



# *Charter Township of Washington*

## *Zoning Board of Appeals: Submittal Process*

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### **ZONING BOARD OF APPEALS: APPLICANT SUBMITTAL CHECKLIST**

**10 Copies** of the following information is required to be submitted with your application:

- ☐ A completed, signed application
- ☐ Payment- Please make your (non-refundable) check payable to "Washington Township".
- ☐ A plot plan, survey or site plan showing the existing conditions, easements, building setbacks and existing structures prior to the request you are making before the ZBA.
- ☐ A plot plan, survey or site plan clearly delineating the proposed variance request that also includes all easements, building setbacks and existing structures. This plan must be completed by a professional, we will not accept any plans that are hand drawn or pictures representing similar examples to what you are requesting.
- ☐ Architectural Renderings/Elevation drawings, if your request includes any type of new structure.
- ☐ Floor plans, building plans or a site plan if your request is scheduled to appear before the Planning Commission.
- ☐ An approval letter from the HOA or Management Company. If one does not exist or apply for the property in which your variance request is for, please complete the acknowledgment form that is included with the application.
- ☐ Pictures of the site (aerial images are also acceptable) and surrounding uses.

### **ZONING BOARD OF APPEALS: PROCESS AFTER APPLICATION SUBMITTAL**

**Attendance is required:** The Zoning Board of Appeals requires the applicant or a representative to be present at the meeting. You will receive an agenda prior to the meeting date advising you on how and where the meeting will take place, (in person or virtually). Please reference the acknowledgment section of this application which explains the process for requesting to be postponed or a request to withdraw your application.

**Appealing a Decision:** The decision of the Zoning Board of Appeals shall be final. An applicant that is not satisfied by the decision may appeal to the Macomb County Circuit Court. An appeal from a decision of a zoning board of appeals shall be filed within whichever of the following deadlines comes first:

- Thirty days after the zoning board of appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson.
- Twenty-one days after the zoning board of appeals approves the minutes of its decision.

**Circuit court appeal:** Any applicant that is not satisfied by a decision made by the Zoning Board of Appeals may appeal to the Macomb County Circuit Court. The Circuit Court shall review the record and decision to ensure that the decision meets all of the following requirements:

- Complies with the constitution and laws of the state.
- Is based upon proper procedure.
- Is supported by competent, material, and substantial evidence on the record.
- Represents the reasonable exercise of discretion granted by law to the zoning board of appeals.

If the court finds the record inadequate to make the review required by this section or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The zoning board of appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.



*Charter Township of Washington  
Zoning Board of Appeals Application*

**Type of Variance (please check one and list the nature of your request):**

- ☐ Residential (setback/patio/fence/deck/garage/accessory structure): \_\_\_\_\_
- ☒ Permanent Sign: \_\_\_\_\_ Setback Variance
- ☐ Commercial/Industrial/Development: \_\_\_\_\_
- ☐ Appeal of an Administrative Decision: \_\_\_\_\_
- ☐ Miscellaneous: \_\_\_\_\_

**Property Information:**

Address/Site Location: 4900 32 Mile Rd. Washington Township MI 48095 \_\_\_\_\_

Parcel #: 04-05-100-044

Acreage: 46 \_\_\_\_\_

Current Zoning: R1 and A1 \_\_\_\_\_

**Applicant Information:**

Name: Big Red Orchard Holdings, LLC (Robert Misiewicz) \_\_\_\_\_

Address: 4900 32 Mile Rd. Washington Twp. MI 48095 \_\_\_\_\_

Email Address: rob@bigredorchard.com \_\_\_\_\_

Business/Cell Phone: 248-840-1441 \_\_\_\_\_

**Legal Owner (if different from the applicant):**

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Email Address: \_\_\_\_\_

Business/Cell Phone: \_\_\_\_\_

**Please indicate what article and section number from our Zoning Ordinance you are requesting a variance from:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Sign Ordinance #129                    | Section: Section 6, #3 locational requirements _____ |
| <input type="checkbox"/> Article 3.0 Zoning Districts                      | Section: _____                                       |
| <input type="checkbox"/> Article 4.0 Use Standards                         | Section: _____                                       |
| <input type="checkbox"/> Article 5.0 Site Standards                        | Section: _____                                       |
| <input type="checkbox"/> Article 6.0 Development Procedures                | Section: _____                                       |
| <input type="checkbox"/> Article 7.0 Administration, Appeals & Enforcement | Section: _____                                       |

**Please complete the following sentence that best describes your variance request:**

I am requesting a variance in the amount of \_\_\_\_\_ square feet from the minimum required by ordinance.

I am requesting a variance in the amount of 30 \_\_\_\_\_ feet from the minimum 70' \_\_\_\_\_ setback required by ordinance.

I am requesting a variance for \_\_\_\_\_ parking spaces from the minimum \_\_\_\_\_ parking spaces required by ordinance.

**Application Fee:**



**\*\*INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED\*\*** *City of Washington*  
*Zoning Board of Appeals Application*

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**Application Fee: ZBA Residential (includes multi-family) Initial Fee for 1 variance request Additional Fee for more than 1 variance request Additional Fee for each request after 2 New Board Approved Fee \$460 \$200 \$100 ZBA Non-Residential (commercial/industrial) Initial Fee for 1 variance request Additional Fee for more than 1 variance request Additional Fee for each request after 2 New Board Approved Fee \$1,000 \$500 \$250 Zoning Board of Appeals Meeting Dates 2024: February 5th, 2024, March 4th, 2024, April 1st, 2024, May 6th, 2024, June 3rd, 2024, July 1st, 2024, August 12th, 2024, September 9th, 2024, October 7th, 2024, \*No November Meeting, December 2nd, 2024 Meetings start at 6:30 p.m. in the Washington Township Hall Board Room located at 57900 Van Dyke Washington Township MI 48094, unless notified otherwise. \*All submissions must be turned in 30 days prior to the day of the meeting\***

**Terms & Conditions for variance requests that are APPROVED by the ZBA:**

If the Zoning Board of Appeals approves a variance request, it will remain valid for a 12-month period from the date the approval is granted. If the applicant fails to make significant progress towards the project completion within that 12-month period, the variance will expire. Significant progress shall include the issuance of either a Building permit, Planning Commission Approval or Engineering submission and review.

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**HOA acknowledgment affidavit if an HOA is not active and/or does not exist:**

To the best of my/our knowledge there are no mandatory homeowner's association dues assessed to this property, nor have we ever paid any homeowners association dues in connection with the above referenced property. A title/property search has been conducted as well as verifying with the State of Michigan (DLEG) records confirming that there is no homeowner's association incorporated or otherwise governing the subdivision/development for which this property is located within.

Initials: RM

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**\*Please complete this section only if you are requesting to POSTPONE or withdraw your ZBA application\***

In the event unforeseen circumstances arise after you formally submit for a variance request and you need to POSTPONE your request to another meeting date, please provide an explanation as to why the Zoning Board of Appeals should entertain a motion to POSTPONE. Please note, it is ultimately the decision of the ZBA if they accept your request to POSTPONE to another meeting date.

**EXPLANATION FOR POSTPONEMENT REQUEST:**

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**Acknowledgment for requesting to WITHDRAW your application:**

If at any point after you formally submit to the Zoning Board of Appeals you wish to withdraw your application, please complete the following:

I \_\_\_\_\_, formally request to WITHDRAW my application submitted to the Zoning Board of Appeals that was scheduled to appear on the \_\_\_\_\_ meeting agenda. I acknowledge that this request to withdraw means that I will not be receiving a refund for the application fees submitted since the submission was received and processed. I further acknowledge that if at any time I want to pursue this request again before the Zoning Board of Appeals, I will be required to pay the fees associated with the application.

Initials: \_\_\_\_\_

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**The following provisions of the Washington Township Zoning Ordinance must be met in full before a variance can be granted. Please respond to each of the five criteria as it pertains to your request:**

A. That the strict enforcement of the provisions of the Township Zoning Ordinance would cause practical difficulty and/or unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district. (Please explain the hardship as to why you need to request this variance)

We are looking to update our monument sign at Big Red Orchard. The sign is currently located in an island at the main entrance. The existing sign is located at a 40' set back from the center of the road. This year we are planning to pave our driveway to make it safer for patrons to ingress and egress our property. Upon doing so, we would like to update our sign in the process so we can complete all the construction at the same time. The current sign ordinance requires new signs to be located 70' from the center of the road due to 32 Mile Road classification. If we were to place a new sign 70' from the center of the road it would decrease and/or eliminate visibility from 32-mile road until you are extremely close to our driveway. Physical barriers block a sign location 70' from the center of the road. To the west of our driveway there is a hill, oak and cherry trees abutting the road. To the east, the house is approximately 50' set back from the road (built in the 1830s), which will decrease visibility until after passing the house. We are looking to update our sign to improve visibility to our patrons and maintain as much safety as possible. The current sign is outdated and unable to convey the appropriate amount of information about agri-tourism activities at our site. If unable to obtain a variance for the sign location, it would limit our ability to advertise our agri-tourism business or if we maintained the 70' setback for a monument sign, it would be set too far back for those to see it in an appropriate amount of time. This could cause them to break suddenly to enter the driveway and potentially cause a traffic accident. The general location of Big Red Orchard and rural character of the site does not allow us to meet the specifications of the updated sign ordinance without causing unnecessary hardship.

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B. That the conditions and circumstances are unique to the property which is not similarly applicable to other properties in the same zoning district. (Please explain the uniqueness with this request for the property in question)

The conditions and circumstances are unique to this property as there are no other Agri-tourism businesses in the northwest location of Washington Township. This request is unique to this property as the sign in question has been in this location since at least 1988. As of this time, we are unable to update/fix/or modify the current sign without becoming out of ordinance. After reviewing the sign ordinance, we are able to reconstruct the sign under current ordinance standards, but would require a setback variance to keep it in the same location. Currently the right of way set back is 33' from the center of the road. We understand that if 32 Mile Rd. is to be widened, the new setback will be 60' from the center of the road, and our sign will have to be moved. If this happens, we will have larger issues than the sign being in the new right away. The house is 50' setback from the center of the road, we have oak, maple and cherry trees lining our frontage and a septic field that would be in the new setback.

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C. That the conditions and circumstances are unique to the property were not created by the owner or his/her predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property. (Please

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describe how the variance you are requesting is not one in which you are creating but rather an existing condition)

The variance that we are requesting is not one we are creating as the sign location in question has existed since at least 1988. We verified this on aerial photography at [www.historicaerials.com](http://www.historicaerials.com). We are looking to update our sign and keep it in the current location. By doing so we will reconstruct it per the current sign ordinance standards but are unable to keep its location without this variance. A rough example of the new sign is attached.

D. That the requested variance will not confer special privileges that are denied other property owners similarly situated and in the same zoning district. (Describe the neighboring properties and how this request is similar to what presently exists within the same area and/or development)

This variance request will not confer special privileges that other property owners are denied for the following reasons.

1. There are no comparisons in our zoning district, Big Red Orchard is the only orchard in the Northwest section of Washington Township.
2. Big Red Orchard's sign location has been there since 1988.
3. There are no neighboring properties participating in agri-tourism.
4. No special privilege can be conferred as all the hardships are specific to our property and unique to our site.

E. That the requested variance will not be contrary to the spirit and intent of this Zoning Ordinance. (Please explain how this request is not one that will adversely affect any other ordinance provision or set precedence if approved)

By asking for this variance, it is in regard to the uniqueness of this site. No precedence can be set for our surrounding neighbors as they are not participating in Agri-tourism. By petitioning for this variance, it is in the intention of applying for a new sign permit. We will be able to reconstruct our sign under current standards, as to not set a precedence for others to petition for variances in regards to the current established sign ordinance. The only variance we will need is a setback requirement.

**By signing this application, you are acknowledging that the information provided is a true and accurate representation of the request being made.**

*Robert Misiewicz*

Signature of Applicant

*Robert Misiewicz*

Signature of Legal Owner

*2/5/2024*

Date

RECEIVED

FEB 05 2024

WASHINGTON TOWNSHIP  
PLANNING AND ZONING



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