

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
August 13, 2014  
MINUTES**

Chairperson Thompson called the meeting to order at 7:32 p.m.

**ROLL CALL:**

**Present:** Franzoi, Johnson, Boynton, Kelley, McKenna, Budd and Thompson.

**Excused:** None.

**Staff:** Secretary Harman.

**Planning Representatives:** McKenna Associates, Sally Hodges.

**Audience:** Three.

**APPROVAL OF AGENDA:**

**Motion Kelley, Boynton second to approve the agenda of August 13, 2014 with the amendment to letter D under the New Business item to state "Planning Commission considers action to approve".**

**Motion Carried.**

**APPROVAL OF MINUTES:**

**Motion Johnson, Franzoi second to approve minutes from July 23, 2014 as presented.**

**Motion Carried.**

**NEW BUSINESS:**

**ITEM # 1**

**CASE # SLU & SPR 13-013**

**TITLE:**

**THE APPLICANT, RICHARD YOST (YOST SAND & GRAVEL), IS REQUESTING APPROVAL TO CONSTRUCT A POND IN THE FRONT (NORTH) SIDE OF THE 1.15 ACRE SITE ZONED O-T, OFFICE TECHNOLOGY, PURSUANT TO ARTICLE IV (PONDS) OF CHAPTER 42 OF THE CODE OF ORDINANCES.**

**LOCATION:**

**PARCEL TAX ID NUMBER V-125-83-033-99-0017-000, LOCATED AT 45697 ECORSE ROAD, IS LOCATED ON THE SOUTH SIDE OF ECORSE ROAD BETWEEN BECK ROAD TO THE WEST AND BELLEVILLE ROAD TO THE EAST.**

Glenn Gatt of Norway Landscape and Design gave the presentation for the applicant. The applicant was unaware a permit was needed for the water feature being installed. Mr. Gatt brought photos of the site and pamphlets on the water feature.

Sally Hodges of McKenna Associates presented review letter dated 8-4-14 recommending the Planning Commission grant approval of the pond permit at 45697 Ecorse Road including approval of the 5 variances included in the review letter from the Pond Ordinance per section 42-215.

Commissioners discussed the landscape to include tall vegetation, grasses and evergreens around the water feature, water depth of the pond, safety of customers walking by the pond and zoning.

Susan Ireland, Van Buren Township DDA Director the DDA is pleased with the new type of amenity and applauds the applicant for their forward thinking.

**Motion Boynton, Budd second to grant the applicant, Richard Yost, approval to construct a pond in the front (north) side of the 1.15 acre site to include the recommendations in the McKenna Associates review letter dated 8-4-14. Motion Carried. (letter attached)**

**GENERAL DISCUSSION:**

Sally Hodges of McKenna Associates gave commission members an update on Costco's meeting with the BZA and discussed upcoming agenda items for the next Planning Commission meeting.

**Motion Johnson, Boynton second to adjourn at 7:59 p.m. Motion Carried.**

Respectfully submitted,

Christina Harman  
Recording Secretary



# Memo

**TO:** Planning Commission

**FROM:** Patrick Sloan, AICP, McKenna Associates

**RE:** Review of Pond Permit Request #SPR14-017 – Yost Sand & Gravel  
Agenda Item for August 13, 2014

**DATE:** August 4, 2014

Yost Sand & Gravel, located 45697 Ecorse Rd. (south side of Ecorse Service Drive), has recently constructed a pond in the front yard of the site. On June 2, 2014, the Van Buren Township Code Enforcement Division notified the property owner (Richard Yost) that the pond was in violation of Article IV of Chapter 42 of the Code of Ordinance, as a pond permit is required by the Planning Commission before a pond can be constructed. Upon notification of this requirement, Mr. Yost submitted an application for the pond permit.

The proposed pond is 24 feet long, varies between 8 feet to 10 feet wide, and is 2 feet to 3 feet deep. Because the Pond Ordinance requires a permit to create any body of water greater than 100 sq. ft., a permit is required.

Section 42-213 of the Pond Ordinance requires the Planning Commission to notify all property owners within 300 feet of the subject property. Because the Pond Ordinance is separate from the Zoning Ordinance and is not enabled under the Michigan Zoning Enabling Act, there is no requirement for the Planning Commission to hold a public hearing and the Planning Commission can send the notification any time before the August 13, 2014 Planning Commission meeting. The notices were mailed to all property owners within 300 feet of the subject property on August 5, 2014.

The Pond Ordinance includes several requirements for ponds. Section 42-215 of the Ordinance allows the Planning Commission to grant variances from the requirements of the Ordinance *“upon a proper showing that the variance requested does not adversely impact upon the public health, safety, and welfare.”*

## Review Comments

- 1. County Permits.** Section 42-212(3) of the Pond Ordinance requires a letter from the Wayne County Health Department stating whether a soil erosion and sedimentation control (SESC) permit is required and, if required, that a SESC permit will be issued. According to an email from John Jones, Program Manager for the Wayne County SESC Program, a SESC permit is not required for the subject pond.

2. **Setbacks.** A pond must meet the following setback requirements. Because of the small size of the front yard, the pond encroaches into several setback areas.

	Required Setback in Section 42-216	Proposed Setback
Front Yard Setback	100 feet	33 feet to the front lot line*
Side Yard Setback (from farthest side lot line)	60 feet	31 feet to the eastern lot line*
Side Yard Setback (from nearest side lot line)	30 feet	18 feet to the western lot line*
Rear Yard Setback	30 feet	±725 feet
Setback from a Principal Structure	50 feet	±5 feet to the front porch of the house*
Any Utility Line of Any Recorded Easement	50 feet	±40 feet to water and sewer lines in the right-of-way of Ecorse Road*
Any Septic Field	75 feet	≥75 feet, as there is no septic in the area

**\* Variance Required**

Due to the small size of the pond (24' x 10', with a depth of 2'-3'), we are not aware of any adverse impacts upon the public health, safety, and welfare caused by the reduced setbacks of the pond.

3. **Side Slopes.** Section 42-216(4) of the Pond Ordinance permits a maximum side slope of 1 foot vertical to 4 feet horizontal. The side slope of the proposed pond is 2 feet vertical to 3 feet horizontal. The slopes are stabilized by cobblestones. Because of the relatively shallow depth of the pond, we are not aware of any adverse impacts upon the public health, safety, and welfare caused by the steeper side slopes of the pond.

**Recommendation**

We recommend that the Planning Commission grant approval of the pond permit at 45697 Ecorse Road, including approval of the following variances from the Pond Ordinance per Section 42-215:

1. To allow the front yard setback of the pond to be 33 feet from the front lot line.
2. To allow the side yard setbacks of the pond to be 31 feet from the eastern lot line and 18 feet from the western lot line.
3. To allow the pond to be approximately 5 feet from the principal structure on the lot.
4. To allow the pond to be approximately 40 feet from the water and sewer lines, which are located within the right-of-way of Ecorse Road.
5. To allow the side slopes of the pond to be 2 feet vertical to 3 feet horizontal.