

**CHARTER TOWNSHIP OF CANTON
ZONING BOARD OF APPEALS
March 11, 2021**

A meeting of the Zoning Board of Appeals of the Charter Township of Canton was held Thursday, March 11, 2021 via electronic remote access.

Chairman Jim Cisek called the meeting to order at 7:00pm.

ROLL CALL:

Members Present: Vicki Welty - Canton Township, Mi; Greg Greco - Canton Township, Mi; Craig Engel - Bonita Springs, FL; John Badeen - Canton Township, Mi; Jim Cisek – Canton Township, MI

Staff Present: Patrick Sloan, Community Planner

APPROVAL OF MINUTES FOR THE February 11, 2021 MEETING

Motion by Craig Engel, supported by Greg Greco to accept the minutes as presented.

Ayes: All on roll call vote.

ACCEPTANCE OF AGENDA FOR March 11, 2021

Motion by Vicki Welty, supported by Craig Engel to accept the agenda as presented.

Ayes: All on roll call vote.

AGENDA ITEM

1. Applicant, Richard Rattner, representative of Pure Development, Inc., for property located on the north side of Michigan Ave. between Denton Rd. and Beck Rd., Zoning LI-R- Light Industrial Research. Property address is 48630 Michigan Ave. Appealing Section 2.24(A) (Wetlands Protection Setback) and Section 2.24(C) (Stormwater Protection Buffer) of the Zoning Ordinance. The requested variances are to allow excavation within the required 25-foot wetland setbacks as illustrated on the submitted plans, and to allow excavation and structures (driveway and parking area) within the required 25-foot drain setbacks (from easement or top of bank of drain, whichever is greater) as illustrated on the submitted plans. Parcel ID 127-99-0020-000, 127-99-0019-000, 127-99-0018-002, 125-99-0002-706, 127-99-0017-000, 127-99-0016-000, and 127-99-0009-000 (Planning).

Representative, Richard Rattner, from Pure Development, Inc hopes that this variance will be granted due to several reasons that were described in their packet of information submitted. He introduced Josh Manion, Engineer, to give more facts of the project.

Josh Manion stated that this property has gone through site plan approval after Special Land Use and Re-Zoning. Many wetlands were identified early in the project and they are working with EGLE to determine what is regulated on the site and what was not regulated. The site plan that was developed avoided impact to all wetlands except this one that has been determined by EGLE to be regulated. Mr. Manion continued to say what is proposed on the site plan reflects the wetland impact that is proposed and has been submitted to EGLE for permitting. This one wetland that they are impacting is just over four acres and a piece of it on the western end will not be impacted because they are building the building and drive for the site. Just the grading for building the road is as much as they'll be impacting. The ordinance has a requirement for not grading within 25' of a wetland. In this case they will be grading right up to the

line, so it would be a variance for the full 25'. Whether they move the road either east or west, there will be a point where the grading ends and that is where the wetland that remains will be. All of the other wetlands that remain outside of this one which crosses the road, will maintain that 25' buffer. Mr. Manion stated that they are meeting the EGLE requirement and don't want to impact more wetland than is necessary, but as a result there is that point where they will have to grade right up to that wetland point.

John Badeen wanted to clarify that they are proposing a 25' variance so there is zero setback.

Mr. Manion verified that there is a 0' setback from the grading, but the actual road will be beyond the 25' line. No structure will be within that 25', but the grading will be at the zero line.

Josh Manion continued to discuss the natural stream buffer which is a 25' buffer from grading from the top bank to whatever grading they have. The northeast side of the property is about 107' wide. They will have to run the road along that 107' section then make a 90 degree bend in the road to connect to the existing common road to the development that's there. With the geometry that's needed for trucks and delivery vehicles to move thorough there, by the time you put in the 90 degree bend, the edge of the road is about 15' away from the top of bank. The edge of the road is within that 25' buffer and the grading that is needed gets to be about 5 - 6 feet at the closest point to the top of the bank. It would be a reduction of the grading portion of that variance from 25 to 5 ½ feet. The road itself would be 15 feet away from the top of that bank.

Patrick Sloan discussed his report for this variance application. This report includes an analysis including the sections of Section 27.05(D) of the Zoning Ordinance. This ordinance requires that all standards of Section 27.05(D) be met. He summarized all 6 major points in his report, and has found that all six standards have been met. Based on this review, his recommendation is to approve the request of the wetland setback variance and the stormwater protection buffer setback variance as presented in the application.

Motion by John Badeen, supported by Vicki Welty to open the Public Hearing. Ayes: All on roll call vote.

No one in the audience wished to speak.

Motion by Craig Engel, supported by John Badeen to close the Public Hearing. Ayes: All on roll call vote.

Jim Cisek stated that a letter was received by a Mr. Art Low who is not in favor of this request.

Motion by Vicki Welty to approve the variance for the wetland setback variance and stormwater protection buffer setback variance on tax parcel nos. 127-99-0020-000, 127-99-0019-000, 127-99-0018-002, 125-99-0002-706, 127-99-0017-000, 127-99-0016-000, and 127-99-0009-000 (48630 Michigan Ave.) as stated in the application and submitted plans because the variance requests meet the standards of Section 27.05(D) of the Zoning Ordinance, which are stated in the analysis and summarized as follows:

1. Compliance with the required 25-foot wetland setback and 25-foot stormwater protection buffer setback unreasonably prevents the use of the property for a permitted purpose;
2. Granting the requested variances would do substantial justice to other property owners in the district because other properties in the LI-R district may have similar practical difficulties

- locating a conforming development;
3. Because the site is designed to comply with all other requirements of the Zoning Ordinance, except where certain modifications are authorized by the Planning Commission and Township Board, the requested variances are granted in a manner that the spirit of the Ordinance will be observed and public safety and welfare secured;
 4. The unique location of the wetlands as well as the narrow strip of property adjacent to the Sines Drain create exceptional or extraordinary circumstances or conditions applicable to the property involved and to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district;
 5. The granting of the variances will not be materially detrimental to the public welfare or materially injurious to other nearby properties or improvements, will not increase the hazard of fire or flood or endanger public safety or health, will not alter the essential character of the neighborhood, will not impair the adequate supply of light and air to adjacent property or increase congestion on public streets, and is not expected to diminish or impair the value of surrounding properties.
 6. The proposed use of a warehouse and materials distribution center is compatible with adjacent non-residential uses, will be sufficiently buffered from the residential district to the west by preserved trees, new trees, and a proposed 7-foot high solid fence, and will allow for desired traffic turning movements within the site.

Motion Supported by Craig Engel. Ayes: All on roll call vote.

Variance Request has been granted.

Motion by John Badeen to adjourn meeting. Supported by Craig Engel. Ayes: All on roll call vote.

Meeting adjourned at 7:20 pm

Alison Eisenbeis, Recording Secretary