. Curb & Gutter
Watermain	6,557 L.F.	8" D.I. CL-54 Pipe
	18 Ea.	Std. Hydrant Assembly
	18 Ea.	Gate Valve and Well
	1 Ea.	T.S.V. and Well
Sanitary	5,676 L.F.	10" ABS Truss Pipe
	3,046 L.F.	6" PVC Lead
	31 Ea.	Std. Manhole
	1 Ea.	Drop Connection Manhole
Storm Sewer	380 L.F.	18" C-76-3 Pipe
	535 L.F.	14"x23" Pipe
	665 L.F.	15" C-76-3 Pipe
	680 L.F.	15" C-76-4 Pipe
	1,820 L.F.	12" C-76-3 Pipe
	2,149 L.F.	12" C-76-4 Pipe
	22 L.F.	12" C-76-5 Pipe
	400 L.F.	8" PVC Pipe
	40 Ea.	Catch Basin
	18 Ea.	Rear Yard Catch Basin
	13 Ea.	Std. Manhole
	2 Ea.	Cleanout



NOTE:
SEE SHEET No. 9 OF 21 FOR TYPICAL DETENTION POND SECTIONS AND CONSTRUCTION REQUIREMENTS.



Drawing Index

- 1 Cover Sheet & General Utility Plan
- 2 - 3 Paving & Grading Plans
- 4 Tyler Road Improvements
- 5 - 6 Storm Sewer Plans
- 7 Storm Sewer Profiles
- 8 - 9 Sanitary Sewer & Water Main Plans
- 10 - 11 Sanitary Sewer Profiles
- 12 Drainage Area
- 13 Storm Calculations
- 14 - 15 Soil Erosion Plan
- 16 - 17 Boundary Survey
- 18 - 21 Stringer Dimension/Coordinate Plan

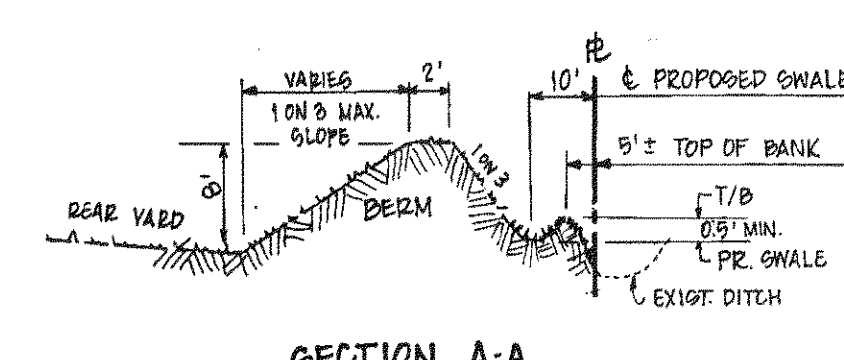
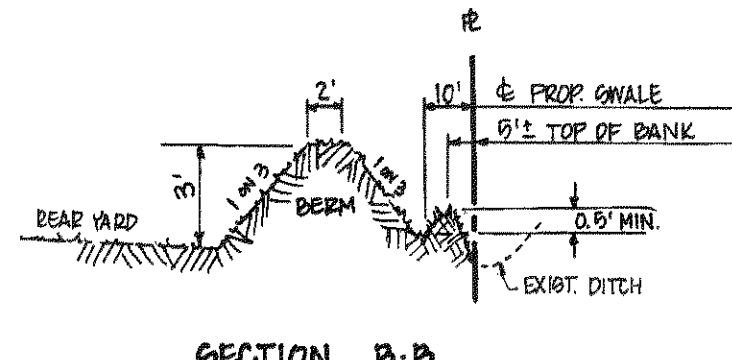
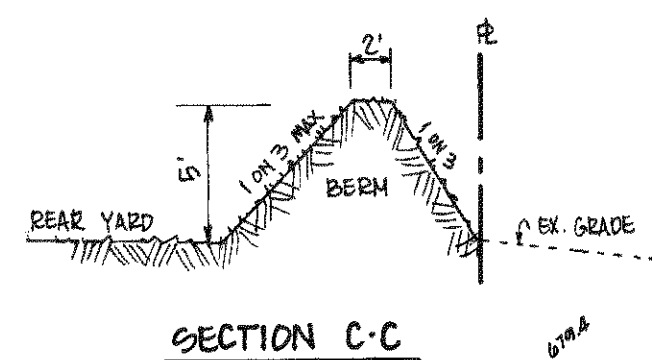
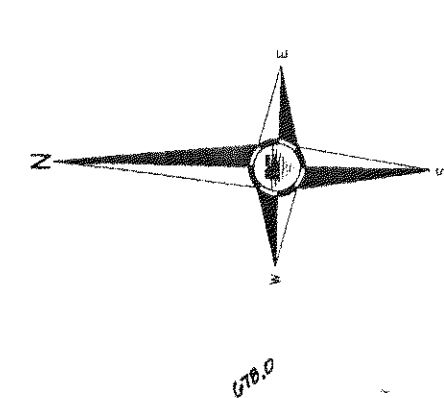
OWNER / DEVELOPER
R.D.K. HOMES
41760 MICHIGAN AVE.
CANTON, MICH. 48106
(734) 397-7861

NOWAK & FRAUS
Civil Engineers Land Surveyors
1310 N. Stephenson Highway
Royal Oak, Michigan 48067-1508
Tel. (248) 399-0886
Fax. (248) 399-0805

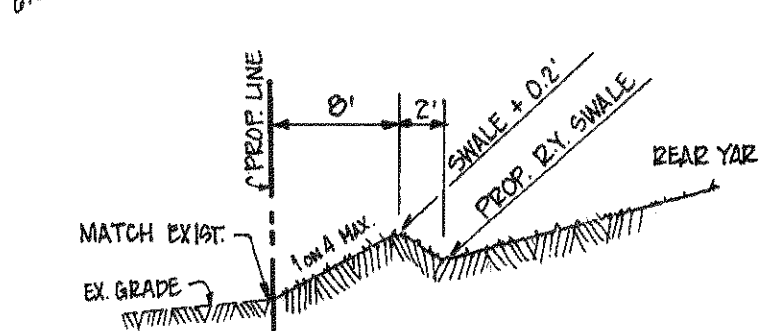
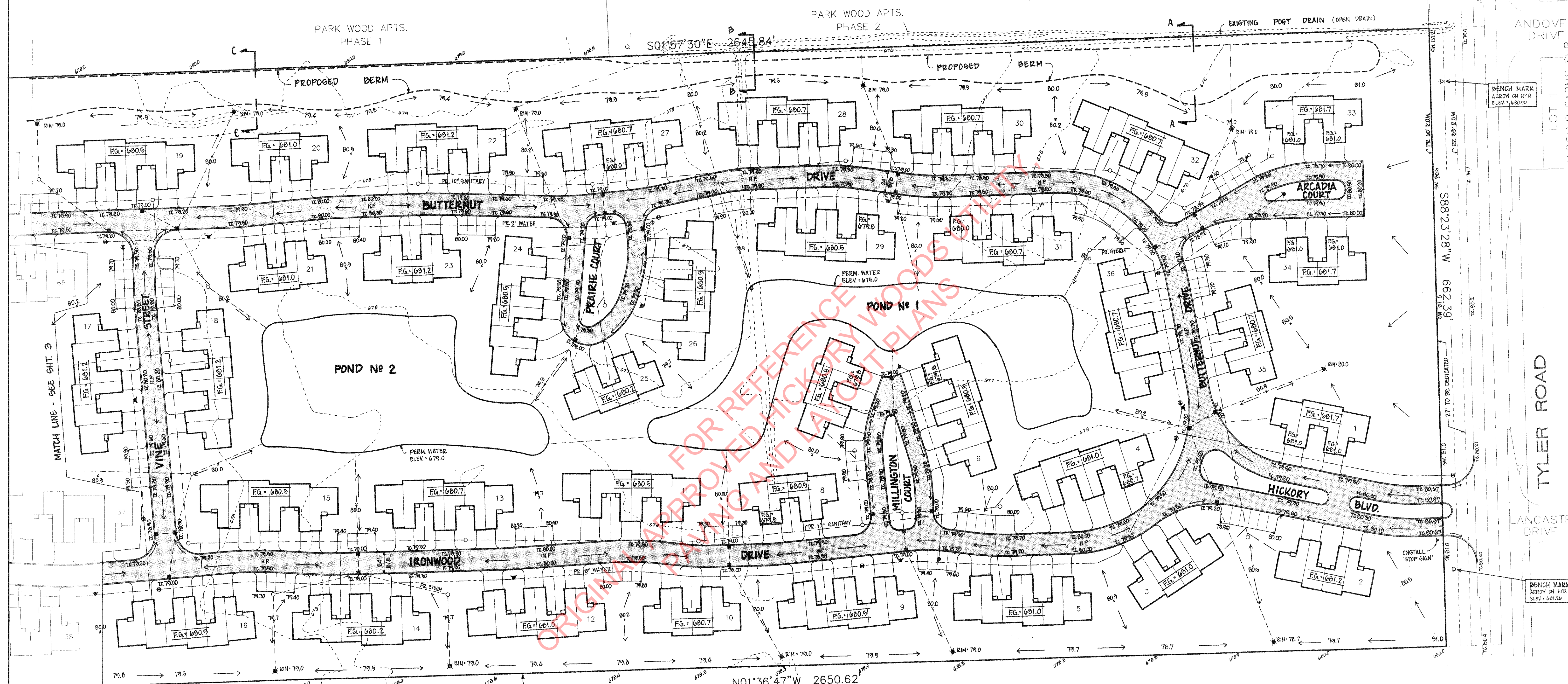
General Utility Plan
Hickory Woods Condominium
PART OF THE SW 1/4 OF SECTION 11
TOWN 3 SOUTH, RANGE 8 EAST,
VAN BUREN TOWNSHIP, WAYNE COUNTY, MICHIGAN
Client: **R.D.K. Homes**

SCALE	DESIGNED R.D.M.	JOB NUMBER
1" = 100'	DRAWN J.D.P./J.L.P.	2 - 9243
ISSUE DATE	APPROVED R.D.M.	SHEET NUMBER
9 - 10 - 99		1 of 21

2 sets for Twp.



SOUTH 1/4 CORNER
SECTION 11, T.35, R.8E.,
(FOUND IRON PIPE,
L. 26493, P. 021 W.C.R.)



- NOTES:
- 1. MINIMUM TOP OF CURB
SLOPE TO BE 0.50 %
 - 2. OFF-STREET PARKING
TO BE 10' x 20'

DF
NOWAK & FRAUS
Civil Engineers Land Surveyors
1310 N. Stephenson Highway
Royal Oak, Michigan 48067-1508
Tel. (248) 399-0886
Fax. (248) 399-0805

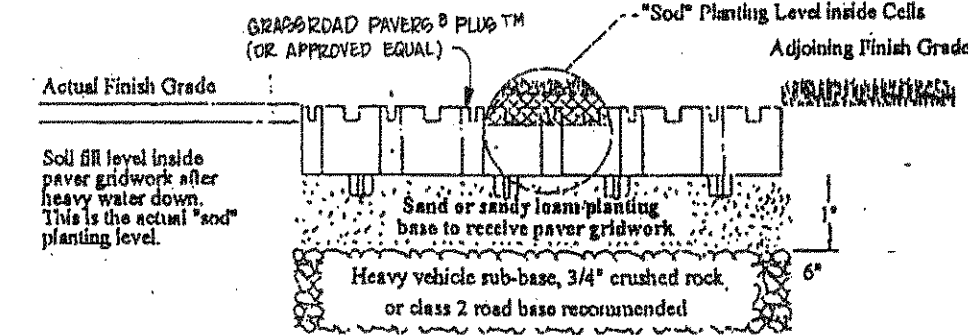
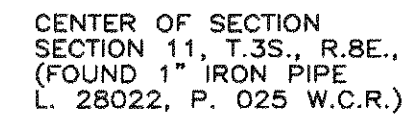
Paving and Grading Plan
Hickory Woods Condominium
PART OF THE SW 1/4 OF SECTION 11
TOWN 3 SOUTH, RANGE 8 EAST,
VAN BUREN TOWNSHIP, WAYNE COUNTY, MICHIGAN

Client: **R.D.K. Homes**

DATE	REVISIONS
2-07-2000	REV. PER WCDPS
11-23-99	REV. PER TWP
10-14-99	REV. PER TWP

SCALE 1" = 50'	DESIGNED R.D.M.	JOB NUMBER 2 - 9243
ISSUE DATE 9-10-99	DRAWN J.L.P.	SHEET NUMBER 2 of 21
	APPROVED R.D.M.	

D:\JEFF\9243-stedbase.dwg FRI AUG 27 16:17 1999 Nowak & Fraus, P.L.L.C.



WEST 1/4 CORNER
SECTION 11, T.3S., R.8E.,
(FOUND MONUMENT BOX,
L. 28022, P. 025 W.C.R.)

GRASS PAVER EMERGENCY ACCESS ROUTE
HEAVY DUTY SECTION

1. MINIMUM TOP OF CURB SLOPE TO BE 0.50%.
2. OFF-STREET PARKING TO BE 10' x 20'

11-23-99	REV. PER TWP
10-14-99	REVISED PER TWP
DATE	REVISIONS



NOWAK & FRAUS
Civil Engineers Land Surveyors

1310 N. Stephenson Highway Tel. (248) 399-0886
Royal Oak, Michigan 48067-1508 Fax. (248) 399-0805

Paving and Grading Plan

Hickory Woods Condominium
PART OF THE SW 1/4 OF SECTION 11
TOWN 3 SOUTH, RANGE 8 EAST,
VAN BUREN TOWNSHIP, WAYNE COUNTY, MICHIGAN

Client: R.D.K. Homes

SCALE 1" = 50'	DESIGNED E.D.M.	JOB NUMBER 2 - 9243
ISSUE DATE 9-10-99	DRAWN J.L.P.	SHEET NUMBER 3 of 21
	APPROVED E.D.M.	

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**

The applicant, Arbor Farms Development, is proposing to build out the rear of the Hickory Woods Condominium as single family homes in substantial conformance with the regulations of the RM, Multiple Dwelling Residential District. The RM district allows single family detached residences subject to certain dimension regulations outlined in Section 3.107 of the ordinance. To do this however, a variance is required from the regulations governing the measurement of the front setback.

Hickory Woods was developed in 1999 with the intent of building 65 attached multiple family residences in a combination of 4 and 6 unit buildings with a total of 342 units planned. Infrastructure for the entire development including roads, utilities and detention basins were installed at that time for the entire development. Construction of the residences was never completed however and the northern approximately 12.5 acres have remained vacant since that time.

The roads that were constructed undulate a bit but generally leave approximately 85 to 100 feet of space between the back of curb and the property line around the outside and to the edges of the detention basins on the inside. The existing multiple family dwellings are set back from the edge of the pavement or back of curb at varying distances of approximately 20 to 24 feet. Full compliance with the setback regulations for single family homes in the RM district would require establishing a road right of way 60 feet in width over the road in the area that remains and then measuring the front setback of 30 feet for a proposed home from the right of way line. Arbor Farms is requesting a variance from this as it would result in the new homes being set back from the back of curb a distance of 48 feet. Combined with the required rear yard setback of 25 to 35 feet, depending on whether or not the lot is an "Edge" or "interior" lot, the result is that there is no room left on which to build a home. The request is for the front setback to be measured from the back of curb rather than a new right of way line. This will provide some level of continuity along the streetscape given the location of the existing buildings relative to the road as well as allowing the builder to divide the remaining land into lots that otherwise comply with the dimensional standards of this section.

- (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

This variance would allow the applicant to construct homes of a marketable size on this property which would provide a logical transition between the owners in the traditional single family home subdivision to the north and the existing multiple family dwellings to the south.

- (3) Plight of the owner **is** due to the unique circumstances of the property because

The roads in the development have already been constructed and so their location is set.

- (3) Plight of the owner **is** due to the unique circumstances of the property because

As noted above the roads exist at this time.

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

The density that would be proposed should these variances be allowed will be less than that which was originally approved on this site.

- (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

The construction of new homes on land which has sat vacant for over 20 years should positively impact property values in the area. Areas where there are paved roads and sit vacant with no homes or buildings are likely to attract various nuisances.

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

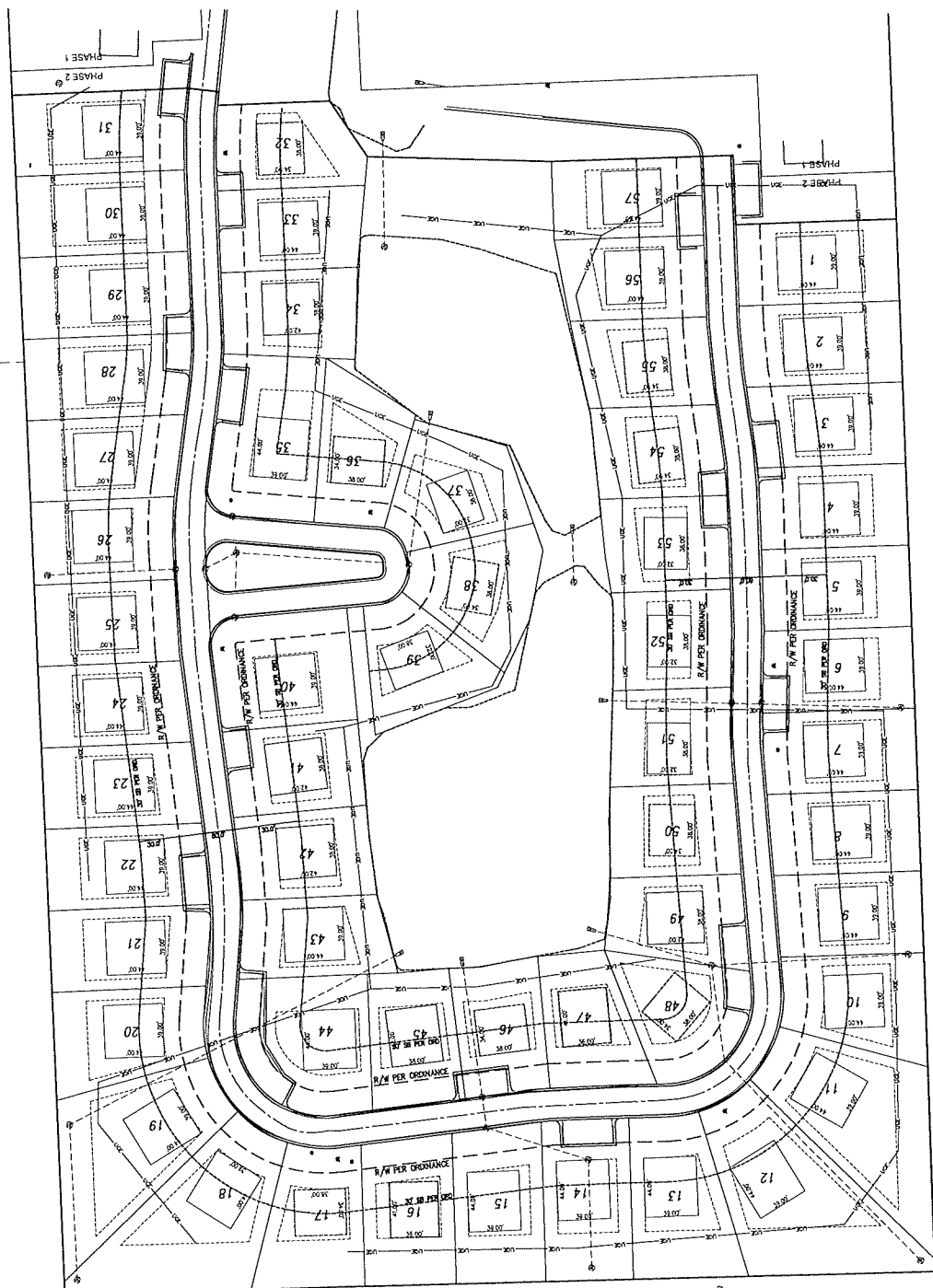
The applicant submits that granting a variance to allow the front yard setback to be measured from the back of the curb rather than a right of way line would actually be more in keeping with the character of the neighborhood as the front of the homes would be closer in line to the front of the existing buildings than otherwise.

- (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

The variance is necessary to allow single family homes to be constructed on this site due to the existing location of the road network relative to the property lines and existing detention basins.

Building	Width		Depth	Area (SF)
	Env			
A	38	32	1216	
B	38	34	1292	
C	38	42	1596	
D	36	41	1476	
E	30	44	1320	

BASED ON BLOG ENVELOPE FLUENCY



LEGEND:

Excused: Atchinson.

Motion Carried. (Letters Attached)

ITEM #2: DISCUSSION TOPIC – CONCEPTUAL LAND USE BY ARBOR FARMS DEVELOPMENT LLC.

TITLE: THE APPLICANT, ARBOR FARMS DEVELOPMENT, LLC, SEEKS PRELIMINARY REVIEW COMMENTS ON A CONCEPTUAL LAND USE PLAN FOR THE CONSTRUCTION OF 57 RM – DETACHED SINGLE FAMILY RESIDENTIAL DWELLING UNITS IN THE SECOND PHASE OF THE HICKORY WOODS RESIDENTIAL DEVELOPMENT.

THE SITE CONTAINS APPROXIMATELY 13.1 ACRES OF PROPERTY NORTH OF THE HICKORY WOODS PHASE I ATTACHED MULTI-FAMILY DEVELOPMENT ON THE NORTH SIDE OF TYLER ROAD BETWEEN MORTON TAYLOR ROAD AND HAGGERTY ROAD.

Engineer, Evan Priest gave the presentation. The applicant is proposing to take the unused portion of property in the Hickory Woods development and to complete the development with single family homes. The applicant has been working with Director Power to come up with some deviations to make the project work, the roads are already there and the ponds are already in place. In terms of the site plan, the applicant is down to two (2) things that will need a deviation. The front setback from the road is typically measured from the right-of-way, there is an easement that the applicant is unable to located and will need a shorter front setback. A deviation will also be needed for the rear loaded alley way, there is no room left for it. Jeff Katzen informed that they are trying to work within the site constraints. The brick and stone requirements can be adjusted and the applicant is open to recommendations of adjustments to the garages. The applicant informed they are buying the property from the Homeowners Association (HOA) and they are in full support of the site plan.

Resident likes the concept of completing the subdivision with detached homes, however with it already being a dense neighborhood he would like to see a cross access to the north.

Director Power gave a presentation. The Planning Commission in 2020/2021 approved a set of zoning ordinance amendments to allow for single family detached homes in the RM District, this concept is the best attempt to fit that set of zoning ordinance standards. They layout on the site currently has existing roads. Director Power displayed a couple pictures of the existing character of the units built out in the first phase of Hickory Woods which are attached 2-, 4-, and 6-plex units, which are close to the road. Staff would look to have the site plan meet the ordinance requires of section 3.107 of the zoning ordinance. The applicant came to the Planning Commission to get some preliminary feedback on the items that are constraints, such as the front setback and rear alley way requirements to see if they are going to want to invest in putting a full plan together to submit to the Board of Zoning Appeals (BZA).

Vidya Krishnan of McKenna Associates presented her review letter dated 10-25-23. The proposed development project completes a long-time incomplete project area; however, the applicant is seeking numerous deviations from the Planning Commission and Board of Zoning Appeals (BZA). The applicant is at minimum seeking a variance from the front yard setback requirement from the BZA and shows renderings that do not currently comply with the architectural requirements of Section 5.115(B) of the Zoning Ordinance. The applicant will have to present some additional information in order to verify that they are seeking no other variances from the BZA. Although the overall density of the development is being reduced, the project appears to be designed to maximize the space for housing unit/lot construction with minimal common open space or amenities. McKenna Associates encourages the applicant to build in open space and amenities for its residents that are currently missing from the project. Further, the proposed building architecture does not meet the minimum design standards for residential development envisioned for the Township. McKenna Associates recommends that the applicant work on revisions to the plan to address the concerns noted and seek some feedback from the Planning Commission to put forth a proposal that can be favorably considered by the Township. Commissioners had the following questions and comments:

- Commissioner commented the architectural elevations will need to be really nice and elevated. The Commissioner is not sure what the height requirements are in the RM District, might be 2.5 stories, taller may work for the development. Vidya Krishnan confirmed yes, 2.5 stories. Commissioner is glad to see the applicant is planning to add on to the development and agrees with cross access being considered to the north. The existing Hickory Woods development are all 1-car garages, all presented are 2-car garages, which is a lot of concrete. The 1-car garage could help with architectural design. Commissioner always urges applicants to find a way to not request a variance, for a variance the applicant would have to demonstrate a hardship or uniqueness to the property.
- Commissioner agrees based on what he sees the garage design needs to be elevated, accommodating the entry and not the garage. Commissioner inquired if the underground electrical is added and in place? The applicant informed, yes and there are a number of utility relocations that will need to take place, they are pursuing pushing them further out. There are a couple lots where the storm sewer needs to be moved, the applicant wanted to come here to see if it was worth doing.
- Commissioner commented the only cost is the relocation of the utilities and looking at a variance. In looking at what has already been developed, it would be nice if there was some connectivity connecting the two (2) sides and creating an open space. Commissioner commented on the existing ponds and the steepness of the slopes, need to take a look into them to make sure they comply.
- Commissioner commented the existing ponds do not comply, they were approved in 1999, not sure what has changed since then. Vidya Krishnan informed the ponds will need to meet Wayne County standards.
- Commissioner inquired with the reduced number of homes being constructed is the impervious surface being reduced? Vidya Krishnan informed not necessarily, still need to see final plans. Commissioner inquired if the amount of runoff is going to stay the same or decrease. If it decreases, maybe use the extra space for open space. The applicant

informed it will be either at or below what is required, they may have to trim back the plan and will also need to bring the stormwater up-to-date with Wayne County.

- Commissioner inquired if the ponds are in place right now? Yes.
- Commissioner inquired if there is any public space? The applicant informed they can figure out a way to do that, there is space. Maybe get across the middle from east to west.
- Commissioner inquired what is the applicants design for the price of the homes? The applicant informed, they are not sure yet, it will be more than the condos.
- Commissioner commented the design standards will be high in order to waive the alley way in the back.
- Commissioner commented we don't want to feel the main feature of the home is the garage, the applicant needs to try really hard to make sure it's not.
- Commissioner would appreciate that new homes are sticking to the full length in the front yard, make the porch bigger and maybe add some more brick. Think there is a way of making the homes more pleasing. Commissioners agreed, the garage door makes a difference and they need something to break it up. The applicant inquired what the percentage ratio is of brick to siding. Director Power directed the applicant to the zoning ordinance.

No comments from the audience.

ITEM #3: ADMINISTRATIVE UPDATE: 49345 SOUTH INTERSTATE 94 SERVICE DRIVE REMODEL.

TITLE: THE APPLICANTS, ERIC AND CODY NEMETH OF 11:11 VENTURES, HAVE APPLIED SEEKING ADMINISTRATIVE REVIEW OF THE REDEVELOPMENT OF THE FORMER DIAMONDBACK SALOON SITE. STAFF WILL PROVIDE AND UPDATE REGARDING THE STATUS OF THIS REVIEW.

THE ROUGHLY 4.9-ACRE SITE IS LOCATED AT 49345 SOUTH INTERSTATE 94 SERVICE DRIVE (PARCEL ID NUMBER 83-078-99-0003-003). THE SITE IS ZONED C-1 – GENERAL BUSINESS DISTRICT.

Director Power provided an update on an administratively reviewed project that has a like for like use, located at 49345 S. I-94 Service Drive, formerly the Diamondback Saloon in which the building remodel is nearly complete. Previously the building was a multi-use facility with a main floor that contained a roughly 7,943 square foot main level that contained a food service and bar area, seating areas, a roughly 843 square foot pool table room, a roughly 1,408 square foot dance floor and 180 square foot stage. The 1,739 square foot outdoor pavilion and deck will also continue to be used. The applicant intends to use the site as previously used, while providing more upscale entertainment. The general use will be for entertainment based live bands, shows, corporate gatherings and general bar/restaurant use. The applicant estimates having upwards of 5-8 high traffic events per month. The site will now be called "The Diamondback Music Hall". The applicant has been strongly encouraged to build sidewalks across the property's frontage on the S. I-94 Service Drive and on Denton Road. Additional landscaping is proposed for the site

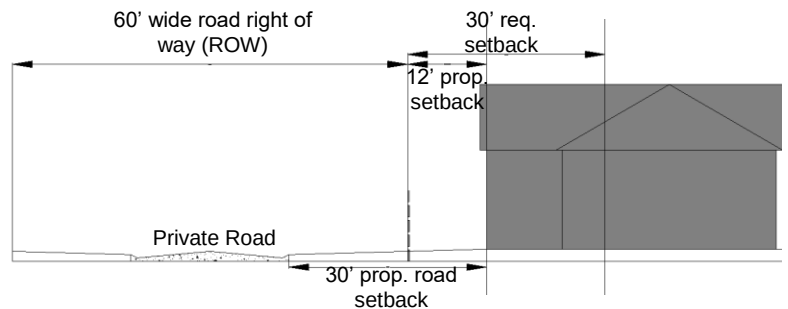
**CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS
PUBLIC HEARING**

Notice is hereby given that the Charter Township of Van Buren Board of Zoning Appeals (BZA) will hold a public hearing on **Tuesday, February 13, 2024 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 # 23-074- Request for a **dimensional variance** by Arbor Farms Development to construct fifty-seven (57) detached single family residential dwellings which will be set back greater than or equal to 30.0 feet from the back of curb of an existing private road, and greater than or equal to 12.0 feet from the front lot line. The subject 13.1-acre property will encompass current parcels 83 043 01 0207-0212 000 and 83 043 01 0219-0232 000, located north of the Hickory Woods Condominiums on the north side of Tyler Road between Morton Taylor Road and Parkwood Street. The property is zoned RM - Multiple Dwelling Residential District. The request is contrary to the requirements of Section 3.107(E) of the Zoning Ordinance as described below:

Section 3.107 (E) – RM - Multiple Dwelling Residential District– Dimension Regulations:

- Minimum required front yard setback for detached single family residential dwellings in the RM District: 30.0 feet
- Proposed front yard setback: 12.0 feet
- Variance requested: 18.0 feet (60.0%)



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 **February 12, 2024**. 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: January 22, 2024

Published: January 24, 2024

Location



Power, Dan

Subject: FW: February 13 meeting

From: Tony Horning <tonyhorning@yahoo.com>

Sent: Tuesday, February 6, 2024 4:46 PM

To: Power, Dan <dpower@vanburen-mi.org>

Subject: Re: February 13 meeting

Dan, Thanks for replying I do have a questions and concerns:

1-i'm concerned about heavy truck. Traffic going back through the condos as the roads are in bad shape and need repair.

2-Will there be a limit on the hours of construction work such as 7am-5pm?

3-Will the sewers be upgraded and also the ponds as they seem to flood with heavy rain. In our HOA meetings the president has said that the sewers were not connected properly.

4-i'm a little confused from the letter concerning the setbacks. Does a 12 foot setback mean the distance between each unit or the distance from the street to the front of the unit?

5-finally, I am concerned with the addition of 57 units and only one roadway in and out is something going to be done to alleviate this extra traffic from new residence? New entrance Road through the neighborhood to the north of our condos?

I hope these questions are understandable and thank you for your time. I hope to be at the meeting Tuesday.

Anthony Horning
8792 Ironwood Dr



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: February 8, 2024

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 potential changes to clarify voting, recording, and joint board and commission membership procedures. These items were first discussed at the November 14, 2023 BZA meeting and were discussed again at the January 9, 2024 meeting. At the February 13, 2024 meeting, we will review the proposed changes in detail. For your reference, a redlined version of the current Rules of Procedure is attached to this packet.

I look forward to this discussion.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Power', is written over a light blue horizontal line.

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

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CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS RULES OF PROCEDURE
Effective: xxxx ##, 2024

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. One (1) regular member of the BZA shall be the Chairperson of the Planning Commission, or some other member of the Planning Commission appointed by the Planning Commission, to serve as the Planning Commission Representative to the BZA. The Planning Commission may appoint an additional Planning Commission member to serve as alternate representative to the BZA. This alternate representative shall only be allowed to sit in place of the Planning Commission Representative to the BZA and/or vote when the when the regular Planning Commission Representative is absent or has conflict, and may not serve as an alternate for other regular or alternate members of the BZA. An alternate member of the BZA shall only be allowed to sit in place of the Planning Commission Representative when both the regular Planning Commission Representative and the Planning Commission alternate representative are absent or have conflict.
- 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.
23. Van Buren Township shall make proposed minutes available for public inspection within 8 business days after the meeting to which the minutes refer. Van Buren Township shall make approved minutes available for public inspection within 5 business days after the meeting at which the minutes are approved by the BZA.

- 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 total membership of the regular members of the BZA (7), including all present and absent regular members, per MCL 12501.3603(2). Any decision therefore requires four (4) or more votes in the affirmative. These decisions include:

- Appeals of a Planning Commission decision;
- Appeals of an administrative decision;
- Appeals for the interpretation of the provisions of the Zoning Ordinance;
- Requests to determine the precise boundary lines between zoning districts as they appear on the zoning map when there is dissatisfaction with the decision on such subject pursuant to the Zoning Ordinance;
- Dimensional variances; and
- Requests for special exceptions and interpretations related to the provisions of Section 3.120 of the Zoning Ordinance (Belleville Lake Shoreline Districts).

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. A member of the zoning board of appeals who is also a member of the Planning Commission or the Board of Trustees shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Board of Trustees. However, the member may

consider and vote on other unrelated matters involving the same property.

- 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.
- D. 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.
- E. Use Variance: Use variances are prohibited under Section 12.404(B) of the Van Buren Township Zoning Ordinance.

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.

Section 12. Appeals. Appeals from a decision of the zoning board may be made pursuant to MCL 125.3606.

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. **Appeal of Planning Commission Decision.** In accordance with Section 12.401 of the Van Buren Township Zoning Ordinance, the duty to hear and decide appeals from a Planning Commission decision. An appeal from the Planning Commission shall be taken to the Board of Zoning Appeals, a written appeal shall be filed within thirty (30) days after the decision. No appeal shall be taken to the BZA from a decision of the Planning Commission and/or the Township Board in connection with a special approval use. No appeal shall be taken to the BZA from a decision of the Planning Commission in connection with an approved and/or proposed site plan unless such appeal has first been reviewed by the Planning Commission and comments regarding the variance are provided in the minutes.
- B. **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.
- C. **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.
- D. **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.

- E. 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.