

**CHARTER TOWNSHIP OF VAN BUREN
BOARD OF ZONING APPEALS AGENDA
FEBRUARY 9th, 2016 7:00 PM
VAN BUREN TOWNSHIP HALL
Board of Trustees Room
46425 Tyler Road**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Chair Medina Atchinson	_____	Vice-Chair Amos Grissett	_____
Corresponding Secretary Joe Barnabei	_____	Commissioner Edward Miller	_____
PC Representative Byron Kelly	_____	Commissioner David Senters	_____
Trustee Jeff Jahr	_____	Director Ron Akers	_____
Deputy Director Matthew R. Best	_____	Recording Secretary Anna Halsted	_____
Alternate Robert McKenna	_____		

ACCEPTANCE OF AGENDA

MINUTES: Approval of minutes from January 19th, 2016

CORRESPONDENCE

PUBLIC COMMENT

UNFINISHED BUSINESS

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.

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 lumber yard entrance sign and 1 thank you sign are proposed to be 24 sq. ft. and 19 feet high.

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

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.

Requesting: 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.

- 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
Tuesday - January 19, 2016
MINUTES - DRAFT

The Meeting was called to order at 7:04pm in the Board of Trustees room by Chairperson Atchinson.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: Atchinson, Barnabei, Senters, Grissett

Absent Excused: McKenna, Jahr, Miller

Staff: Best, Halstead

Audience: 4

ACCEPTANCE OF AGENDA:

Motion to accept agenda as presented Barnabei, Seconded by Grissett

Motion Carried

APPROVAL OF MINUTES:

Motion to approve amended minutes from September 8, 2015 Grissett, Seconded by Barnabei.

Motion Carried

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

Motion Carried

CORRESPONDENCE: None

UNFINISHED BUSINESS:

Grissett asked if there were remaining items to discuss from December. Best stated that if anyone had any further questions on the training material provided by Director Akers and his presentation in December can forward those to him and (2) that Menards variances will be part of the Open Discussion section of agenda tonight.

NEW BUSINESS None

ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION:

Best reminded members that two items are on the agenda at the next meeting. The first item will be the Menard Variances. The applicant will be applying for the exact same variances approved back in 2015. These variances expired because the applicant did not begin the project yet. In the Packet will be all the information given at the meeting when they submitted their first variance requests.

The second item is a request for a variance in lot coverage in order to build a Pole Barn of a specific size.

Grisset asked where Packets will now be sent to. Best stated everything will be sent electronically, but if anyone wanted a hard copy, those would be available for pick up at the Public Safety Desk upon request. As soon as packets are ready, they will be sent to the board members.

Motion Grissett, seconded by Barnabei to adjourn at 7:40 p.m.

MOTION CARRIED

Respectfully submitted,

Anna Halstead, Recording Secretary



Memo

TO: Van Buren Township Board of Zoning Appeals

FROM: Matthew R. Best, M.S.
Deputy Director of Planning and Economic Development

RE: BZA 16-001 – Menard

DATE: January 29, 2016

The application submitted by Menard, Inc. is for variances that the BZA approved January 15, 2015. Since that approval, the variances expired due to lack of work commencement. Menard, Inc. is now ready to begin site work and is requesting the same variances be approved.

Staff has attached all the information for the previous BZA meetings regarding the Menard variances. This application is basically a renewal of the original request. The variances requested are as follows...

- 1. Outdoor Storage Height: Article 13, Section 13.03(c)(5); All materials stored outdoors shall not be piled to a height of more than 6 feet.**

This standard applies to any outdoor storage that is not within the pallet racking building (i.e., under the roof in the pallet racks). The proposed height of the uncovered materials stored outdoors on the south and west sides of the building is 14 feet.
- 2. Building Wall Signage: Article 4, Section 4.23; The total permitted area of wall signage on a building is 200 sq. ft.**

The proposed wall signage on the principal building totals 652.3 sq. ft., including the main Menards wall sign that is 567 sq. ft. of the total.
- 3. Total Sign Area: Article 4, Section 4.23; The total permitted area of outdoor signage is 339 square feet.**

The total proposed signage is 742.3 square feet – 652.3 sq. ft. of wall signs on the principal building and a 90 sq. ft. monument sign.
- 4. Directional Signage: Article 4, Section 4.23; Directional signs is permitted, provided they do not exceed 6 sq. ft. in area or 4 feet in height.**

One “IN” and two “OUT” signs are proposed to be 17.5 feet high at the top; One lumber yard entrance sign and one “Thank you” sign are proposed to be 24 sq. ft. and 19 feet high at the top.

COMMENTS AND ATTACHMENTS

The site conditions and the proposed site plan have not changed. The conditions that were present during the first approval of the variances still exist. The previous staff reports on the proposed variances are still applicable and are attached. Also pertinent and attached are the BZA meeting minutes from the first variance approval and Menard's written explanation for the variances from that original approval.

RECOMMENDATION

Based on the above and attached information, Staff recommends the BZA approve the variances exactly as before.

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:
 - 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.
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.

Sincerely,

Matthew R. Best, M.S.
Deputy Director
Planning and Economic Development
Van Buren Township,

January 12, 2015

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

Subject: Menards; West side of Belleville Rd. north of Walmart; Variance Review #2; Plans Dated 1/5/15

Dear Members of the BZA:

We have reviewed the above referenced application submitted by Menards for its proposed home improvement store on the west side of Belleville Road, north of Walmart. The site is 27.24 acres and is zoned C-2, Extensive Highway Business District. Two future outlots are located between the site and Belleville Rd. Those two lots are not proposed for development at this time. This case was last reviewed by the BZA on September 9, 2014, at which time the BZA held the required public hearing. The BZA tabled this case pending preliminary site plan approval by the Planning Commission, which it did on December 10, 2014.

BACKGROUND

The proposed home improvement store has a total of 210,332 sq. ft., which includes the warehouse and pallet racking structure on the north, west, and south sides. The applicant requests four (4) variances with respect to the height of the outdoor storage area on the south and west sides of the building and the area and height of signs. The reasons for the variances given by the applicants in their letters (dated April 2, 2014 and January 6, 2015) are:

- *Sign Area: Better visibility for drivers, who will spend less time looking for the business while driving.*
- *Outdoor Storage Height: Enclosed by the main building, pallet racking building, and eastern fence enclosure, unusual shape of the lot, and security of the storage piles above 6 feet in height.*

VARIANCES CURRENTLY REQUESTED

1. **Outdoor Storage Height:** Article 13, Section 13.03(c)(5); All materials stored outdoors shall not be piled to a height of more than 6 feet. This standard applies to any outdoor storage that is not within the pallet racking building (i.e., under the roof in the pallet racks). The proposed height of the uncovered materials stored outdoors on the south and west sides of the building is 14 feet.
2. **Building Wall Signage:** Article 4, Section 4.23; The total permitted area of wall signage on a building is 200 sq. ft. The proposed wall signage on the principal building totals 652.3 sq. ft., including the main Menards wall sign that is 567 sq. ft. of the total.
3. **Total Sign Area:** Article 4, Section 4.23; The total permitted area of outdoor signage is 339 square feet. The total proposed signage is 742.3 square feet – 652.3 sq. ft. of wall signs on the principal building and a 90 sq. ft. monument sign.
4. **Directional Signage:** Article 4, Section 4.23; Directional signs is permitted, provided they do not exceed 6 sq. ft. in area or 4 feet in height.
 - a. One "IN" and two "OUT" signs are proposed to be 17.5 feet high at the top;
 - b. One lumber yard entrance sign and one "Thank you" sign are proposed to be 24 sq. ft. and 19 feet high at the top; and

VARIANCES NO LONGER REQUESTED

At the September 9, 2014 BZA meeting, the BZA held a public hearing for several requested variances. However, the applicant is no longer requesting some of these variances for the following reasons:

1. **Outdoor Storage Setback:** Article 13, Section 13.03(c)(1); Outdoor storage shall be located no closer than 200 feet from any residential district. All of the outdoor storage area have been moved to be no closer than 200 feet from any residential district. The storage within the pallet racking building is indoor storage, as it is contained within the interior of the building and covered with a roof.
2. **Outdoor Storage Fence Height:** 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 14-foot high fence south of the building is attached to the building and is considered an extension of the building wall. Therefore, it is not subject to the maximum fence height requirement but is subject to the height maximum of the C-2 zoning district.
3. **Directional Signage:** Article 4, Section 4.23; Directional signs is permitted, provided they do not exceed 6 sq. ft. in area or 4 feet in height. The 16 cart corral signs, which were proposed to be 8 sq. ft. and 6.5 ft. high, have been removed.

COMMENTS

In accordance with Sections 19.07.3 and 19.07.4 of the Van Buren Township Zoning Ordinance, the BZA must find that "practical difficulty" has been demonstrated and make findings regarding several factors prior to acting on a proposed variance. Additional information brought forward by the Board, the applicant, and/or during the public hearing should be incorporated into the record prior to any findings being made. Our comments on each of the requested variances follow:

1. **Reasonable and Necessary** – *that strict compliance with the area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose and would render the conformity unnecessarily burdensome for other than financial reasons.*
 - a. **Outdoor Storage Height:** The proposed height of the uncovered outdoor storage materials is 14 feet – 8 feet higher than the 6 feet permitted by Ordinance. Based on our review of other large home improvement stores in the area, almost all large home improvement stores have outdoor storage piles in excess of 6 feet in height to minimize the footprint of the yard area. Therefore, strict compliance with the 6-foot height requirement is unnecessarily burdensome for any home improvement store that has outdoor storage because it requires more outdoor storage piles to accommodate the same amount of material. Having more outdoor storage piles or expanding the building will be prohibitive to truck circulation (especially along the fire lane) without expanding the yard area further into the natural areas to the west and south. Doing this may not be possible because all outdoor storage areas must be setback at least 200 feet from the western lot line.

It is worth noting that the proposed outdoor storage piles on the south and west sides of the building will meet the minimum setback requirements of 200 feet from a residential district and they will be entirely enclosed by the main building, 14-foot high pallet racking building, and 14-foot high eastern fence. Therefore, the height of the outdoor storage piles will be no higher than the surrounding walls and fences by which they are enclosed.

- b. **Building Wall Signage:** Total proposed wall signage is 652.3 sq. ft., which includes a "Menards" sign

(567 sq. ft.); slogan sign (46.6 sq. ft.); "Out" sign (8.5 sq. ft.); and "Garden Center" sign (30.2 sq. ft.). Wall signs may not exceed 3 sq. ft. of area for each linear foot of building frontage, to a maximum of 200 sq. ft. Because Menards building frontage is approximately 550 feet ($550 \times 3 = 1,650$ sq. ft.), the maximum allowable area of building wall signage is 200 sq. ft. Menards' building is setback about 500 feet from Belleville Road and will be somewhat screened from direct view from Belleville Rd. when the outlots are developed in the future. However, the main sign on Walmart's building, immediately to the south, does comply with the 200 sq. ft. maximum; thus, we believe a reduced variance that would permit the total wall signage to be 249 sq. ft. would not be unreasonably burdensome in this case. As described below, the total permitted sign area for the site is 339 sq. ft. and the maximum allowable area for monument signage is 90 sq. ft.; therefore, after deducting the permitted monument sign area from the total area permitted, 249 sq. ft. remain. Total wall signage could also be reduced by eliminating the slogan sign from the building.

- c. **Total Sign Area:** Based on the frontage of the lot, the total permitted sign area for the wall and monument signs combined is 339 square feet. The proposed signage is 742.3 square feet (652.3 sq. ft. on the principal building and 90 sq. ft. on the monument sign). The monument sign conforms to the maximum area permitted by the Zoning Ordinance. As previously stated, greater compliance with the maximum wall sign area would not be unnecessarily burdensome.
- d. **Directional Signs:** Directional signs are permitted, provided they do not exceed 6 sq. ft. in area or 4 ft. in height. The yard entrance/exit area includes 1 "IN" and 2 "OUT" signs at a height of 17.5 feet; 1 lumber yard entrance sign and 1 "Thank you" sign at 24 sq. ft. and height of 19 feet. However, requiring strict compliance with the yard entrance/exit signage is unreasonably burdensome because drivers rely on the signage for safe ingress to and egress from the yard area. These signs are likely the minimum area and height necessary to be visible to vehicles approaching the yard entrance/exit area. Also, because these directional signs are posted on a building wall, they are not the typical freestanding directional signs envisioned by the Ordinance.

2. **Substantial Justice** – *granting the variance would do substantial justice to the applicant, as well as to other property owners in the district. The BZA may grant a lesser variance than that requested.*

- a. **Outdoor Storage Height:** Allowing the uncovered outdoor storage to be up to 14 feet high would do substantial justice to the applicant by limiting the number of outdoor storage piles, preserving the required 200-foot setback to residential districts to the west and north, and facilitating truck circulation through the yard area. It will also do substantial justice to other businesses in the C-2 district that have outdoor storage piles of building materials that would benefit from storing them higher than 6 feet if they can effectively screen the piles, limit access to the materials greater than 6 feet in height, and meet the Zoning Ordinance standards of review. Substantial justice will be done to adjacent residential property owners by screening the outdoor storage area with the 14-foot outside wall of the pallet racking structure, which will screen the outdoor storage as well as truck traffic. Additionally, we recommend that any materials stored at over 6 feet in height be properly secured and accessed by employees only. According to the applicant's letter of January 6, 2015, the outdoor storage will occur within steel racking specifically designed to bear the load of materials. The materials stored above 6 feet are only accessed by employees and these materials are within wrapped pallets or are otherwise securely bound. Materials are only unwrapped or unbound when placed at ground level by employees and unpacked for access by customers.
- b. **Building Wall Signage:** The proposed building signs will do substantial justice to Menards by allowing signage on the building face that is extremely legible from Belleville Road and from the interior access drive. However, the proposed building wall signage will not do substantial justice to the adjacent

property owners who have complied with the Township Zoning Ordinance maximum sign area standards.

- c. **Total Sign Area:** As stated in the previous paragraph, the variance for the total sign area, which is due to the additional building wall signage, will do substantial justice to the applicant but will not do justice to the surrounding commercial property owners, who are required to comply with the same Zoning Ordinance standards.
- d. **Directional Signage:** Permitting the directional signs would do substantial justice to the applicant and surrounding property owners by promoting safe ingress to and egress from the enclosed yard area. These signs are likely the minimum area and height necessary to be visible to vehicles approaching the yard entrance/exit area. Although these signs will be illuminated, there will be no off-site light trespass and the applicant will turn the lights off during the hours the store is closed.

3. **Unique Circumstances** – *the plight of the owner is due to the unique circumstances of the property.*
-and-

4. **Self-Imposed** – *the problem is not self-created.*

- a. **Outdoor Storage Height:** Some of the difficulty in meeting the outdoor storage height requirement is due to the configuration of the property. The location and alignment of the main cross access drive established along the west side of the Belleville Rd. corridor, limits the depth of the site. With the parking lot on the east side of the site, adjacent to the access drive, the outdoor storage area must be within the yard area surrounded by the main building, warehouse building, and pallet racking building. Because the storm water ponds must be sized to meet Wayne County requirements, little space remains for outdoor storage which is a customary use for a home improvement store. To mitigate the impact of the 14-foot high storage piles, the yard is completely enclosed with the 14-foot high pallet racking building, the main building, and the 14-foot high fence on the east side of the yard. Therefore, the height of the piles does not exceed the surrounding wall by which it is enclosed.

In general, home improvements stores prefer to limit the number of outdoor storage piles by stacking materials higher than 6 feet. There is a limited space on the south and west sides of the building to locate stored merchandise given the other restrictions noted above. If this variance is not approved, the alternatives for the applicants are as follows:

- Lower the height of the outdoor storage piles to 6 feet and create more outdoor storage piles by expanding the outdoor yard area.
 - Expand an existing building on the plans to allow for the outdoor storage materials to be moved indoors.
 - Create a roof or similar enclosure of the subject storage area to make it indoor storage, and therefore, not subject to the height requirements of outdoor storage.
- b. **Building Wall Signage:** The conforming monument sign will notify drivers on Belleville Road of Menards location. However, drivers on the main cross access drive from the south need a wall sign to identify the business. Another large format building (Walmart) to the south is similarly situated, with frontage on the cross access drive and outlots between it and Belleville Rd. According to Township records, Walmart's main wall sign is 186.48 sq. ft. which complies with the 200 sq. ft. Ordinance limit. Thus, the plight of the owner (Menards) in requesting wall signage that is more than three times larger than permitted does not appear to be unique and may be self-created.
 - c. **Total Sign Area:** As stated in the previous paragraph, the request for variance to allow greater total sign area is primarily due to the large building wall sign proposed. The limited visibility of Menards from

Belleville Rd. is already mitigated by the conforming monument sign. For drivers approaching Menards from the main cross-access drive, the recommended wall sign area of 249 sq. ft. is sufficient to notify drivers on the access drive.

- d. **Directional Signage:** Given the nature of home improvement stores with large heavy products for sale, additional directional signage is often required to safely move truck drivers in and out of merchandise storage and loading areas, particularly in comparison to the similarly situated Walmart building. This is a difficulty that is unique to the use of the property as a home improvement store. Permitting the yard entrance/exit signs, the lumber yard entrance sign, and "Thank you" sign requested will promote safe ingress to and egress from the yard area.

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5. **Environmental Impacts** – *will not impair an adequate supply of light and air to adjacent property or increase congestion on public streets.*

The proposed variances relate to the height of outdoor storage, sign area, and directional sign height. If granted, none of the variances will impair an adequate supply of light and air to adjacent properties or increase traffic congestion.

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6. **Public Safety** – *will not increase the hazard of fire or flood or endanger the public safety.*

There is no evidence that the variances requested will increase the hazard of fire or flood. To ensure that the 14-foot high outdoor storage area will not endanger public safety, we recommend that any materials located above 6 feet be secured and inaccessible to customers as proposed in the applicant's letter of January 6, 2015. We are not aware of any public safety issues that arise from allowing the requested sign area and directional sign height. Fire lanes and other features are being provided consistent with the requirements of the police, fire, and building departments.

-
7. **Property Values** – *will not unreasonably diminish or impair established property values within the surrounding area.*

-and-

8. **Community** – *will not in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township.*

-and-

9. **Character of the Neighborhood** – *will not alter the essential character of the neighborhood.*

The areas to the south and east are predominantly commercial, and the proposed variances for the home improvement store and outdoor storage uses will likely have a positive effect on the values of commercial property in the corridor and on the attractive, high quality character of the commercial area. More shoppers will be drawn to the area, and the new use will create new jobs for the community.

The areas to the west and north are predominantly residential. The sign variances are unlikely to affect these property values or the public safety and character of these neighborhoods. The height of the outdoor storage area will not alter the character of these neighborhoods because it will be located at least 200 feet from a residential district and screened with a 14-foot outside wall of the pallet racking structure.

FINDINGS

Based on the above analysis, the following findings are pertinent:

1. Outdoor Storage:

- a. Requiring all outdoor storage areas to be stacked not more than 6 feet in height would be unnecessarily burdensome for any large home improvement store or garden center, as most of them have outdoor

storage piled higher than 6 feet. Therefore, requiring strict compliance would not do substantial justice to the applicant or the surrounding property owners. The main building, 14-foot high pallet racking building, and 14-foot high eastern fence entirely encloses the outdoor storage area, minimizing any off-site impacts of the storage on the neighbors.

- b. Home improvement stores are permitted principal uses in the C-2 district, and outdoor storage of merchandise is permitted subject to special use approval. The difficulty in meeting the outdoor storage height is partially due to the configuration of the property, but many large home improvement stores and garden centers would have difficulty in limiting their outdoor storage piles to 6 feet.
- c. The outdoor storage height is mitigated by the enclosure provided by the main building, the 14-foot high pallet racking building, and the eastern 14-foot high fence, which provide a complete enclosure of the outdoor storage area.
- d. The height of the storage areas can be mitigated by requiring any materials located above 6 feet to be secured and accessed only by employees, as proposed in the applicant's letter of January 6, 2015.

2. Signs

- a. Requiring the main wall sign to be not more than 200 sq. ft. is not unnecessarily burdensome and would not do substantial justice to surrounding property owners who have complied.
 - b. Requiring strict compliance with the yard entrance/exit signage is unreasonably burdensome and will not do substantial justice to the applicant because drivers rely on the signs for safe ingress to and egress from the yard area. These signs are likely the minimum area and height necessary to be visible to vehicles approaching the yard entrance/exit area.
3. The requested variances will not impair adequate light or air; increase congestion on streets; or increase hazards of fire, flood or endanger public safety in this location.
 4. The requested variances are not expected to unreasonably diminish property values in the surrounding area; impair the public health, safety, comfort or welfare; or alter the essential character of the neighborhood since mitigation measures are proposed and other effective mitigation measures are recommended.

RECOMMENDATION

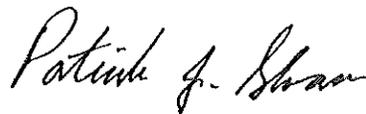
Based on the above analysis, we recommend the BZA take the following action:

1. Approve the requested variance from Article 13, Section 13.03(c)(5) for the outdoor storage height to be up to 14 feet, subject to the condition that any materials stored at over 6 feet in height be properly secured and accessed by employees only as stated in the applicant's letter of January 6, 2015.
2. Approve a modified variance from Article 4, Section 4.23 for the permitted wall signage on the building to be up to 249 sq. ft. and for the total permitted area of outdoor signage to be maintained at 339 sq. ft.
3. Approve the requested variance from Article 4, Section 4.23 for the 1 "IN" and 2 "OUT" signs to be 17 feet high, and 1 lumber yard entrance sign and 1 "Thank you" sign to be 24 sq. ft. and 19 feet high.

Respectfully submitted,
McKENNA ASSOCIATES



Sara J. Hodges, AICP
Senior Vice President



Patrick J. Sloan, AICP
Principal Planner

cc: Menards, c/o Scott Nuttelman

**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

SIGNAGE

Menard, Inc. is requesting variances to Section 4.23 Signs (20.409) District Regulations 4.a. and 4.b. and 4.d. for increases to the allowed total regulated sign area, total wall sign area, height of directional signs and size of directional signs as detailed below:

TOTAL REGULATED SIGNAGE: Menards is proposing 742.3 square feet of regulated signage on-site. The code allows for 1 square foot of signage per lineal foot of street frontage up to 200 square feet, and an additional 0.25 square feet of signage per lineal foot of frontage in excess of 200 feet ($200 \text{ lf} \times 1 \text{ sf} = 200 \text{ sf} + (556.16 \text{ lf} \times 0.25 \text{ sf}) = 339.04 \text{ square feet allowed}$).

- Monument Sign (8' tall)	90.0	square feet
- Menards Sign w/Swoosh (on building façade)	567.0	square feet
- Garden Center (on building façade)	30.2	square feet
- Slogan (on building façade)	46.6	square feet
- Out (on building façade)	8.5	square feet
<u>TOTAL PROPOSED REGULATED SIGNAGE</u>	<u>742.3</u>	<u>square feet</u>
<u>TOTAL ALLOWED REGULATED SIGNAGE</u>	<u>339.0</u>	<u>square feet</u>
TOTAL VARIANCE REQUESTED	403.3	square feet

TOTAL WALL SIGN AREA: Menards is requesting 752.3 square feet of wall signage attached to its building. The code provides for 3 square feet of wall signage per lineal foot of building frontage, provided that total wall signage shall not exceed 200 square feet ($552 \text{ lf} \times 3 \text{ sf} = 1646 \text{ sf} = 200 \text{ square feet allowed}$).

TOTAL PROPOSED WALL SIGNAGE	752.3	square feet
<u>TOTAL PERMITTED WALL SIGNAGE</u>	<u>200.0</u>	<u>square feet</u>
TOTAL VARIANCE REQUESTED	552.3	square feet

DIRECTIONAL SIGN SIZE: Menards is proposing 36.0 feet of directional signage located on the gate canopy leading to the lumber yard. One of these signs is 24.0 square feet in size. The code states that directional signs may not exceed 6 square feet in area.

- Out (on Gate Canopy)	6.0	square feet (complies)
- In (on Gate Canopy)	6.0	square feet (complies)
- Lumber Yard Entrance (on Gate Canopy)	24.0	square feet
<u>PERMITTED DIRECTIONAL SIGN SIZE</u>	<u>6.0</u>	<u>square feet</u>
TOTAL VARIANCE REQUESTED	18.0	square feet

DIRECTIONAL SIGN HEIGHT: Menards is proposing to mount the directional signage on the gate canopy 16 feet above finished grade. The code allows directional signage to be mounted no higher than 4 feet above finished grade.

PROPOSED DIRECTIONAL SIGN HEIGHT	16.0	feet
<u>PERMITTED DIRECTIONAL SIGN HEIGHT</u>	<u>4.0</u>	<u>feet</u>
TOTAL VARIANCE REQUESTED	8.0	feet

Demonstration of Practical Difficulty

- 1) The 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;

Menards is a permitted use under Section 13.02 of Article XIII as a "building materials establishment" and is further defined as a Permitted Use with Special Approval under Section 13.03 of Article XIII. Strict compliance with the signage regulations will not provide reasonable visibility to Belleville Road for a major commercial business and does not provide for safe and efficient traffic circulation within this extensively developed area of Van Buren Township. Without a variance to the strict standards of the code, this will not be a commercially viable site for Menards or other large commercial uses, which would unreasonably burden the property owner and the applicant, and moreover, would be a detriment to the Town's revenues and the community's quality of life.

- 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);

The grant of this variance will do substantial justice to both the applicant and other property owners in the district. Granting a variance for signage that is of an appropriate size and height given the unique circumstances of this property and the applicant's use will ensure safe and efficient traffic circulation on Belleville Road and within the interconnected shopping areas to the south and east of the subject property. Driver confusion resulting from a lack of sign visibility can result in accidents, unnecessary additional turning movements and illegal traffic operations that will be detrimental to all area businesses and the community at large. A variance for signage under these circumstances is just when compared to other property owners in this zoning district that are on less busy roadways or have properties and buildings located closer to the right-of-way.

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

The requested variances are required because of the high traffic nature of the Belleville Road corridor, the high traffic speeds on this segment of roadway, and the high density of other commercial business in the area. These are unique factors affecting this specific property and this area of Van Buren. The requests are further necessitated by the location of applicant's building, which is set back over 500' from the right-of-way, and is a result of the unique shape of the property and applicant's attempts to maximize preservation of the unusually large number of existing trees on the property and provide a large amount of parking lot and other new landscaping, which negatively impacts sign visibility but provides significant aesthetic, environmental and quality of life benefits for the community.

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

The applicant does have control over, or responsibility for, the Belleville Road corridor or the existing development along this corridor. The location of Menards' building is also a result of the unique shape of the property and the unusually large number of existing trees on the site. These are factors that have not been created by the applicant.

Standard of Approval

- 1) 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;

The signage variance does not have the potential to impair an adequate supply of light and air to adjacent property owners, especially given the fact that the proposed signage complies with all code requirements for monument signs. The request will also not increase traffic congestion. On the contrary, one of the purposes of the request is to improve traffic circulation and safety on area streets as detailed above.

- 2) Will not increase the hazard of fire or flood or endanger the public safety;

The proposed sign variances will not increase the hazard of fire or flood versus signage that complies with the strict code requirements, nor will the proposal endanger the public safety. Again, the proposal should improve public safety by reducing driver confusion, distraction and the potential for illegal turning movements.

- 3) Will not unreasonably diminish or impair established property values within the surrounding area;

The proposed variances impact signs directed toward or adjacent to the right of way of Belleville Road, and as such, they will not increase glare on adjacent properties, impact their visibility or create any other nuisance that will unreasonably diminish or impair property values. The scale of the proposed signage is also appropriate to the scale of the use and will not have a negative aesthetic impact on the area. Moreover, given that the variances will allow development of the site with a major commercial business, this should raise commercial property values in the area, spur additional spending in the area, and increase employment in the community, all of which exert positive pressure on property values.

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

The proposed signage will have no other negative impacts to the community versus signage complying with the strict requirements of the code. In fact, it is the applicant's belief that the requested variances will increase safety and have aesthetic benefits versus strict compliance.

- 5) Will not alter the essential character of the neighborhood.

The requested variances will not alter the essential character of the Belleville Road corridor, which is already developed as a major commercial retail destination. The size, number and overall character of the signage will also not be noticeably different from that of other existing uses as viewed from Belleville Road.

HEIGHT OF STORED MATERIALS

Menard, Inc. is requesting a variance to Section 13.03 (20.728) Permitted Uses with Special Approval c.5. for an increase to the allowed outdoor storage height of building or contracting equipment and supplies, as detailed below:

Menards is proposing to store materials up to a maximum height of 14 feet, which is the same as the minimum height of the screening structure and other buildings that surround the perimeter of its storage yard area. The code states that materials may not be piled to a height of more than 6 feet.

PROPOSED OUTDOOR STORAGE HEIGHT	14.0	feet
<u>PERMITTED OUTDOOR STORAGE HEIGHT</u>	<u>6.0</u>	<u>feet</u>
TOTAL VARIANCE REQUESTED	8.0	feet

Demonstration of practical difficulty:

1) The 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;

Menards is a permitted use under Section 13.02 of Article XIII as a "building materials establishment" and is further defined as a Permitted Use with Special Approval under Section 13.03 of Article XIII. Strict compliance with the pile height requirement of the code would more than double the surface area needed to store the products within Menards' rear yard area and would necessitate dramatically increasing the total area of the storage yard itself. This cannot be accommodated given the size, shape and the number of existing mature trees on the subject property. Without a variance to the strict standards of the code, this property cannot accommodate Menards' use, which is otherwise permitted. This would unreasonably burden the property owner and the applicant, and moreover, would be a detriment to the Town's revenues and the community's quality of life.

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);

The grant of this variance will do substantial justice to both the applicant and other property owners in the district. Granting a variance for the storage height will promote efficient land use, maximize tree preservation on the site, decrease paved areas and resulting storm water runoff and otherwise result in greater aesthetics for the proposed use, which are all in the best interest of the community and neighboring property owners. The applicant is also surrounding the use with a screening structure and extensive landscaping, which will prevent any views of the stored materials from public rights-of-way or neighboring properties. The specialized racking used for storage is also specifically designed for safe storage to the proposed height. A variance for storage height under these circumstances is just when compared to other property owners in this zoning district that have outdoor storage and use a screening fence that is 6 feet high and store materials in piles without special racking, both of which are assumed by the code.

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

The requested variances are required because of the unique size and shape of the property, the need to provide extensive buffering and setbacks for neighboring residential uses, and applicant's attempts to maximize preservation of the unusually large number of existing trees on the property. Other property owners storing materials outdoors who do not face these unique circumstances are able to comply with the strict requirement of the code while the applicant cannot.

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

The size and shape of the property, the character of surrounding uses, and the requirement and desire to preserve existing trees within the Township are all circumstances beyond the control of the applicant and are not self-created.

Standard of Approval

- 1) 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;

The outdoor storage areas are set back at least 200' from all adjacent property lines and, therefore, do not have the potential to impair an adequate supply of light and air to adjacent property owners. The request will also not have an impact on public streets, as the storage will occur entirely within the secure yard on the property and not adjacent to any public rights-of-way.

- 2) Will not increase the hazard of fire or flood or endanger the public safety;

The proposed variance will not increase the hazard of fire or flood versus storage that complies with the strict code requirements. Fire lanes will be provided throughout the yard area and all storage areas will be accessible to fire department apparatus and personnel in the event of a fire. The higher storage will occur within steel racking specifically designed to bear the load of materials. The materials stored above ground level are only accessible by employees and these materials are within wrapped pallets or are otherwise securely bound. Materials are only unwrapped or unbound when placed at ground level and then made available to customers. Because all storage areas are within a completely secured yard surrounded by the 14' high storage structure and the taller store and covered storage building, children, would-be trespassers and the general public cannot try to access the materials when the store is closed. Gate guards and employees are present within the yard area at all times when the store is open to monitor customer activities for safety and theft prevention purposes.

- 3) Will not unreasonably diminish or impair established property values within the surrounding area;

As mentioned previously, the proposed storage areas will not be visible from public rights-of-way or from neighboring properties, which will prevent any negative aesthetic impacts to adjacent properties. The proposed 14' high structure around the perimeter of the yard protects adjacent properties from any light, noise or refuse that might otherwise come from

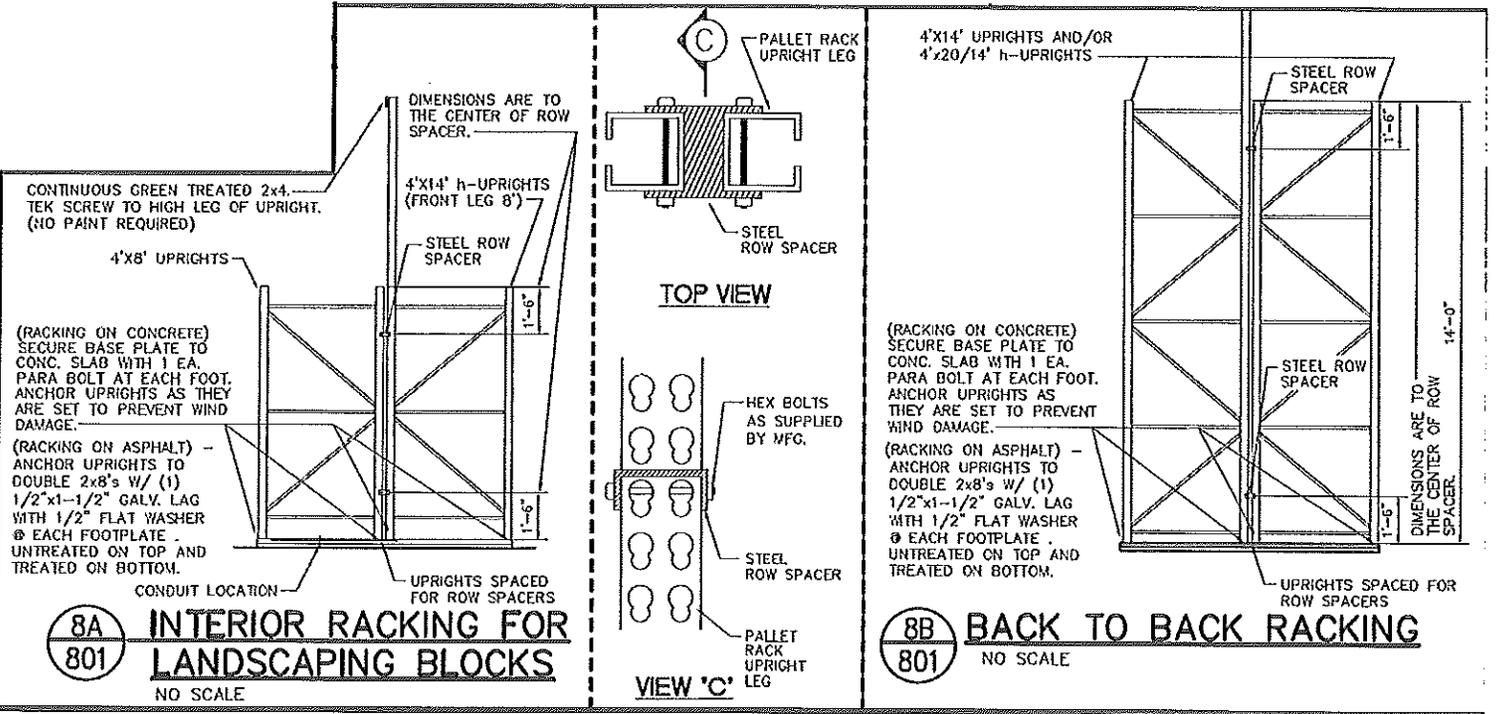
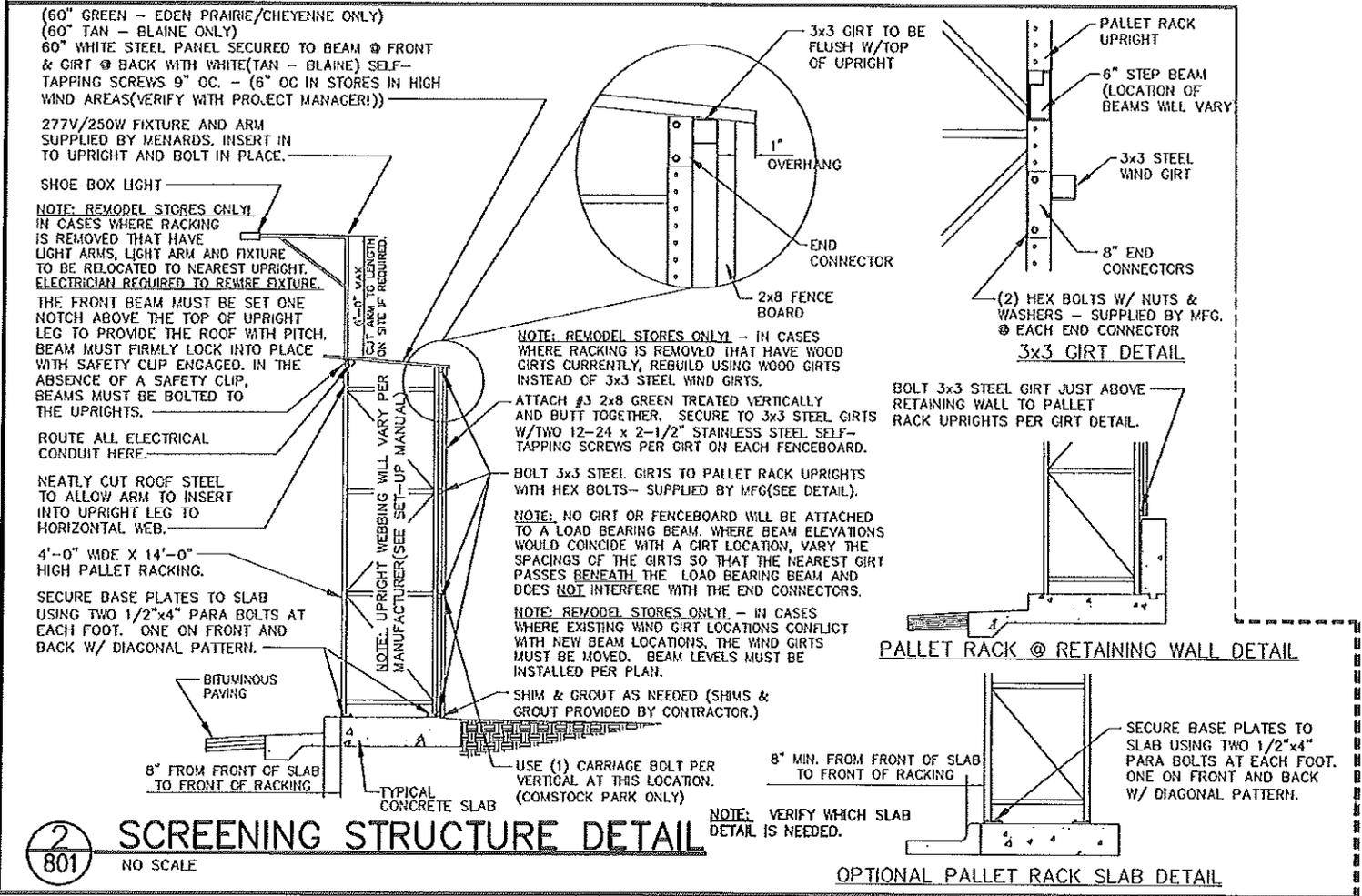
the storage areas. Moreover, the variance should have a positive effect on property values in the area when compared to storage that complies with the ordinance requirements by reducing the area of the storage yard itself. This allows for greater setbacks, more landscaping, more existing tree preservation, less paved area and resulting storm water runoff and an overall more aesthetically pleasing development of the property.

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

The proposed storage will have no other negative impacts on the community versus storage complying with the strict requirements of the code. It is the applicant's belief that the requested variance will have significant aesthetic and environmental benefits versus strict compliance as discussed in more detail, above.

- 5) Will not alter the essential character of the neighborhood.

The requested variances will not alter the essential character of the Belleville Road corridor, which is already developed as a major commercial retail destination. The extensive screening, tree preservation, new landscaping and other benefits that can be attained by allowing the additional storage height will assure that the applicant will meet, or even exceed, the high standard for new commercial development in the Township.





PLEASE RECYCLE  give it back.
We are happy to take
back wood pallets.
Return to yard entrance.

Patio Blocks

100
APRIL 1993





Memo

TO: Van Buren Township Board of Zoning Appeals

FROM: Matthew R. Best, M.S.
Deputy Director of Planning and Economic Development

RE: BZA 16-002 – 40977 Riggs

DATE: January 25, 2016

Staff has reviewed the above referenced application submitted by the owners for the construction of a new pole barn, which is proposed to be built to the south of the existing residence. The lot is 1.070 acres (46,609 square feet) and is zoned AG, Agriculture.

BACKGROUND

The subject site is located south of Riggs Road, west of Haggerty. The lot is approximately 46,609 square feet (80' x 120') and is zoned R-1C (Single Family Residential). The existing one-story single-family residence on the parcel is approximately 1,108 square feet with a detached garage (484 sq. ft.). The applicant proposes to build a pole barn, increasing the amount of detached accessory structures on the property. The proposed pole barn would add approximately 1,920 square feet of detached accessory building to the parcel.

The site is surrounded by single family residences. The Zoning Ordinance requires minimum setbacks in the AG zoning district as follows: 50 feet in the front yard; 10 feet side yard (with a combined side yard setback area of 25 feet for both sides); and 35 feet in the rear yard. Additionally, the minimum required setback distance between the home and the detached garage is 50 feet. According to the site plan, the dwelling is in compliance with all setbacks.

VARIANCE REQUESTED

Article 4, Section 4.14(b)(1)(d)(2) (Accessory Building Lot Coverage): Total allowable lot coverage for accessory buildings on the property is 1,369.6 square feet.

Property has a 484 square foot accessory building existing and the applicant is proposing to construct a 1920 square foot accessory building for a total of 2,404 square feet (1,034.4 square foot variance).

COMMENTS

In accordance with Sections 19.07.3 and 19.07.4 of the Van Buren Township Zoning Ordinance, the BZA must determine whether a practical difficulty has been demonstrated and make findings

regarding several factors prior to acting on a proposed variance. Additional information brought forward by the Board, the applicant, and/or during the public hearing should be incorporated into the record prior to any findings being made. Staff comments on each of the requested variances are as follows:

1. Reasonable and Necessary

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

The applicant may build a pole barn on the property within the setback and lot coverage limits permitted in the Zoning Ordinance. In the present case, the applicant could build a 885.6 sq. ft. pole barn that complies with the lot coverage limits of the Zoning Ordinance. Therefore, strict compliance with the Zoning Ordinance would not unreasonably prevent the owner from using the property, nor would it render conformity to the Zoning Ordinance unnecessarily burdensome.

2. Substantial Justice

Granting the variance would do substantial justice to the applicant, as well as to other property owners in the district.

Granting the requested variance from lot coverage limits to construct a 1,920 sq. ft. pole barn would provide the applicant with a benefit and relief, but it would not do substantial justice to the immediately adjacent property owners who have been required to comply with the Zoning Ordinance.

3. Plight of Owner Due to Unique Circumstances

The plight of the owner is due to the unique circumstances of the property.

Based on our review, there are no unique circumstances associated with the location or configuration of the site that warrant granting the requested variance from lot coverage limits to construct a 1,920 sq. ft. pole barn. Other parcels in the area have similar lot acreage setbacks. Although the existing detached accessory building on the lot makes the construction of a pole barn less beneficial, it is still possible.

4. Self-Imposed

The problem is not self-created.

Proposing the construction of a pole barn that does not conform to the lot coverage limits, which creates a new nonconformity is self-created. The desire to build the structure in the rear yard of the residential dwelling is at the initiative of the applicant. The home remains a viable residence without the construction of the proposed pole barn.

5. Environmental Impacts

Will not impair an adequate supply of light and air to adjacent property or increase congestion on public streets.

The granting of the requested lot coverage variance would not reduce the supply of light and air to the site and adjacent properties. Traffic congestion on the streets will not be impacted if the variances are granted.

6. Public Safety

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

While granting of the requested lot coverage variance may have little or no impact on the provision of public safety services in the area.

7. Property Values

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

The granting of the requested lot coverage variance is not expected to significantly diminish or impair established property values within the surrounding area.

8. Community

Will not impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township.

The granting of the requested lot coverage variance may have negative impacts on the community as a whole because granting the requested variances may set a precedent for similar situations within the area, zoning district, and the Township as a whole. Higher, allowable lot coverage would cause an increase in the building of larger accessory structures on lots in the AG District.

9. Character of the Neighborhood

Will not alter the essential character of the neighborhood.

The granting of the requested lot coverage variance may alter the essential character of the neighborhood, especially if other owners in the area obtain similar lot coverage variances in the future. According to research conducted by Township staff, many of the parcels in the area contain pole barns to the extent proposed by the applicant.

RECOMMENDATION

Based on the above analysis, Staff recommends the BZA take the following action:

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.

Based on the information submitted and the above analysis, the following findings are pertinent to the recommendation:

1. The applicant has not demonstrated practical difficulties or unique circumstances for the requested lot coverage variance as summarized in the comments above.
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.

Zoning Ordinance amendments are the fair and equitable way to address any concerns raised by denying the variances. If the BZA is generally supportive of increasing lot coverage limits in the AG district, then Staff would recommend the BZA request the Planning Commission consider amendments to the Zoning Ordinance to address the ability to construct larger detached accessory buildings in this district.

Respectfully submitted,



Matthew R. Best, M.S.
Deputy Director
Planning & Economic Development
Charter Township of Van Buren



Case number 16-002
Dated submitted 1-15-16

Board of Zoning Appeals Application

APPLICANT INFORMATION

Applicant Paul Taylor Phone 313-600-4800
Property Owner (if different than applicant) JEANELLE McDERMONT Phone 734-697-1021
Address 40977 Riggs Fax _____
City, State Belleville Mi Zip 48111 E-Mail Address PJSHT@COMCAST.NET

SITE INFORMATION

Property Location: On the South Side of Riggs Road; Between SAVAGE Road
and RENTON Road. Size of Lot Width 90' Depth 6.14' Acreage 1.26
Date Property Acquired and the Type of Ownership 1968
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) Table 4.14, B.1.D.2
Explanation of the Practical Difficulty of the Property as defined in Section 19.07 3.A. AREA OF BARN. APPLICANT WANTS A LARGER BARN.
Explanation of request for Administrative Review Interpretation WOULD LIKE BOARD TO REVIEW PLAN CONSIDER ALLOWING LARGER BARN

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

JEANELLE McDERMONT
Print Property Owners Name

Jeanelle McDermont
Signature of Property Owner

1-15-2016
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__

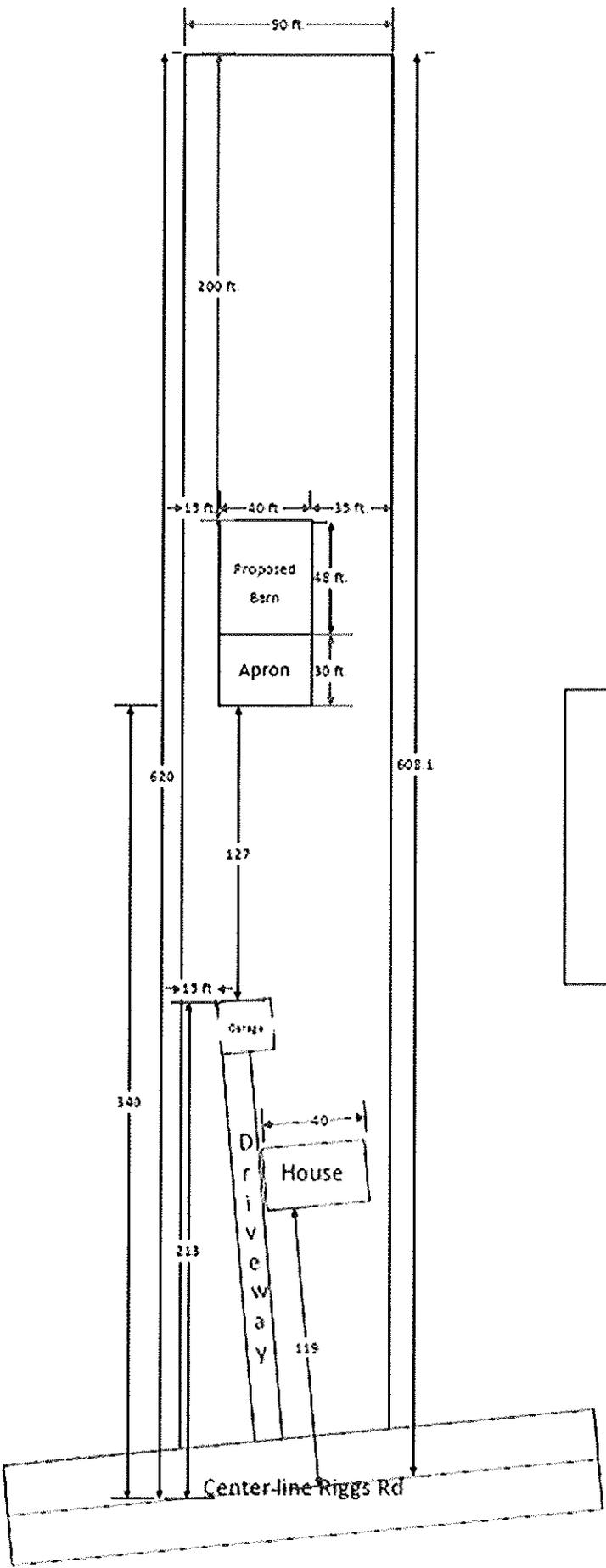
_____, Notary Public, _____ County, Michigan

My Commission expires _____, 200__

Plot Plan

Paul Taylor
40977 Riggs

614' x 90' = 55260 sq ft
55260 / 43560 = 1.27 acres



Barns in Neighborhood



Proposed Barn (Only In White)





