

**CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS AGENDA
DECEMBER 11, 2018 AT 7:00 PM
VAN BUREN TOWNSHIP HALL
BOARD OF TRUSTEES ROOM
46425 TYLER ROAD**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Chair David Senters	_____	Vice-Chair Robert McKenna	_____
Secretary Joe Barnabei	_____	Commissioner Amos Grisset	_____
PC Representative Bryon Kelley	_____	Commissioner Aaron Sellers	_____
Trustee Kevin Martin	_____	Director Ron Akers	_____
Recording Secretary Anna Halsted	_____		

ACCEPTANCE OF AGENDA

MINUTES: Approval of minutes from June 12, 2018

CORRESPONDENCE

PUBLIC COMMENT

UNFINISHED BUSINESS

NEW BUSINESS

1. Southport Apartments

Case # 18-002

Location: Parcel # 83-055-99-0003-004 (10830 Oak Lane). The site is located on the North I-94 Service Drive between Haggerty and Belleville Roads.

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

Article 11, Section 11.108(A) Dimensional Regulations: The applicant is requesting a front yard setback variance for the construction of a new sign on the property. The required front setback is 30' and the applicant has proposed a 1' setback (29' variance).

- A. Presentation by the Applicant
- B. Presentation by Township Staff.
- C. Public Hearing.
- D. Board of Zoning Appeals Discussion.
- E. Board of Zoning Appeals Action.

2. Beverly Nielson

Case Number: 18-003

Location: Parcel # 83-038-99-0010-000 (44559 Ecorse) The site is located on the South Side of Ecorse Road between Belleville and Sheldon Roads.

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

Article 5, Section 5.123(B) The applicant is requesting a variance from the maximum number of horses allowed on the property. The property's acreage allows 3 horses, but she has 6 horses (3 horse variance).

- A. Presentation by the Applicant
- B. Presentation by Township Staff.
- C. Public Hearing.
- D. Board of Zoning Appeals Discussion.
- E. Board of Zoning Appeals Action.

ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION

ADJOURNMENT

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 will hold a public hearing on **Tuesday, December 11, 2018 at 7:00 p.m.**, in the Board of Trustees Room at the Van Buren Township Hall, 46425 Tyler Road, Van Buren Township, MI 48111 to consider the following variance requests:

1. **Case # 18-002:** A request by Occidental Development, 10830 Oak Lane (Parcel ID# 83-055-99-0003-004), otherwise known as the Southport Apartments, for a variance from the sign setback of 30 feet to construct a new sign. Other known addresses on the parcel include: 10591, 10667, 10743, 10897, 11150, and 11199 Oak Lane, Van Buren Township, MI 48111.
2. **Case #18-003:** A request by Beverly Nielsen, 44559 Ecorse (Parcel ID# 83-038-99-0010-000) for a variance from the maximum number of horses on the property.

Please address any written comments to the Van Buren Township Board of Zoning Appeals, at 46425 Tyler Road, Van Buren Township, MI 48111 or via email at rakers@vanburen-mi.org. Written comments will be accepted until 4:00 p.m. on the hearing date and all materials relating to this request are available for public inspection at the Van Buren Township Hall prior to the hearing.

Van Buren Township will provide necessary reasonable auxiliary aides and services to individuals with disabilities who are planning to attend. Please contact the Van Buren Township Planning and Economic Development Department at 734-699-8913 at least seven (7) days in advance of the meeting if you require assistance.

Mailed: October 30, 2018

Published: November 20, 2018

CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS
Tuesday - June 12, 2018
DRAFT MINUTES

The Meeting was called to order at 7:06PM in the Board of Trustees room by Chairperson Kelley.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: McKenna, Grissett, Martin, Kelley, Barnabei, Sellers

Absent Excused: Senters

Staff: Akers, Halstead

Audience: 3

ACCEPTANCE OF AGENDA:

Motion to accept agenda as presented Martin, Seconded by McKenna.

Motion Carried

Motion to temporarily suspend the rules of procedure to have Kelley preside as chairman McKenna, Seconded by Sellers.

Motion Carried

APPROVAL OF MINUTES: Motion to approve minutes from June 10, 2018 McKenna, Seconded by Barnabei. Motion Carried

CORRESPONDENCE: None

PUBLIC COMMENT: None

UNFINISHED BUSINESS: None

NEW BUSINESS

- 1) **SIDEPARK, INC.** – The applicant is requesting a variance from the following sections of the Charter Township of Van Buren Zoning Ordinance.

Article 3, Section 3.111(E) Dimensional Regulations: The applicant is requesting front and rear yard setbacks for the construction of a gasoline pump canopy. Required front yard setback is 75' and the applicant has proposed 56' (19' variance). Required rear yard setback is 25' and the applicant has proposed 16' (9' variance).

The Applicant, Andy Shammas, gave his presentation for the requested variances and answered questions from the BZA.

Motion to Open Public Hearing at 7:36pm McKenna, Seconded by Sellers. Motion Carried

The Township received 9 Letters of Support from residents.

Motion to close Public Hearing at 7:37pm Sellers, Seconded by Grissett. Motion Carried

The BZA had discussion about boat traffic, site circulation, landscaping and emergency vehicle access.

McKenna motioned to post-pone variance decision until a later date. No Support. Motion Failed

Sellers Motioned, Seconded by Barnabei to approve the request for a rear yard setback variance of 5' and a front yard setback variance of 23' based on the June 10, 2018 staff report and based on the following findings of fact:

1. The required front and rear yard setbacks combined with the narrow lot depth create a building envelope which is too small for the construction of a gas station canopy. This creates a practical difficulty for the applicant to use the property for the permitted purpose.
2. That the gas station canopy is not oversized for a four (4) pump fueling station.
3. That so long as truck deliveries occur between 2 am and 6 am the placement of the canopy will not impair traffic circulation on the site.
4. The canopy should be moved toward E. Huron River Drive four (4) feet to accommodate a 24' wide maneuvering lane on the south side of the canopy to be consistent with the zoning ordinance standard for a two-way traffic maneuvering lane.
5. Allowing a variance to construct a 44' X 44' fuel canopy would give substantial justice to the applicant by allowing them to have a number of fuel pumps which is consistent with other gas stations in the community.
6. The plight of the property owner is due to the narrow lot depth and the required front and rear yard setbacks in the zoning ordinance.
7. The practical difficulty is not self-created but created by the narrow lot depth.
8. The granting of the variance is a valid exercise of the police power and purposes which are affected by the construction of the canopy.
9. The granting of 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.
10. The granting of the proposed variance will not increase the hazard of fire or flood or endanger the public safety.
11. The granting of the proposed variance will not unreasonably diminish or impair established property values within the surrounding area.
12. The granting of the proposed variance will not in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township.
13. The granting of the proposed variance will not alter the essential character of the neighborhood.

14. The granting of the proposed variance 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.

And with these conditions:

1. The applicant shall move the canopy toward E. Huron River Drive by four (4) feet to allow a 24' wide two-way maneuvering lane to the south of the canopy.
2. The applicant shall only take truck deliveries on site between the hours of 2 a.m. and 6 a.m.

Roll Call Vote:

Yea: Grissett, Martin, Kelley, Barnabei, Sellers

Nay: McKenna

Motion carried. Variance approved.

ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION: Director Akers gave a copy of the Rules of Procedure to all the BZA Members.

Motion Grissett, seconded by Sellers to adjourn at 8:13 p.m.

Motion Carried

Respectfully submitted,

Anna Halstead, Recording Secretary



Case number 18-031
Dated submitted 10-11-18

Board of Zoning Appeals Application

APPLICANT INFORMATION

Applicant Heidi Rester, Regional Manager Phone 248-686-5333
Property Owner (if different than applicant) Occidental Development LLC Phone 248-686-5300
Address 38525 Woodward Ave., PO Box 2012 Fax 248-686-5433
City, State Bloomfield Hills, MI Zip 48303 E-Mail Address Heidi_Rester@edwardrose.com

SITE INFORMATION

Property Location: On the north Side of North I-94 Service Dr Road; Between Morton Taylor Road and Oak Lane Road. Size of Lot Width 1480' Depth 1950' Acreage 55.41
Date Property Acquired and the Type of Ownership 1/25/1988, Fee Simple
State all deed, subdivision improvement and property restrictions in effect at this time, together with dates of expiration:
None

VARIANCE REQUEST

Variance to Zoning Ordinance Section (s) Article 11 Section 11.108 Zoning District Regulations
Explanation of the Practical Difficulty of the Property as defined in Section 19.07 Sign visibility and turning safety, see attached letter for explanation
Explanation of request for Administrative Review Interpretation Variance to the sign setback from 30 feet to 1 foot from property line, see attached letter for explanation

REQUIRED INFORMATION

Photographs of the building and/or structures on site
Sketch plan or plot plan showing the dimensions of the lot and the existing and proposed setbacks

OWNER'S AFFIDAVIT

Heidi Rester Print Property Owners Name AGENT
[Signature] Signature of Property Owner AGENT
10/10/18 Date

STATE OF MICHIGAN
COUNTY OF WAYNE

The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and date are in all respects true and correct.
Subscribed and sworn before me this 10th day of October 20018
Erin Catanzarite Notary Public, Oakland County, Michigan
My Commission expires March 24, 20023

ERIN CATANZARITE
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Mar 24, 2023
ACTING IN COUNTY OF Oakland

October 1, 2018

Board of Zoning Appeals
Van Buren Charter Township

Re: Southport Apartments Entrance Sign Variance

Dear Board,

Over the last several years, Ed Rose and Sons has been updating their properties to improve their branding and their look within the community in which they belong. In 1990, the current entrance to Southport Apartments was constructed and over time, the plants have grown and the property has aged. The entrance has become dated and has started to deteriorate, so our client decided it was time to update the look of their Southport Apartment property and replace the old sign.

It is the intent of our client to replace the existing sign with a new sign in the same location, which is 1 foot off the property line. Because the new sign proposed does not utilize any part of the old sign, it needs to conform to today's ordinance. The current ordinance setback requirement is 30 feet from the property line (per section 11.108 Zoning District Regulations). Unfortunately, this would cause a visual and safety hardship for the property.

We are seeking a variance to the ordinance (Article 11, Section 11.108) for the reduction of the sign setback from 30 feet to 1 foot from the property line for the following reasons, as referenced in Section 11.116 Appeals:

- A. The permitted signage would not be easily seen by passing motorists due to the configuration of existing trees and berms originally installed to create a screen for the property when it was constructed.

With the permitted sign setback at 30 feet, a new sign will be screened or partially obscured from the driver until about 270 feet traveling westbound and 220 feet while traveling eastbound. In addition, the permitted sign would not fall within the natural line of vision for the driver and they must actively search for it, creating a potential hazard.

The current and proposed 1-foot setback from the property line allows for the sign to fall within the natural line of vision while driving from either direction.

- B. The permitted signage would not be seen by a passing motorist in sufficient time to permit safe deceleration and exiting. The speed limit for the I-94 Service drive is 50 mph (73.5 fps). We have estimated the Viewer Reaction Time to detect, read, and react to make a safe turn to be 9 seconds, based on the criteria set up by the United States Sign Council. This would require the permitted sign to be visible at 661.5 feet.

If the permitted sign was constructed at the 30-foot setback location it would only give 3 seconds traveling eastbound (220 feet) and 3.7 seconds (270 feet) traveling

westbound to make the turn. There is not a turn lane for eastbound traffic to utilize for safe turning and the westbound traffic has already passed the beginning of the right turn deceleration lane.

The current and proposed 1-foot setback of the new sign allows the sign to be detected at 661.5 feet, allowing the full 9 seconds for motorists to make a safe turn.

- D. The construction of the permitted sign would require the removal of existing trees and alteration of existing topography along the entire frontage and the west property line.

The current and proposed 1-foot setback of the new sign would not require the removal of trees or the alteration/removal of the berms.

Attached are the following items in support of the above petition.

- (1) Site Plan
- (2) Site Photos
- (3) Sign Rendering

Thank you for your time and consideration.

Sincerely,



Noah Birmelin, PLA
Landscape Architect



Memo

TO: Van Buren Township Board of Zoning Appeals

FROM: Grace Stamper
Planning and Economic Development Intern

RE: BZA 18-002- 10830 Oak Lane - Southport Apartments

DATE: December 4, 2018

Staff has reviewed the above referenced application submitted by the owners of the Southport Apartments to construct a new sign on their site. In order to construct the sign as proposed the applicant will be required to obtain a sign setback variance. The following is staff's review of the application based on the criteria in the Zoning Ordinance and the information provided:

STAFF REPORT

File Number: 18-002

Site Address: 10830 Oak Lane, Parcel ID# 83-055-99-0003-004

Parcel Size: ≈50.13 Acres

Applicant: Occidental Development, 38525 Woodward Avenue, PO Box 2012, Bloomfield Hills, MI, 48303

Property Owner: Same as applicant

Request: Dimensional variance

Project Description: Applicant is requesting a sign setback variance to construct a new sign on the same site as their existing sign.

Zoning and Existing Use: RM (Multiple Family Residential), Apartments located on property.

Other: Notice for the public hearing was published in the Belleville Independent on November 20, 2018 in accordance with the Michigan Zoning Enabling Act and notices were mailed to the owners of real property within 300' of the subject property on October 30, 2018.

Background: The subject site is located on the North I-94 Service Drive between Belleville and Haggerty Roads. There are multiple apartment buildings and a sign on the site. The current sign is within the 30 foot setback required by the zoning ordinance. The applicant is proposing to construct a new sign in the same location and with the same setback as the old sign, which is one foot from the lot line. Signs are permitted for multi-family housing developments in the RM district.

Variance Requests

Section 11.108(A) Dimensional Regulations: Minimum Setback: Required: 30'
Requested: 1'
Variance: 29'

Standards for Approval

The following are the standards of approval that are listed in the Zoning Ordinance for dimensional variances.

Section 11.116 Appeals. Any person aggrieved by any decision, ruling, or order from the Building Department, may make an appeal to the Board of Zoning Appeals (BZA) in accordance with Article 12, Chapter 4 of this Ordinance. In determining whether a variance is appropriate, the BZA shall also study the sign proposal, giving consideration to any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with the sign standards. The presence of any of the circumstances listed may be sufficient to justify a practical difficulty; however, the BZA may decline to grant a variance even if certain of the circumstances is present.

(A) Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions, which cannot be legally or practically removed.

(B) Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the BZA shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.

(C) Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.

(D) Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to: removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.

(E) Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.

Section 12.403 (C) Variances. The BZA shall have the power to authorize, 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 demonstrating:

(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;

(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 just to others);

(3) That plight of the owner is due to the unique circumstances of the property; and

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

Section 12.403(D) Standards of approval. In consideration of all appeals and all proposed variances under this Ordinance, the BZA shall, before granting any appeals or variances in a specific case first determine 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;

(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;

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

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

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

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

Summary of Findings

Section 11.116 Appeals

(A) Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions, which cannot be legally or practically removed.

Response: The applicant has shown that the current landscaping on the sight prevents passing motorists from easily seeing the sign until 270' away while traveling westbound and 220' away while traveling eastbound. According to the United States Sign Council standards, a driver traveling 50mph needs more than 500' to safely react to a sign, so the landscaping prevents passing motorists from seeing the sign at a safe distance. The landscaping is part of the original site plan for the property and cannot be legally removed.

(B) Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the BZA shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.

Response: According to the United States Sign Council standards, a driver traveling 50mph (the speed on the North I-94 Service Drive) needs 8 seconds of reaction time to safely see and respond to a sign. This would require a driver to be able to see the sign from ~585 feet away. However, a conforming sign cannot be seen until a driver is between 220 and 270 feet away, which doesn't provide enough time to safely slow down and turn, especially without a left turn lane. The applicant has shown that a sign with the variance they are requesting can be seen by passing motorists from more than 650' away, providing more than the required 8 seconds of reaction time.

(C) Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.

Response: There are no existing signs on nearby parcels that affect visibility of a conforming sign on the property.

(D) Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to: removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.

Response: Constructing a conforming sign would require the removal of existing trees and altering a berm on the property. These are part of the original site plan and cannot be legally removed.

(E) Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.

Response: A conforming sign would not be visible to passing motorists until they are 270' away while traveling westbound and 220' away while traveling eastbound. Motorists' view of the road would be obstructed while they search for the sign from distances greater than 220' and 270'. Once the sign is visible, it would still be out of the driver's normal line of sight, so they would have to take their eyes off the road to see it.

Section 12.403 (C) Variances

(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;

Response: Signs are a permitted use on multi-family residential complexes within the RM district. Due to existing landscaping, strict compliance with the setback requirements would prevent the owner from installing a sign which can be seen from a distance by passing motorists. A sign that meets the setback requirements would not fulfill its purpose of alerting passing motorists of the site in enough time for them to safely slow and turn into the property. A variance is necessary to ensure passing motorists can see the sign from a reasonable distance.

(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 just to others);

Response: A variance would do substantial justice because the existing landscaping was put in place before the current sign setback requirement. When the new setback requirement was adopted, it became impossible for the applicant to keep the landscaping to satisfy landscaping requirements and have a sign with the proper setback that could still be seen from a distance from passing motorists. Granting the variance would remedy this situation and allow the site to have a functional sign.

(3) That plight of the owner is due to the unique circumstances of the property; and

Response: The property has existing landscaping and is located along the North I-94 Service Drive. These two factors create a unique circumstance in which the landscaping would block a sign that meets the setback requirement until passing motorists, who are driving 50mph, are too close to the driveway to safely slow down and turn.

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

Response: The problem with meeting the setback requirement is that existing landscaping would block the view of the sign. The landscaping was required by the Township, thereby creating a situation in which it is difficult and impractical for the applicant to meet the setback requirement while also meeting the landscaping requirement.

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;

Response: 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;

Response: The proposed location of the sign is sufficient distance from adjacent properties and buildings, so it will not impair an adequate supply of light and air to adjacent properties. Its location on private property and not in any roadways will not increase congestion in the public streets.

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

Response: The sign will be required to meet the standards of the Ordinance and will therefore not increase the hazard of fire or flood. It will also not endanger the public safety as the purpose of the variance is to allow the sign to be placed where passing motorists can see it in enough time to safely slow and turn into the property.

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

Response: The proposed variance would allow a new sign to be built in the same location as the current sign. Replacing an old sign with a new, nicer-looking sign is not anticipated to negatively impact property values.

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

Response: The variance request will not impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township. The applicant has shown that granting the variance will promote the safety of passing motorists.

(6) Will not alter the essential character of the neighborhood; and

Response: The property is located on the North I-94 Service Drive near other commercial properties and an apartment complex. Signs are common in commercial areas and at apartment complexes. A sign already exists on the property, and replacing it will not alter the essential 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.

Response: Section 11.101(A) of the Ordinance states that the intent of the sign section is “to promote the free flow of motorized and non-motorized traffic and protect motorists, passengers, and pedestrians from injury and property damaged caused by, or which may be fully or partially attributable to, cluttered, distracting, or illegible signage that results in confusion and hindrance of vision.” Based on this the intent of the sign section in the Ordinance is to ensure that signs do not create traffic hazards. The applicant has shown that the variance is required to give passing motorists enough time to see the sign and safely turn into the property. Granting the variance would meet the intent of the Ordinance.

Recommendation

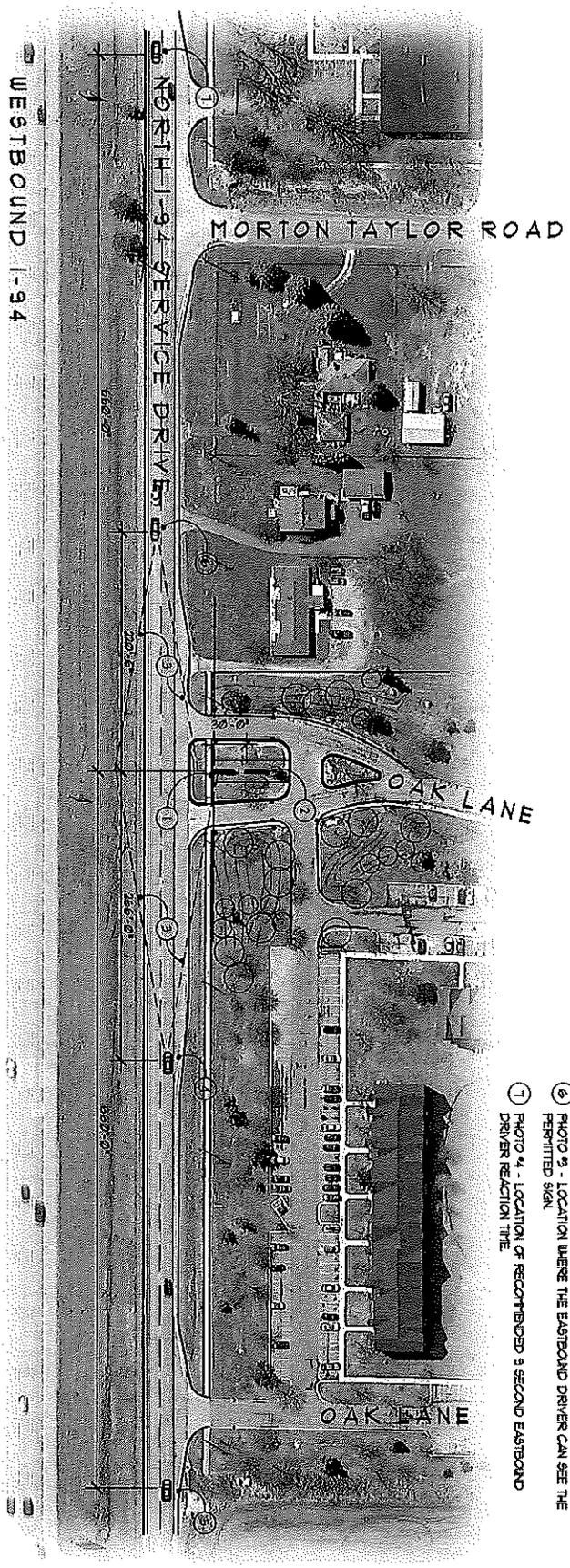
Based on the above analysis, staff recommends that the Board of Zoning Appeals approve the request for a sign setback variance of 29’ based on the December 4 staff report and the following findings of fact:

1. Existing landscaping, which cannot be legally removed, would block passing motorist’s view of a conforming sign.
2. A conforming sign cannot be seen by passing motorists at a distance from which they can safely slow and turn into the property.
3. Constructing a conforming sign would require the removal of trees and alteration of a berm which cannot be legally done.

4. Constructing a conform sign would obstruct passing motorist's view because they would have to visually search for the sign then take their eyes off the road to identify it.
5. The required sign setback combined with the existing landscaping would it impossible for passing motorists to see a sign from a safe distance. This creates a practical difficulty for the applicant to use the property for an effective sign.
6. That the applicant cannot meet both the landscape and setback requirements of the township and have a sign which can be seen by passing motorists.
7. Granting a variance to have the sign closer to the lot line would give substantial justice to the applicant by remedying the conflict between the landscape and setback requirements so that the sign can be seen by passing motorists.
8. The plight of the property owner is due to the existing landscaping and the property's location along the North I-94 Service Drive.
9. The practical difficulty is not self-created but created by the conflict of the landscape and setback requirements and the property's location on the North I-94 Service Drive.
10. The granting of the proposed variance is a valid exercise of the police power and purposes which are affected by the construction of the new sign.
11. The granting of the proposed variance will not impair an adequate supply of light and air to adjacent property or increase the congestion in the public streets.
12. The granting of the proposed variance will not increase the hazard of fire or flood or endanger the public safety.
13. The granting of the proposed variance will not unreasonably diminish or impair established property values with in the surrounding area.
14. The granting of the proposed variance will not in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.
15. The granting of the proposed variance will not alter the essential character of the neighborhood.
16. The granting of the proposed variance 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 these standards.

Respectfully submitted,

Grace Stamper
Planning and Economic Development Intern
Charter Township of Van Buren



- Note Key:**
- ① EXISTING AND PROPOSED SIGN LOCATION (1 FOOT FROM PROPERTY LINE)
 - ② PERMITTED SIGN LOCATION (30 FEET FROM PROPERTY LINE)
 - ③ DRIVER'S CONE OF VISION
 - ④ PHOTO 4 - LOCATION WHERE THE WESTBOUND DRIVER CAN SEE THE PERMITTED SIGN
 - ⑤ PHOTO 2 - LOCATION OF RECOMMENDED 2 SECOND WESTBOUND DRIVER REACTION TIME
 - ⑥ PHOTO 2 - LOCATION WHERE THE EASTBOUND DRIVER CAN SEE THE PERMITTED SIGN
 - ⑦ PHOTO 4 - LOCATION OF RECOMMENDED 2 SECOND EASTBOUND DRIVER REACTION TIME



Edward Rose - Southport Apartments
 Van Buren Township, MI

Site Plan
 10.10.18

GRSSIM
 METZ
 ANDRUSSE

Photo #2 - West Bound at 660.5'
Permitted Sign Not Visible



Photo #1 - West Bound at 266'
Permitted Sign Visible

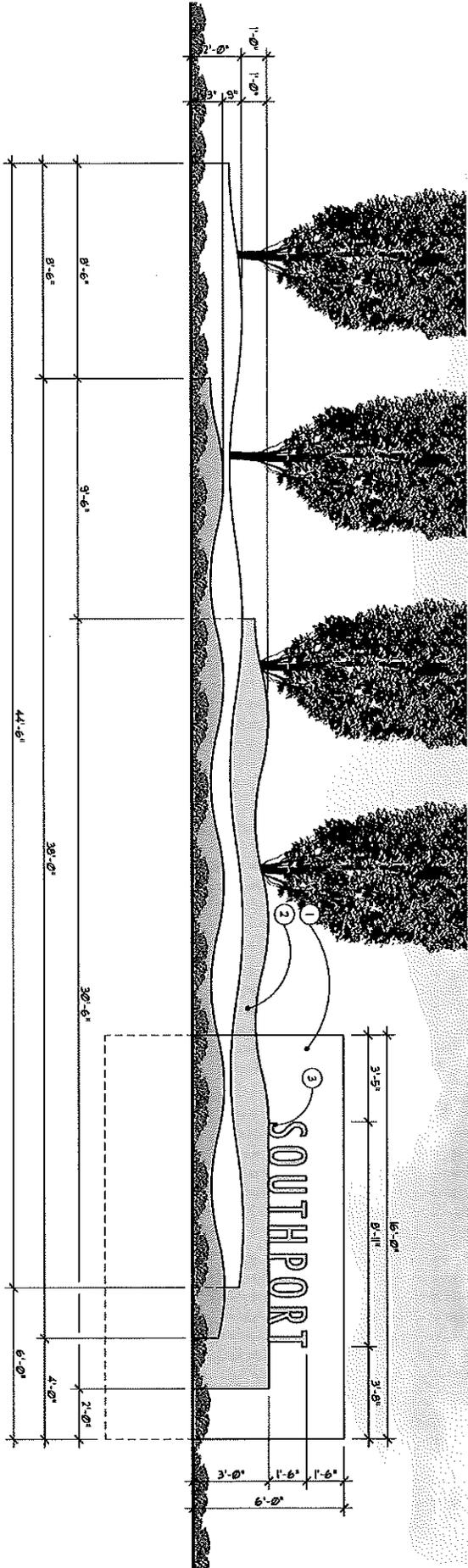


Photo #4 - East Bound at 661.5'
Permitted Sign Not Visible



Photo #3 - East Bound at 220'
Permitted Sign Visible





Note Key:

- ① SIGN BACKGROUND ELEMENT - COLORED CONCRETE
- ② SIGN WAVE ELEMENT - COLORED CONCRETE
- ③ SIGN - DEVELOPMENT WAVE - 3 DIMENSIONAL LETTERS INSTALLED ON TOP OF SIGN WAVE ELEMENT

General Note:

- 1. SIGN TO BE (2) SIDED
- 2. SIGN TO BE IRLT WITH LED LIGHTING

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 will hold a public hearing on **Tuesday, December 11, 2018 at 7:00 p.m.**, in the Board of Trustees Room at the Van Buren Township Hall, 46425 Tyler Road, Van Buren Township, MI 48111 to consider the following variance request:

1. **Case # 18-002:** A request by Occidental Development, 10830 Oak Lane (Parcel ID# 83-055-99-0003-004), otherwise known as the Southport Apartments, for a variance from the sign setback of 30 feet to construct a new sign. Other known addresses on the parcel include: 10591, 10667, 10743, 10897, 11150, and 11199 Oak Lane, Van Buren Township, MI 48111.

Please address any written comments to the Van Buren Township Board of Zoning Appeals, at 46425 Tyler Road, Van Buren Township, MI 48111 or via email at rakers@vanburen-mi.org. Written comments will be accepted until 4:00 p.m. on the hearing date and all materials relating to this request are available for public inspection at the Van Buren Township Hall prior to the hearing.

Van Buren Township will provide necessary reasonable auxiliary aides and services to individuals with disabilities who are planning to attend. Please contact the Van Buren Township Planning and Economic Development Department at 734-699-8913 at least seven (7) days in advance of the meeting if you require assistance.

Mailed: October 30, 2018

*Mailed to fh
following addresses
on 10/30/18
[Signature]*

OCCUPANT

10417 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT

10543 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT

43300 N INTERSTATE 94 SERVICE DR
VAN BUREN TOWNSHIP MI 48111

OCCUPANT

1043270 N I-94 SERVICE DR 280, 290
VAN BUREN TOWNSHIP MI 48111

OCCUPANT

11221 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT

11225 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT

42980 N INTERSTATE 94 SERVICE DR
VAN BUREN TOWNSHIP MI 48111

~~OCCUPANT~~

~~42980 N INTERSTATE 94 SERVICE DR
VAN BUREN TOWNSHIP MI 48111~~

OCCUPANT

42500 N INTERSTATE 94 SERVICE DR
VAN BUREN TOWNSHIP MI 48111

OCCUPANT

10464 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT

10574 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT

10600 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT

10650 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT

10780 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT

10800 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT

10820 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT

10850 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT

10860 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT

10890 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT

11000 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT

11170 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

~~OCCUPANT N INTERSTATE 94 SERVICE DR
VAN BUREN TOWNSHIP MI 48111~~

Owner

WEAKLAND, MICHAEL-TERESA
10417 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

MANNING, GREGORY J.
10543 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

POU, RUDY J.
2775 8TH ST
SHELBYVILLE MI 49344

CROVA, JAMES
36925 GRANT
ROMULUS MI 48174

LEGGETT, ELI
44189 HARMONY LANE
VAN BUREN TOWNSHIP MI 48111

WILLIAMS, JOHN-CYNTHIA
11225 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

BROWN, CLARENCE & BETTE
15633 VAN TUYLE
MANCHESTER MI 48158

BUDD, THOMAS
42500 I-94 SERVICE DR
VAN BUREN TOWNSHIP MI 48111

BUDD TRUSTEE, JACK-GLADYS
42500 EXPRESSWAY
VAN BUREN TOWNSHIP MI 48111

WELDEN, VIVIAN
10464 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

DIPIETRO, THOMAS-PATRICIA
10574 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

BANBOUKIAN, RHONDA F.
10600 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

GILLIS, TAMMY & WEIGEL, ELIZABETH
10650 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

SAYLOR, KENNETH A. & PAMELA J.
10780 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

WILLIAMS, STEPHEN-JANE
10800 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

HALL, DOUGLAS-KAREN
10820 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

KIRKLIN, JACK
10850 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

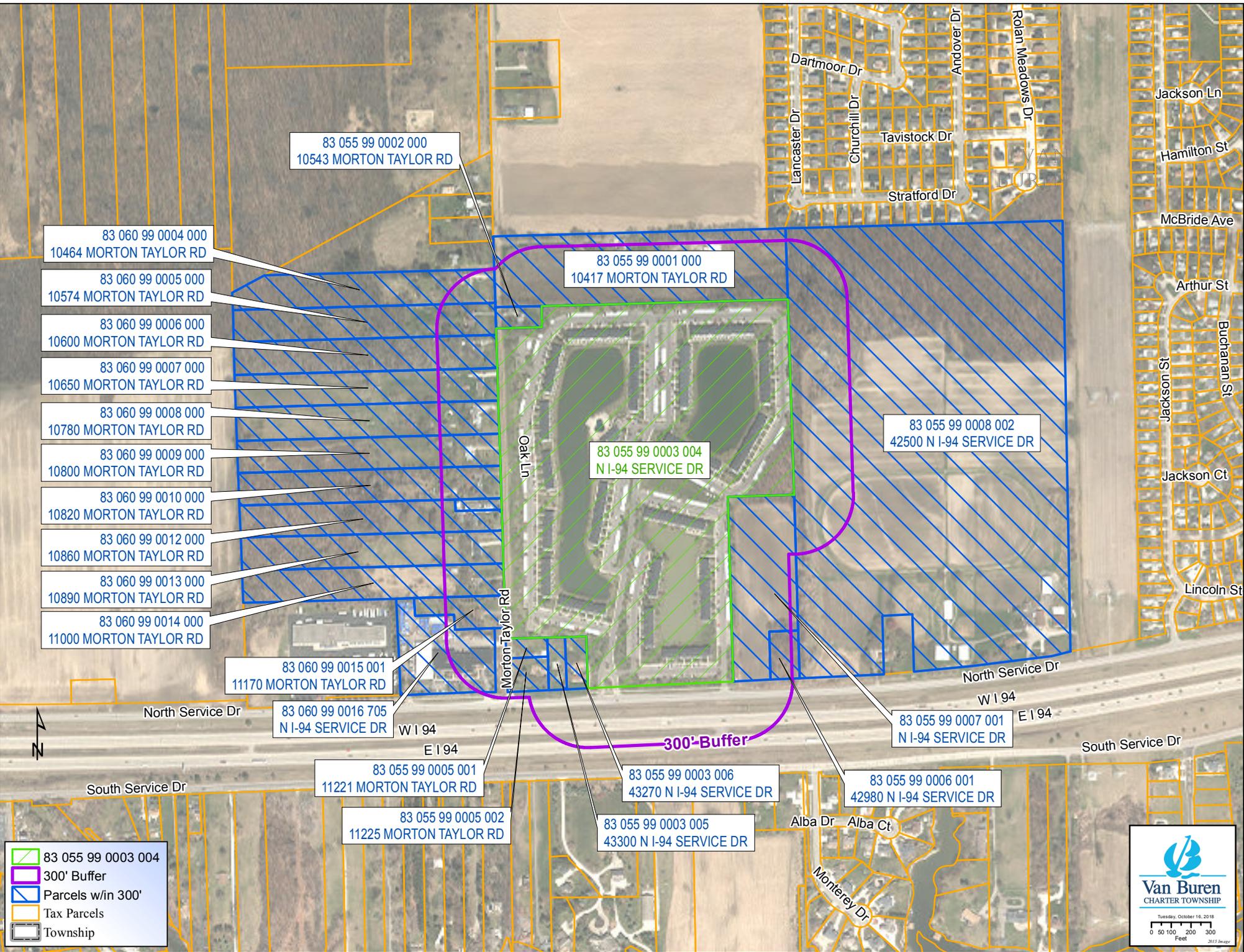
HALL, LARRY-EDNA MAE
10860 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

BOYD, MICHAEL & ANGELA
10890 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

BLEVINS, JOHN-RUTH
11000 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

HOWARD, JAMES
11170 MORTON TAYLOR RD
VAN BUREN TOWNSHIP MI 48111

EXPRESSWAY COMMERCE PARK
28345 BECK RD STE 100
WIXOM MI 48393





Case number 18-003
Dated submitted 10/11/18

Board of Zoning Appeals Application

APPLICANT INFORMATION

Applicant BEVERLY C. NIELSEN Phone 734-755-6186

Property Owner (if different than applicant) _____ Phone _____

Address 44559 ECORSE Fax _____

City, State VAN BUREN TWP. MI Zip 48111 E-Mail Address 415blazer2010@gmail.com

SITE INFORMATION

Property Location: On the South Side of ECORSE Road; Between Bellecotte Road and Sheldon Road. Size of Lot Width _____ Depth _____ Acreage _____

Date Property Acquired and the Type of Ownership _____

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) 5.123b

Explanation of the Practical Difficulty of the Property as defined in Section 19.07 Variance from minimum amount of horses allowed on property.

Explanation of request for Administrative Review Interpretation _____

REQUIRED INFORMATION

Photographs of the building and/or structures on site
Sketch plan or plot plan showing the dimensions of the lot and the existing and proposed setbacks

OWNER'S AFFIDAVIT

BEVERLY C. NIELSEN Beverly C Nielsen 10/11/18
Print Property Owners Name Signature of Property Owner Date

STATE OF MICHIGAN
COUNTY OF WAYNE

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

Subscribed and sworn before me this _____ day of _____ 200__

_____, Notary Public, _____ County, Michigan

My Commission expires _____, 200__

Mr. Akers:

I am appealing to the Zoning Board to save our Horses. We rescued these horses way before we moved here. It was a lot to try to work and travel to go feed them twice a day so we looked for a place where we could have them with us all the time.

When we found this house with 7 acres I called the township to see if horses was allowed. They said yes 3 acres for first horse and 1/2 acre for every horse after that. That left us with one horse too many. I was going to work something out to take one to my daughter's house in Sumpster when we talked to our neighbor who said we could put a fence up and use their back property. Now 5 years later we are told we can't have the 3 horses and 3 ponies. Plus we can't use the neighbors property even though they don't have a problem.

What we would like is for the Zoning Board to consider a Variance so that we can keep the horses here. There are in their late 20's so they don't have that much time left. Two of them are being fed

extra plus special food and feedings.

If we have to put them in a boarding situation they don't have the time for extra care. No one wants them because they are too old.

All we want is to keep them until they pass on. We do not want to replace them then.

We ask that the Zoning Board take this into consideration. Please let us keep them to line out their lives where they are loved.

Thank You

Sincerely
Beverly Nielsen - Larry Rose

734-755-6186



Memo

TO: Van Buren Township Board of Zoning Appeals

FROM: Ron Akers
Director of Planning and Economic Development

RE: BZA 18-003- 44559 Ecorse

DATE: December 4, 2018

Staff has reviewed the above referenced application submitted by Beverly Nielson to keep the current number of horses she has on her property. In order to keep all of the horses, the applicant will be required to obtain a variance from the maximum number of horses allowed on the property. The following is staff's review of the application based on the criteria in the Zoning Ordinance and the information provided:

STAFF REPORT

File Number: 18-003

Site Address: 44559 Ecorse, Parcel ID# 83-038-99-0010-000

Parcel Size: ≈7 Acres

Applicant: Beverly Nielson, 44559 Ecorse, Van Buren Township MI 48111

Property Owner: Same as applicant

Request: Non-use variance

Project Description: Applicant is requesting a variance from the maximum number of horses allowed on her property. She has six horses but only three are allowed on the acreage she owns per Section 5.123(B) of the Ordinance.

Zoning and Existing Use: R-1B (Single Family Residential), Home on property

Other: Notice for the public hearing was published in the Belleville Independent on November 20, 2018 in accordance with the Michigan Zoning Enabling Act and notices were

mailed to the owners of real property within 300' of the subject property on October 30, 2018.

Background: The subject site is located on the South side of Ecorse Road between Belleville and Sheldon Roads. There is a single-family home on the property. The applicant currently has six horses on the property, which exceeds the three-horse maximum under the Township's Zoning Ordinance for the acreage she owns.

Variance Requests

Section 5.123(B) Number of Horses allowed on acreage

-5 Acres for first horse, 1 Acre for each horse after

-Number of Horse Allowed: 3

-Number of Horses on Property: 6

-Variance: 3 Horses

Standards for Approval

The following are the standards of approval that are listed in the Zoning Ordinance for dimensional variances.

Section 12.403 (C) Variances. The BZA shall have the power to authorize, 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 demonstrating:

- (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;
- (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 just to others);
- (3) That plight of the owner is due to the unique circumstances of the property; and
- (4) That the problem is not self-created.

Section 12.403(D) Standards of approval. In consideration of all appeals and all proposed variances under this Ordinance, the BZA shall, before granting any appeals or variances in a specific case first determine 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;
- (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;
- (3) Will not increase the hazard of fire or flood or endanger the public safety;
- (4) Will not unreasonably diminish or impair established property values with in the surrounding area;
- (5) Will not in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township;
- (6) Will not alter the essential character of the neighborhood; 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.

Summary of Findings

Section 12.403 (C) Variances

- (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;**

Response: The requirement limiting the number of horses in the R1-B zoning district based on acreage would not unreasonably prevent the owner from using the property for a permitted purpose. The zoning ordinance does permit horses on the property, but they are subject to limitations on the number of horses based on acreage. The property has sufficient acreage to have three horses (5 acres for the first, plus 1 acre for each additional horse) and due to this the owner is not prevented from using the property for a permitted purpose. Additionally, conforming would not be unnecessarily burdensome because there would be no physical limitations on the property which would require that the applicant have six (6) horses rather than three (3).

- (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 just to others);**

Response: The applicant's ability to have horses on the property is similar to other property owners in the R1-B zoning district and is subject to the same limitations in the zoning

ordinance. There are no physical limitations on the property which would require that more horses to be kept on the property than what is allowed. Allowing the applicant to have more horses on the property than what is allowed would not do substantial justice to other property owners in the same district as it would allow a greater number of horses than what would be normally allowed.

(3) That plight of the owner is due to the unique circumstances of the property; and

Response: The plight of the owner is not due to the unique circumstances of the property. There are no physical limitations on the property which would require that the applicant have six (6) horses rather than three (3) horses. The property is relatively flat and the need for the variance is not due to the property.

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

Response: The problem is self-created because the applicant brought the horses onto the property and the reasons for keeping the horses on the property is based on the preference of the applicant.

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;

Response: 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 non-use 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;

Response: The granting of the proposed variance would not impair an adequate supply of light and air to adjacent property or increase congestion in public streets.

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

Response: The granting of the proposed variance would not increase the hazard of fire or flood or endanger the public safety.

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

Response: The granting of the proposed variance is not expected to unreasonably diminish or impair established property values with in the surrounding areas.

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

Response: The granting of the proposed variance may impair the public comfort if neighbors complain that there are too many horses on the property.

(6) Will not alter the essential character of the neighborhood; and

Response: Horses are a permitted use in the neighborhood, so granting the proposed variance will not alter the essential 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.

Response: The variance is not necessary to meet the intent and purpose of the zoning regulations. The Ordinance intends to permit horses but regulates how many. The applicant's request violates these regulations.

This situation is an active ordinance enforcement case which is being addressed at the district court in Romulus. There is a court hearing on December 11, 2018 prior to the BZA meeting. I will bring an update to the BZA meeting as to what happened at that hearing. There may be a potential option for the neighbor to keep the horses if she obtains a lease from her neighbor to utilize their acreage for pasture and keeping the horses. This option has been presented and we are awaiting a response from the applicant. In the meantime, we are required to consider this variance as applied for.

Recommendation

Based on the above analysis, staff recommends that the Board of Zoning Appeals deny the request for a variance from the maximum number of horses at 44559 Ecorse Road based on the staff report dated December 4, 2018 and based on the following findings of fact:

1. The requirement limiting the number of horses on the property based on acreage would not unreasonably prevent the owner from using the property for a permitted purpose. The property is used for single family residential and it is possible to keep horses on the property so long as the number of horses is in compliance with the zoning ordinance.
2. Allowing the applicant to have more horses on the property than what is allowed would not do substantial justice to other property owners in the same district as it would allow a greater number of horses than what would be normally allowed to property owners with similar property sizes.
3. There are no physical limitations on the property which would require that the applicant have six (6) horses rather than three (3) horses and because of this the plight of the owner is not due to unique circumstances of the property.

4. The problem is self-created because the applicant brought the horses onto the property and the reasons for keeping the horses on the property is based on the preference of the applicant.
5. The granting of the proposed variance may have a detrimental impact if neighbors complain that there are too many horses on the property.
6. The variance is not needed to meet the intent of the Ordinance.

Article 5: Development Standards for Specific Uses

- (B) Where a junk yard has frontage on a road or highway, a solid masonry obscuring wall of eight (8) feet in height or one (1) foot above the height of the piles, whichever is greater, of one (1) uniform color and meeting the Building Code standards, shall be setback not less than one hundred fifty (150) feet from the road or highway right-of-way or easement line. A greenbelt shall also be planted and maintained outside of the wall pursuant to [Section 10.103\(E\)](#), except where entrance and exit driveways are located, in order to screen the junk yard activities from the road or highway. A sales and or office building for keeping business records of the junk yard operation is permitted in the setback area noted above provided that front and side setback requirements for buildings in a M-2 District are compiled with.
- (C) Junk material shall be stored a minimum distance of twenty (20) feet from any industrial or airport zoned property line. Storage of such materials on any site shall not be piled higher than eight (8) feet. A roadway shall be provided, paved, graded and maintained from the street to the rear of the property to permit free access of fire trucks at any time.
- (D) There shall be no burning of tires, vehicle bodies, wiring, oil or waste products on the site, and all industrial processes, including the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.
- (E) All trucks and other vehicles shall be stored or parked within the required walled or fenced enclosure.
- (F) All truck loading and unloading shall be performed within the required walled or fenced enclosure.
- (G) The operator of the junk yard shall be responsible to clean up all debris and junk accidentally deposited on any public right-of-way within one (1) mile of the junk yard site.
- (H) There shall be compliance with all industrial performance standards as specified under [Article 8](#) as well as site plan review requirements under [Article 12, Chapter 2](#).

Section 5.123 Keeping of Pets and Livestock

- (A) **Minimum Lot Area.** The minimum land area required for the keeping of livestock shall be five (5) acres and shall be located outside of a platted subdivision or site condominium, except as otherwise provided by this Ordinance. The commercial raising of fur bearing animals, including mink, rabbit, cat, and similar animals shall require a minimum site of ten (10) acres, per [Section 5.124](#). The minimum lot area shall not apply to a commercial farm operating in accordance with the Michigan Right to Farm Act (Public Act 93, 1981, as amended) and Generally Accepted Agricultural and Management Practices (GAAMP's).
- (B) **Horses.** The keeping of horses for recreational purposes shall be permitted in the R-1A, R-2A, R-1B, R-1C, and AG districts upon a parcel of no less than five (5) acres provided that such use shall be for the private personal use of the owner or lessee of such land, his family and friends and shall not constitute a commercial occupation nor a public stable. At least one (1) acre shall be provided for each additional horse kept, except that those horses currently in existence on each parcel that existed for recreational purposes on January 20, 2000 may be

continued under the nonconforming use provisions of this Ordinance subject to all conditions therein.

Foals born on parcels where horses are presently kept may be kept on the parcel for two (2) years even though such additional horses may increase the number of horses on such parcel, beyond the limit stated above, but in no case shall there be more than one (1) horse and one (1) foal per acre.

- (C) **Livestock Setbacks and Locations.** All land used for the keeping of livestock, except for bona fide commercial farm operations regulated under the Michigan Right to Farm Act, shall be located in the rear yard of the lot, no closer than fifty (50) feet from any abutting property line, and encompassed by a suitable fence or enclosure around the entire premises reserved for outside use of animals.
- (D) **Structure Setbacks and Locations.** No barns, pens, corrals or animal enclosure shall be located closer than one hundred (100) feet to any residentially-zoned district or fifty (50) feet from any other lot line or closer than fifty (50) feet from any dwelling on the same premises. All such structures shall be located behind any residence on the property.
- (E) **Open Area in Front of Dwelling.** There shall be provided, for any bona fide farm operation containing a dwelling unit, an open space unobstructed by buildings or equipment in the front of every dwelling unit equal to the width of the dwelling extending to the front lot line.
- (F) **Nuisances.** The keeping of any animal is prohibited if the same became obnoxious by reason of odor, noise or other nuisance. The determination of the Ordinance enforcement officer shall, in the absence of fraud, be conclusive on the question of whether the same are obnoxious under the terms of this Ordinance and consistent with the provisions of Michigan Right to Farm Act (Public Act 93, 1981, as amended).

Section 5.124 Kennels and Raising of Fur Bearing Animals

Kennels and the raising of fur bearing animals, including mink, rabbit, cat and canine establishments, shall meet the following requirements:

- (A) The use shall be located on a continuous parcel of land ten (10) acres or more in area.
- (B) All outdoor runs or breeding areas shall be enclosed on all sides by an obscuring wall or fence not less than four (4) feet in height.
- (C) All outdoor runs and breeding areas shall be located at least fifty (50) from any lot line and shall be not be located in the front yard.

Section 5.125 Mini-Warehouse (Self Storage Facility)

- (A) The minimum lot area is three (3) acres.

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 will hold a public hearing on **Tuesday, December 11, 2018 at 7:00 p.m.**, in the Board of Trustees Room at the Van Buren Township Hall, 46425 Tyler Road, Van Buren Township, MI 48111 to consider the following variance request:

1. **Case #18-003:** A request by Beverly Nielsen, 44559 Ecorse (Parcel ID# 83-038-99-0010-000) for a variance from the maximum number of horses on the property.

Please address any written comments to the Van Buren Township Board of Zoning Appeals, at 46425 Tyler Road, Van Buren Township, MI 48111 or via email at rakers@vanburen-mi.org. Written comments will be accepted until 4:00 p.m. on the hearing date and all materials relating to this request are available for public inspection at the Van Buren Township Hall prior to the hearing.

Van Buren Township will provide necessary reasonable auxiliary aides and services to individuals with disabilities who are planning to attend. Please contact the Van Buren Township Planning and Economic Development Department at 734-699-8913 at least seven (7) days in advance of the meeting if you require assistance.

Mailed: October 30, 2018

*Mailed to the
following addresses
on 10/30/18*

[Signature]

OCCUPANT
44600 ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT
44518 ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT
44457 ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT
44482 ROBSON ROAD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT
44600 ROBSON ROAD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT
44595 ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT
7885 MIDA DR
VAN BUREN TOWNSHIP MI 48111

OCCUPANT
7753 MIDA DR
VAN BUREN TOWNSHIP MI 48111

OCCUPANT
44590 ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT
44444 ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT
44336 ROBSON ROAD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT
44492 ROBSON ROAD
VAN BUREN TOWNSHIP MI 48111

~~OCCUPANT
ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111~~

~~OCCUPANT
ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111~~

OCCUPANT
7837 MIDA DR
VAN BUREN TOWNSHIP MI 48111

OCCUPANT
7701 MIDA DR
VAN BUREN TOWNSHIP MI 48111

OCCUPANT
44574 ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT
44424 ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT
44430 ROBSON ROAD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT
44580 ROBSON ROAD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT
44509 ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT
44637 ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111

OCCUPANT
7803 MIDA DR
VAN BUREN TOWNSHIP MI 48111

OCCUPANT
7655 MIDA DR
VAN BUREN TOWNSHIP MI 48111

~~ZABOROWSKI, HENRY
44600 ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111~~

~~GONZALEZ, A. & FESCHENKO, Z.
44590 ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111~~

~~BAILEY, ANGELA KAYE
44574 ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111~~

~~BISHOP, MARION
44518 ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111~~

~~SATTLER, FREDERICK-RUTH
44444 ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111~~

~~SATTLER, FREDERICK & RUTH ANNETTE
44444 ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111~~

~~KILGORE, DONALD & DELIA
44457 ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111~~

~~ROETTIGER, JILLIAN
2861 PARDEE AVE
DEARBORN MI 48124~~

~~MARSHALL, GARY & PATRICIA
44430 ROBSON ROAD
VAN BUREN TOWNSHIP MI 48111~~

~~JOHNSON, ROBERT
44482 ROBSON ROAD
VAN BUREN TOWNSHIP MI 48111~~

~~GRIFFIN, NELL-THELMA
44492 ROBSON ROAD
VAN BUREN TOWNSHIP MI 48111~~

~~EGGLETON, MICHAEL, PACKARD, LY
44580 ROBSON ROAD
VAN BUREN TOWNSHIP MI 48111~~

~~GRAMLICH, LEO
44600 ROBSON ROAD
VAN BUREN TOWNSHIP MI 48111~~

~~SMITH, WAYNE & CHARLETTE
25886 RACING SUNE DR
ALDIE VA 20105~~

~~SMITH, WAYNE & CHARLETTE
25886 RACING SUN DR
ALDIE VA 20105~~

~~HUEMPFNER, JOHN-DIANA
44595 ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111~~

~~DAKE, WILLIAM E
44637 ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111~~

~~DAKE, WILLIAM E
44637 ECORSE ROAD
VAN BUREN TOWNSHIP MI 48111~~

~~ROMANIK, LAURA
7885 MIDA DR
VAN BUREN TOWNSHIP MI 48111~~

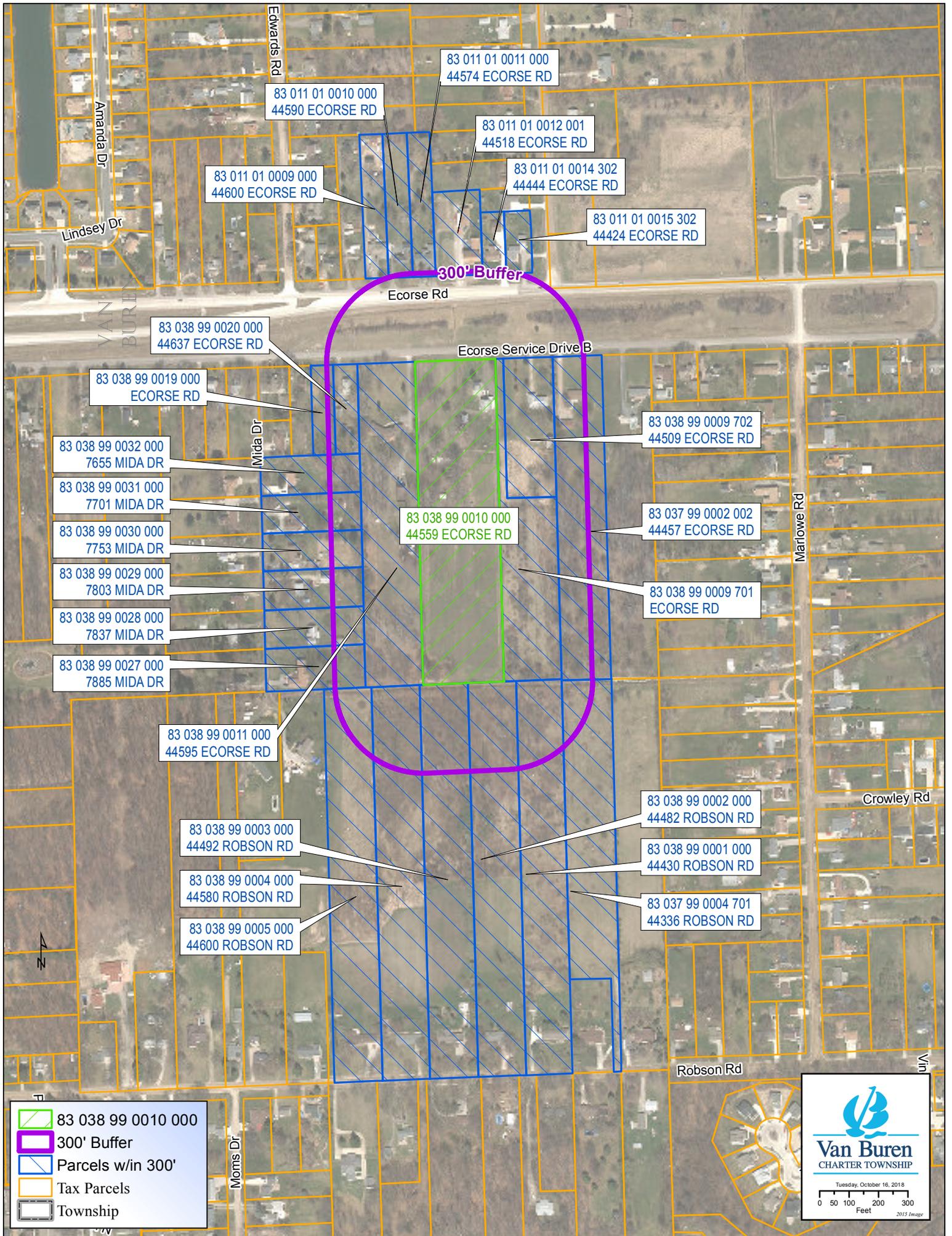
~~MATTOZZA, DOMENICO & JAHN, HEATHER
7837 MIDA DR
VAN BUREN TOWNSHIP MI 48111~~

~~COX, JEANETTE M.
7803 MIDA DR
VAN BUREN TOWNSHIP MI 48111~~

~~JP MORGAN CHASE BANK
8333 RIDGEPOINT DR FL 1 TX1-2301
IRVING TX 75063-5812~~

~~SMALL, DOREEN A
7701 MIDA DR
VAN BUREN TOWNSHIP MI 48111~~

~~MILLS, TOBIN A.
7655 MIDA DR
VAN BUREN TOWNSHIP MI 48111~~



83 011 01 0011 000
44574 ECORSE RD

83 011 01 0010 000
44590 ECORSE RD

83 011 01 0012 001
44518 ECORSE RD

83 011 01 0009 000
44600 ECORSE RD

83 011 01 0014 302
44444 ECORSE RD

83 011 01 0015 302
44424 ECORSE RD

300' Buffer

Ecorse Rd

83 038 99 0020 000
44637 ECORSE RD

Ecorse Service Drive B

83 038 99 0019 000
ECORSE RD

83 038 99 0009 702
44509 ECORSE RD

83 038 99 0032 000
7655 MIDA DR

Mida Dr

83 038 99 0031 000
7701 MIDA DR

83 037 99 0002 002
44457 ECORSE RD

83 038 99 0030 000
7753 MIDA DR

83 038 99 0010 000
44559 ECORSE RD

83 038 99 0009 701
ECORSE RD

83 038 99 0029 000
7803 MIDA DR

83 038 99 0028 000
7837 MIDA DR

83 038 99 0027 000
7885 MIDA DR

83 038 99 0011 000
44595 ECORSE RD

Marlowe Rd

Crowley Rd

83 038 99 0003 000
44492 ROBSON RD

83 038 99 0002 000
44482 ROBSON RD

83 038 99 0004 000
44580 ROBSON RD

83 038 99 0001 000
44430 ROBSON RD

83 038 99 0005 000
44600 ROBSON RD

83 037 99 0004 701
44336 ROBSON RD

Robson Rd

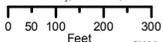
Van

-  83 038 99 0010 000
-  300' Buffer
-  Parcels w/in 300'
-  Tax Parcels
-  Township



Van Buren
CHARTER TOWNSHIP

Tuesday, October 16, 2018



0 50 100 200 300
Feet

2015 Image