

CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS
Tuesday - February 9, 2016
MINUTES

The Meeting was called to order at 7:02pm in the Board of Trustees room by Chairperson Atchinson.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: Atchinson, Barnabei, Jahr, Miller, Senters

Absent Excused: Kelly, Grissett

Staff: Best, Akers, Halstead

Audience: 6

ACCEPTANCE OF AGENDA:

Motion to accept agenda as presented Jahr, Seconded by Barnabei.

Motion Carried

APPROVAL OF MINUTES: Motion to approve minutes from January 20, 2016 Barnabei, Seconded by Miller. Motion Carried

Motion to accept minutes from December 8, 2015 Barnabei, Seconded by Grissett

Motion Carried

CORRESPONDENCE:

Akers let the board members know there will be a 2016 Michigan Association of Planners training workshop for planning and zoning board members on March 3, 2016. There are registration forms if anyone was interested in attending. The workshop will consist of 2 sessions that will be hosted by Van Buren Township. The workshops are "Site Plan Review" and "Planning and Zoning Essentials"

The second item was a report on the request for board action to change the Zoning Board of Appeals fees. This will be on the February 16th Work-study and the March 15th Board Meeting.

PUBLIC COMMENT: None

UNFINISHED BUSINESS: None

NEW BUSINESS

1.) MENARD, INC.

Case # BZA 16-001

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.

Menard Inc. requested approval of variances that the BZA previously approved back on January 15, 2015. Since that approval, the variances have expired due to the lack of work commencement. Menards Inc. is now ready to begin site work and requested the variances approval. Staff recommended the variances approval.

Motion to open Public Hearing Jahr, Seconded by Barnabei. Motion Carried. Public hearing opened at 7:15.

Representative Tyler Edwards from Menards Inc. gave his presentation to the board. He stated the delay in starting the project was caused by the redesigning and restructuring of the store floor plan. Under the new plan, mezzanines were now three times larger and desk, office and product locations were changed. This caused a delay as design work was completed. Mr. Edwards stated that Menard Inc. plans to begin construction in spring 2016.

Motion to close Public Hearing Jahr, Seconded by Senters. Motion Carried. Public hearing closed at 7:20

Barnabei motioned, seconded by Senters to approve the following...

1. Approve the requested variance from Article 13, Section 13.03(c)(5) to permit outdoor storage of materials to a height of 14 feet – 8 feet greater than the maximum height of 6 feet permitted, based on the following findings and conclusions:
 - a. All outdoor storage greater than 6 feet in height will not be “piled” as regulated by the Ordinance. The materials will be stacked, organized, securely bound, and palletized within an engineered steel rack specifically designed to bear the load of materials, and will only be accessed by employees. To allow outdoor storage higher than 6 feet that is contained in the proposed rack system, and not in piles as limited by the Ordinance will do substantial justice to the applicant and other property owners in the district.
 - b. All outdoor storage will be screened by the main building, the warehouse building, the 14-foot high pallet racking building, and 14-foot high fence which will enclose the outdoor storage area. Light, air and public safety will not be negatively impacted if the variance is granted.
 - c. Strict compliance with the 6 foot height limit on piled materials stored outdoors is unnecessarily burdensome in this case where the outdoor storage is stacked, organized, securely bound, and palletized within an engineered steel rack, not in piles as regulated by the Ordinance
 - d. The proposed outdoor storage meets all the standards of Sections 19.07.3 and 19.07.4 of the Zoning Ordinance, as stated in the McKenna letter.

2. Approve the requested variance from Section 4.23 to permit the total area of outdoor signage to be greater than the area permitted, to a total of 407.7 square feet, based on the following findings and conclusions:

- a. Permitting an area of 407.7 square feet for total outdoor signage meets all the standards of Sections 19.07.3 and 19.07.4 of the Zoning Ordinance, as stated in the McKenna letter.
 - b. Requiring compliance with the maximum permitted outdoor signage area of 290 square feet is unnecessarily burdensome.
 - c. Allowing total signage of 407.7 square feet does do substantial justice to surrounding commercial property owners and does substantial justice to the applicant.
 - d. Drivers along Belleville Road can identify Menards from the conforming 90-square foot monument sign along Belleville Road.
 - e. The reduction in total sign area than originally proposed by the applicant is accomplished by removing the swoosh graphic under the “Menards” wall sign and removing the slogan sign from the building
3. Approve a modified variance from Section 4.23 to permit 317.7 square feet of wall signage on the main building – 117.7 square feet greater than the maximum area of 200 square feet permitted, based on the following findings and conclusions:
 - i. With Section 4.23 permitting 339 square feet of outdoor signage and the maximum allowable monument signage of 90 square feet proposed, 249 square feet remain which can only be used for building signage; however, the Zoning Ordinance only permits a maximum area of 200 square feet.
 - ii. Limiting the main wall sign to be not more than 200 sq. ft. is unnecessarily burdensome and would not do substantial justice to the applicant and surrounding property owners.
 - iii. A unique circumstance exists because the Menards building is setback about 500 feet from Belleville Road and will be somewhat screened from direct view from Belleville Road when the out lots are developed in the future. A larger wall sign area than permitted by the Zoning Ordinance will improve visibility of the building from Belleville Road, and will do substantial justice to the applicant and to other property owners in the district.
 - iv. Permitting an area of 317.7 square feet for wall signage on the building meets all the standards of Sections 19.07.3 and 19.07.4 of the Zoning Ordinance, as stated in the McKenna letter.
4. Approve variances from the maximum height (4 feet) and area (6 square feet) requirements for directional signs in Section 4.23 to permit the 1 “IN” and 2 “OUT” signs to be 17.5 feet high, and 1 lumber yard entrance sign and 1 “Thank you” sign to be 24 square feet and 19 feet high, based on the following findings and conclusions:
 - a. Permitting the requested area and height of directional signs meets all the standards of Sections 19.07.3 and 19.07.4 of the Zoning Ordinance, as stated in the McKenna letter.
 - b. A practical difficulty exists because strict compliance with the height and area limits for directional signage is unreasonably burdensome for a large home improvement store that relies on higher and larger directional signage

to promote safe ingress to and egress from the yard area for large trucks and customers. As such, a unique circumstance exists for this property as well as any other property of a large home improvement store that must have directional signage for customer traffic to and from a yard area.

- c. The area and height of the proposed directional signage is the minimum necessary to be visible to vehicles approaching the yard entrance/exit area.

Motion carried with five votes. Variances Approved.

2.) PAUL TAYLOR

Case # BZA 16-002

Location: Parcel Number V-125-83-143-99-0011-000. The site is located on the South side of Riggs between Haggerty Road to the east and Renton to the west.

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

- Article 4, Section 4.14(b)(1)(d)(2) (Accessory Building Lot Coverage): Total allowable lot coverage for accessory buildings on the property is 1625.6 square feet.

Motion to open Public hearing Jahr, Seconded by Barnabei. Motion Carried. Public hearing opened at 7:25.

The applicant gave his presentation for the request of a 1,920 sq. ft. pole barn. Applicant stated they were the owners of 10 extra feet on the side of the property. Staff stated that since it was not on public record, it could not be used in calculating the variance needed. Akers stated if there were any conflict with lot size, they always deviate back to the assessing records on the legal description of the property. The question was asked if the variance could be voted on contingent of the 10 feet being added to public record. The answer was yes, as long as the board felt it was a reasonable condition.

Jahr mentioned that the planning commission has the authority to make modifications to site plan differing from the ordinance and that the applicant could go to the planning commission to see if they could amend the section in the ordinance regarding accessory buildings and lot coverage. This would allow the applicant to not need a variance.

Best gave a report with the BZA with information regarding the variance request. Best gave the Staff recommendation that the BZA deny the variance:

Deny the requested variance from section 4.14 to permit the construction of a 1,920 square foot accessory building for a total of 2,404 square feet accessory building lot coverage because

1. The applicant did not demonstrated practical difficulties or unique circumstances for the requested lot coverage variance.

2. The granting of the requested variances would not do substantial justice to other property owners in the district who have been required to comply with the Zoning Ordinance
3. A pole barn can be constructed on the parcel, meeting the minimum lot coverage limits.
4. The applicant's home, like other similarly situated homes in the area, remains a viable residence without the need for a pole barn or relief from the lot coverage limits.
5. Granting of the requested lot coverage variance would not reduce the supply of light and air to the site and adjacent lots.
6. The granting of the requested variance may set a precedent for similar situations within the area, zoning district, and the Township as a whole, and would alter the character of the neighborhood over time.

Motion to take a 15 minute recess Jahr, Seconded by Barnabei. Motion Carried.

The Meeting was called to order at 8:49pm in the Board of Trustees room by Chairperson Atchinson.

Akers and Best reported on the standards for the planning commission regarding modifications for accessory building size and requirements.

Motion to deny the variance based on the letter of staff recommendation Jahr, Seconded by Barnabei. Yeas: Jahr, Senters, Miller. Nays: Barnabei, Atchinson (3-2). Motion does not pass.

Motion to postpone variance request to next scheduled meeting Jahr, Seconded by Senters. Yeas: Jahr, Senters, Barnabei, Miller, Atchinson. Action tabled to next meeting on April 12, 2016.

ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION:

Next Wednesday February 17, 2016 at 7:00pm there will be a public information meeting regarding the Lakeshore Ordinance. In addition, on February 22nd and 23rd there will be public one on one informational meetings held at the township.

Motion Miller, seconded by Jahr to adjourn at 9:17 p.m.

Motion Carried

Respectfully submitted,

Anna Halstead, Recording Secretary