

**CHARTER TOWNSHIP OF VAN BUREN  
BOARD OF ZONING APPEALS  
January 15, 2015  
MINUTES**

Commissioner Amos Grissett chaired and called the meeting to order at 7:03 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

Present: Grissett, Clair, Miller, and Atchinson

Absent Excused: Wardwell and DiPietro

Staff: Board Rep. Jeff Jahr and Recording Secretary Kurtz

Planning Representatives: Patrick Sloan

Audience: 0

**ACCEPTANCE OF AGENDA:**

**Motion Jahr, Supported Clair to approve the agenda as presented**

**Motion Carried**

**APPROVAL OF MINUTES:**

**Motion Jahr, Supported Miller to approve minutes from September 9, 2014 and September 23, 2014**

**Motion Carried**

**CORRESPONDENCE: None**

**UNFINISHED BUSINESS: None**

**NEW BUSINESS**

**1) ELECTION OF 2015 CHAIR, VICE CHAIR AND CORRESPONDING SECRETARY**

**Motion Jahr, Supported Clair to postpone Elections to the next regular meeting scheduled with an agenda.**

**Motion Carried**

**2) 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) (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 on the south and west sides of the building 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 lumberyard entrance sign and 1 thank you sign are proposed to be 24 sq. ft. and 19 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 using the site plan as a visual aid and a document explaining the variance requests. Mr. Nuttelman stated modifications to the site plan were based on the concerns brought forth at the Informational meeting held on November 24, 2014. Based on feedback from the residents to the north, Menards will preserve more trees to the north. Mr. Nuttelman stated that the locations for the outdoor storage areas are limited, understanding the water detention system affects the layout of the entire site. Mr. Nuttelman stated that the requested signage proposal is summarized in the McKenna review letter. Larger wall signs are requested based on sign comparisons of Wal-Mart and the building’s setback from Belleville Road.

Jahr asked if the enter/exit signage were illuminated.

Nuttelman stated the north sign is non-illuminated and the east and south signs are illuminated.

Commissioners discussed the excessive amount of the total square footage requested, signage on existing big box businesses and the allowable total square foot permitted in the sign ordinance.

Mr. Nuttleman stated the requested signage is less than the prototypical sites and believes the scale/ratio is fair based on the location of the building, setback from Belleville Road, and the large site.

Patrick Sloan reviewed the McKenna letter dated January 12, 2015 and read the recommendations.

Commissioners and applicant continued discussion on the total square foot of signage for the site including directional, wall, and monument signage. In addition, portions of the sign could be

removed. For example, the swoosh underneath the logo could be removed, but keep the letters above would be kept at the requested size. This would allow the wall signage area to be considerably less while still keeping the aesthetic appearance.

**Public Comments; None**

Based on the Board of Zoning Appeals' review of the requests, presentation and materials submitted by the applicant, McKenna Associates' letter dated January 12, 2015 (McKenna letter), public comments, and consideration of the standards for approval of variances as contained in Sections 19.07.3 and 19.07.4 of the Zoning Ordinance, the Board of Zoning Appeals took the following action:

1. **Height of Outdoor Storage: Motion by Jahr, supported by Miller, to approve** a variance from 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.
  - e. The letters, attachments, and presentation by the petitioner is incorporated in this motion.

**Motion carried, 5-0.**

2. **Total Signage: Motion by Clair, supported by Miller, to approve** a 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.

**Motion carried, 5-0.**

- 3. **Wall Signage: Motion by Jahr, supported by Clair, to 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:
  - a. 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.
  - b. 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.
  - c. 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.
  - d. 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.

**Motion carried, 5-0.**

- 4. **Directional Signage: Motion by Jahr, supported by Miller, to 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, 5-0.**

Further, the BZA found that the variances approved will not impair adequate light or air; increase congestion on streets; or increase hazards of fire, flood or endanger public safety at this location. Also, the variances approved are not expected to unreasonably diminish property values in the surrounding area; impair public health, safety, comfort or welfare; or alter the essential character of the neighborhood since mitigation measures are proposed.

**ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION; None**

**Motion Jahr, second Miller to adjourn at 8:30 p.m.**

**MOTION CARRIED**

Respectfully submitted,

Brenda Kurtz, Recording Secretary