

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION MINUTES  
APRIL 8, 2009**

The meeting was called to order by Vice Chairperson Koscielny at 7:30 p.m. Present: Koscielny, Kelley, Franzoi, McKenna, and Budd. Absent excused: Thompson and Boynton. Staff present: Director Swallow and Secretary Ashley. McKenna Associates representatives present: Sally Hodges. There were 8 people in the audience.

**Motion Budd, McKenna second to approve the agenda as presented.  
Motion carried.**

**Motion McKenna, Budd second to approve the minutes of March 25, 2009 as presented.  
Motion carried.**

**PUBLIC HEARING:**

**ITEM # 1**

**CASE #**

**05-019RZ**

**TITLE:**

**THE APPLICANT, BELLEVILLE PETROLEUM, IS REQUESTING TO REZONE PARCEL NUMBER V125-83-129-99-0002-002 ALSO KNOWN AS 15400 SUMPTER ROAD FROM C (LOCAL BUSINESS) TO C-1 (GENERAL BUSINESS).**

**LOCATION:**

**THE PROPERTY IS LOCATED ON THE SOUTHWEST CORNER OF SUMPTER AND HULL ROADS JUST SOUTH OF BEMIS ROAD.**

**Motion Franzoi, McKenna second to open the public hearing.  
Motion carried.**

Dan Swallow, Director of Planning and Economic Development, stated that in the Southside Master Plan this area was proposed as commercial. However, the zoning district and the criteria for southside commercial has not been adopted. The main reason the applicant is coming in for this request is because he would like to reconstruct the gasoline filling station. The property is currently zoned C, Local Business, which does not permit gasoline filling stations. Therefore, the site as it is currently used is considered minor non-conforming under the zoning ordinance. In order to proceed with the reconstruction he would be required to rezone to a district that allows gasoline stations. One of the cautions to rezoning to C-1 is that there are some uses that the Township may not want at this corner. The options to rezone it to southside commercial are not available at this time since the district is not approved. The applicant does have the option to request rezoning with conditions. The applicant has indicated he would be willing to request rezoning with conditions.

Sally Hodges stated the applicant would have to request the conditional rezoning and propose specific conditions. They have to be offered by the applicant and not by the Township.

Commissioner Franzoi inquired about the size of the lot.

Sally Hodges replied approximately one acre, but after the Wayne County Master Planned right of way is taken out, it is diminished to about one half acre. The setbacks are typically measured from the future right of way, which is an additional 27 feet on Hull and Sumpter Road.

Carol Kuzara, resides at 43 Chaney, stated during the discussions regarding the Southside Master Plan residents requested no commercial on the Southside of the Township and that they wanted the rural character to remain. Ms. Kuzra noted that the zoning ordinance states C-1 uses can create large volumes of traffic and require detailed planning as to relationships with adjacent residential uses. She reviewed the permitted uses in the C-1 District and stated she has concerns with several of those potential uses. Ms. Kuzara opposes the rezoning, unless it can be restricted with conditions.

Joe Nasser, applicant, stated he is requesting rezoning simply to reconstruct the gasoline station.

Director Swallow stated Mr. Nasser came to the Township approximately six years ago and the Township suggested he approach neighboring property owners to purchase some additional land so he could reconstruct the building. He was unable to obtain additional land.

Mr. Nasser stated the septic system is failing and Wayne County has approved being connected to the sewer on Hull Road. He would like to rebuild a 1,400 square foot building and stated he would be willing to apply for conditional rezoning.

Commissioner Budd, stated she would like the applicant to draft up some conditions that would be agreeable and the Commissioners are not out to put someone out of business.

Mr. Butzin, of 1210 Sumpter Road stated he would like to see a new building constructed. He noted that Sumpter Township is trying to develop Sumpter Road from Bemis Road to Willis Road.

Director Swallow stated that Sumpter Township has been working on developing a Downtown Development Authority (DDA) and they have proposed rezoning some property for commercial uses.

Commissioner Koscielny stated as the building is now it is not safe for employees and there are drainage issues.

Director Swallow read the letter dated April 5, 2009 from Thomas King who resides at 112 Chaney Street stating he opposes the rezoning.

**Motion Budd, Kelley second to close the public hearing.**

**Motion carried.**

**ITEM # 2**

**TITLE: AN ORDINANCE TO AMEND ZONING ORDINANCE 6-2-92 AS AMENDED OF THE CHARTER TOWNSHIP OF VAN BUREN TO ADD THE FOLLOWING:**

**SUSTAINABLE ENERGY ORDINANCE**

**Section 4.56 Wind Energy**

**Section 4.57 Solar Energy Systems**

**Motion Budd, McKenna second to open the public hearing.**

**Motion carried.**

Sally Hodges summarized the proposed ordinance by stating the purpose of this section is to promote the safe, effective and efficient use of wind energy systems to reduce or replace on-site consumption of utility supplied electricity. It is the purpose of this section to standardize and streamline the review and permitting process for small wind energy systems.

The Township has found that wind energy is an abundant, renewable and nonpolluting energy resource and that its conversion to electricity will reduce the dependence on non-renewable energy resources and decrease air and water pollution that results from the use of conventional fossil-fuel inputs. Wind energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands and help diversity the Township's energy supply portfolio.

Small Wind Energy Systems are permitted by right in any zoning district, provided that the requirements of this Section are met. Utility Wind Energy Systems may be permitted in any zoning district subject to special approval, recommended by the Planning Commission and approved by the Township Board, provided that the requirements of this section and all requirements of Section 4.46 of this Ordinance are met.

Small Wind Energy Systems The following standards are applicable:

1. Minimum Site Area -A small wind energy system may on be located on a lot with a minimum area of one acre.
2. Height - The maximum height for the fixed portion of the tower, excluding the blades or blade system, for small wind energy systems shall be based on the area of the parcel in question. In no case shall a wind energy system exceed height limits imposed by FAA regulations.
3. Setbacks - The minimum setback for any tower-mounted small wind energy system from any property line shall be equal to 1.5 times the height of the tower plus the height of the blade when the blade is in the full vertical position. The minimum setback for any tower-mounted small wind energy system from a road right of way or overhead utility line shall be equal to 1.5 times the height of the wind turbine unless written permission is granted by the governmental agency with jurisdiction over the road or the affected utility. Roof-mounted wind energy systems shall be set back a minimum of 15 feet from any property line, or the required building setback in the applicable Zoning District, which every is greater.

4. Removal - If a small wind energy system ceases to perform its intended function for more than 12 consecutive months or has been abandoned, the property owner shall remove the wind energy system, electrical components, foundation, and all other associated facilities no later than 90 days after the end of the 12 month period.

Utility Wind Energy System: may only be developed on a zoning lot with an area of 20 acres or greater.

1. Setbacks: Any utility wind energy system shall be set back a distance equal to 1.5 times the height of the tower plus the height of the blade when the blade is in the full vertical position from any property line, road right of way or overhead utility line
2. Towers: Utility wind energy systems shall use tubular monopole towers and shall not contain lettering, company insignia, advertising or graphics on the tower, hub or blades that are visible beyond the property boundaries.

Hodges stated Solar Energy Systems are a solar photovoltaic cell, panel, or array that converts solar energy to usable thermal, mechanical, chemical or electrical energy. Rooftop and building mounted Solar Energy Systems are permitted in all zoning districts. They shall not extend more than four feet above the surface to which it is affixed. No solar energy system may protrude beyond the edge of the roof and a building permit shall be required for installation. Ground mounted Solar Energy Systems and freestanding systems are permitted in all zoning districts. The solar energy system shall meet the required front yard setback requirement for the district in which it is located and shall be set back a minimum of five feet from any side or rear property line. The height shall not exceed ten feet when oriented at maximum tilt. A building permit is required. No more than 20% of the total lot area maybe covered by a ground mounted solar energy system

Commission Franzoi had concerns with towers being permitted in the front yard.

The Commissioners had a discussion regarding having them in the front yard stating they would like to restrict the location of the towers to be behind the house.

Hodges stated they would add to the proposed ordinance requiring them to be located behind the front building line.

**Motion McKenna, Kelley second to close the public hearing.**

**Motion carried.**

**NEW BUSINESS**

**ITEM # 1**

**CASE #**

**09-002 PCA**

**TITLE:**

**THE APPLICANT GARY SMITH IS REQUESTING TO CONSTRUCT AN ADDITION TO AN EXISTING DETACHED GARAGE WITH AN AREA THAT WILL EXCEED THE MAXIMUM PERMITTED BY THE TOWNSHIP ZONING ORDINANCE 06-02-92, AS AMENDED, BY 204 SQUARE FEET.**

**LOCATION:**

**PARCEL TAX ID NUMBER V125-83-136-01-0020-000 ALSO KNOWN AS 43760 BURTRIG ROAD. THE PROPERTY IS LOCATED ON THE NORTH SIDE OF BURTRIG ROAD BETWEEN HULL ROAD AND BEMIS ROAD, WEST OF MARTINSVILLE ROAD.**

Swallow went on by stating the applicant is requesting approval to construct a 384 square foot addition to his existing garage which exceeds the permitted ground coverage by 204 square feet. The pattern of development in the neighborhood along Burtrig Road is rural residential. Residential property owners in the area appear to have a greater need to store their recreational vehicles, gardening tools, machinery and other household related goods in attached and detached garages. The existing detached accessory structures are located in the rear yards of the properties and do not appear intrusive or out of character in the neighborhood.

Provided no new information or facts unknown at this time are presented, the director respectfully recommends that the Planning Commission grant the modification for an additional 204 square feet addition as permitted by the Zoning Ordinance Section 4.14 based on the following facts and findings:

1. The proposed use of the detached accessory structure complies with those uses permitted in the AG Zoning District and will not generate a nuisance.
2. The proposed detached garage is planned behind the principle structure on the parcel, is screened by existing trees and vegetation on the parcel and has existing driveway access.
3. Drainage in the area will not be impacted by the proposed addition.
4. The lot is 410' deep and the garage will be constructed approximately 100' from the Burtrig Road right-of-way. There will be more than 200' between the proposed garage and the rear lot line that will mitigate the impact to the view from lots to the north.
5. The applicant has submitted a description of the building materials and the proposed garage is compatible in architecture and scale with the existing house and is similar to other detached accessory structures in the neighborhood.

**Motion Franzoi, second Budd to grant approval to Gary Smith to construct an addition to his existing garage with an area that exceeds the maximum permitted, by the Township Ordinance 06-02-92, as amended, by 204 square feet and subject to Director Swallow's letter dated April 1, 2009.**

**Motion carried.**

**GENERAL DISCUSSION**

Director Swallow stated that the next Planning Commission agenda would include the Rawsonville Road Taco Bell for final site plan approval and then the Commissioners can consider adjourning the meeting or continue with a work-study.

**Motion Budd, Franzoi second to adjourn at 8:45 p.m.**

**Motion carried.**

**Respectfully Submitted,**

**Patricia Ashley,  
Recording Secretary**