

**CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS
September 9, 2014
MINUTES**

Chair Terressa Wardwell called the meeting to order at 7:12 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: DiPietro, Miller, Grissett, Clair and McKenna
Staff: Board Rep. Jeff Jahr and Recording Secretary Kurtz
Planning Representatives: Patrick Sloan
Audience: 40

ACCEPTANCE OF AGENDA:

**Motion Clair, Supported Grissett to approve the agenda
Motion Carried**

APPROVAL OF MINUTES:

**Motion McKenna, Supported Jahr to approve minutes from August 12, 2014 reflecting changes to the variance motion to read, "Motion Miller, second McKenna, to grant the variance requested by the applicant with the given condition that the three (3) subject parcels be combined into one (1) parcel that cannot be split, and must remain a single parcel developed as according to the Petition. If the Developer splits the land or does not develop the site according to the submitted site plan, the variance will be nullified. The findings from McKenna Associates' letter dated August 6, 2014 are incorporated." Additionally, the text of the August 12, 2014 minutes indicating the opening and closing of the public hearing was removed.
Motion Carried**

CORRESPONDENCE: Chair Wardwell read a letter from a resident expressing concerns pertaining to Menard LLC.

UNFINISHED BUSINESS: None

NEW BUSINESS

1) MENARD, INC.

Case # BZA 14-002

Location: Parcel Number V-125-83-061-99-0005-721, which is vacant. The site is located on the west side of Belleville Road between Tyler Road to the north and I-94 to the south.

Requesting: The applicant is requesting a variance from the following sections of the Charter Township of Van Buren Zoning Ordinance:

- Article 13, Section 13.03(c)(1): Outdoor storage shall be located no closer than 200 feet from any residential district. The proposed outdoor storage area is 100 feet from the single-family residential district to the west and 25 feet from the multiple-family residential district to the north.
 - Article 13, Section 13.03(c)(5): All materials stored outdoors shall not be piled to a height of more than 6 feet. The proposed height of the uncovered materials stored outdoors is 14 feet.
 - Article 4, Section 4.27(d): All outdoor storage areas must be surrounded by a fence at least 6 feet high capable of intercepting wind-blown trash and other debris; and Article 4, Section 4.30(f): The height of a security fence in a nonresidential zoning district shall not exceed 8 feet. The proposed height of the fences on the east side of the outdoor storage area is 14 feet.
 - Article 4, Section 4.23 (Total Signage): The total permitted area of outdoor signage is 339 square feet. The proposed signage is 742.3 square feet – 652.3 sq. ft. of signage proposed on the principal building and 90 sq. ft. of signage proposed on the monument sign.
 - Article 4, Section 4.23 (Building Wall Signage): The total permitted area of wall signage on a building is 200 sq. ft. The proposed wall signage on the principal building is 652.3 sq. ft.
 - Article 4, Section 4.23 (Directional Signage): Directional signage is permitted, provided they do not exceed 6 sq. ft. in area of 4 feet in height. 1 “IN” and 2 “OUT” signs are proposed to be 17.5 feet high, 1 lumber yard entrance sign and 1 thank you sign are proposed to be 24 sq. ft. and 19 feet high, and 16 cart corral signs are proposed to be 8 sq. ft. and 6.5 feet high.
- A. Presentation by the Applicant.
 - B. Review by Township Staff and McKenna Associates.
 - C. Public Comment
 - D. Board of Zoning Appeals discussion.
 - E. Board of Zoning Appeals action.

Scott Nuttelman, Representative for Menard LLC gave an overview on the site location and variance requests. Using the site plan as a visual aid, Mr. Nuttelman described modifications to the site plan from the concerns brought forth at the Planning Commission meeting on August 27, 2014. The revised plans showed additional undisturbed area and 30 more trees on the northern property line for buffering between the Residential and Commercial zoned properties. The outdoor storage height request provides advantages and efficiencies of fewer storage piles and smoother traffic flow.

Board members asked questions and discussed the Zoning Ordinance requirements for on screening, required landscaping buffering adjacent to residential zoned properties, and building and outdoor storage setback requirements. Board members also asked about sign requirements and the sign areas of similar uses in the C-2 zoning district.

Mr. Nuttelman spoke on the request for directional signage and the total square foot of signage for the site including garden, wall, and monument signage.

Patrick Sloan reviewed the McKenna letter dated September 5, 2014 and read the recommendations.

Board members and Sloan discussed the conditions of the variances pertaining to the directional sign placement, square footage and the on-site traffic control for the lumberyard area. Members asked for the height of garden fences at existing businesses (Meijer and Walmart).

Sloan summarized the review for the outdoor storage variance. The design of the site (existing drive and required location for detention ponds) places the outdoor storage area farther north and west into some of the required 200-foot setback areas. Sloan discussed the mitigating measures, including the outside wall of the pallet racking building, tree preservation, and new trees planted for screening.

Public Comments

Many residents expressed concerns on the proximity and height of the outdoor storage areas to the neighboring residential properties to the north. A concern was raised regarding the potential visibility of the outdoor storage area from the second story of the homes to the north. Tree removal was also a concern of the residents and there were questions about the height and screening effect of the proposed trees along the north side of the site. Residents also stated that the impact of the noise from truck deliveries/pickup and the height of the illuminated directional signs could adversely affect the residential neighborhood quality.

The Board members asked several questions pertaining to the signage illumination, fence height compared to other outdoor storage areas in the C-2 district, buffer requirements, and the visibility of the outdoor storage. They also discussed the concerns and questions brought forth by the residents. The applicant responded to the questions and concerns. Chair Wardwell closed the Public Hearing to address the issues raised during the public hearing, and stated that these issues should be addressed by the Planning Commission prior to action by the BZA. The Board Members agreed that these issues should be addressed by the Planning Commission.

Motion Miller, second Clair, to postpone action on the variance requests to allow for additional findings of fact and Planning Commission review. MOTION CARRIED

ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION

None

Motion Jahr, second DePitro to adjourn at 9:30 p.m.

MOTION CARRIED

Respectfully submitted,

Brenda Kurtz
Recording Secretary