

OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS

MINUTES OF A MEETING HELD MAY 25, 2010

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Agenda

**FAROUK SALEH – SITE PLAN REVIEW – PROPOSED CONVERSION OF A RESIDENCE INTO A HOUSE OF WORSHIP – 424 SOUTH DRAKE ROAD - (PARCEL NOS. 3905-24-230-040 AND 3905-24-230-069)**

**OSHTEMO CHARTER TOWNSHIP – SETBACK VARIANCE – PUBLIC UTILITY BUILDING – 10645 WEST MAIN STREET – (PARCEL NO. 3905-18-332-040)**

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A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on Tuesday, May 25, 2010, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Roger Taylor, Chairman  
Cheri Bell, Vice Chair  
Dave Bushouse (Left Prior to Item #5  
Consideration of Oshtemo Township's  
Request for a Setback Variance)  
Robert Anderson  
L. Michael Smith  
Neil Sikora, First Alternate  
James Sterenberg, Second Alternate

MEMBERS ABSENT: None

Also present were Jodi Stefforia, Planning Director; Chris West, Associate Planner; James W. Porter, Township Attorney, and seven other interested persons.

Call to Order/Pledge of Allegiance

The meeting was called to order by the Chairman at approximately 3:00 p.m., and the "Pledge of Allegiance" was recited.

Minutes

The Chairman said the next item on the Agenda for approval was the minutes of April 27, 2010. There being no changes, Mr. Anderson made a motion to approve the minutes, as submitted. Mr. Smith seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

**FAROUK SALEH – SITE PLAN REVIEW – PROPOSED CONVERSION OF A RESIDENCE INTO A HOUSE OF WORSHIP – 424 SOUTH DRAKE ROAD - (PARCEL NOS. 3905-24-230-040 AND 3905-24-230-069)**

The Chairman stated that the next item for consideration was site plan review for a proposed conversion of a residence into a house of worship at 424 South Drake Road, Parcel Nos. 3905-24-230-040 and 3905-24-230-069. The Chairman asked to hear from the Planning Department. Mr. West presented his report dated May 27, 2010, to the Board, and the same is incorporated herein by reference.

Mr. West explained that the residence was most recently occupied as an office. However, the applicant wants to convert the residence to a house of worship to be used primarily on Thursday evenings after 8 p.m. Mr. West then proceeded to take the Board through a review of Section 82.800 dealing with site plan review, as more fully set forth in his report.

The Chairman asked if there were any questions of Mr. West.

Attorney Porter asked if the applicant had discussed the necessary Building Code issues for changing the building back to a group occupancy from a residence. Mr. West said he informed the applicant of the need to do so, but he was not sure of the status of those discussions.

Mr. Anderson asked Mr. West about the landscaping issues, and Mr. West said he was advising the Board they it might want to consider some deviations, but wanted the landscaping on south line to be as close to compliance with Township Zoning Ordinance as possible, given that there is an existing residence to the south of the subject site.

Ms. Bell asked if the applicant had submitted a landscape plan in compliance with the landscaping requirements. Mr. West said that the landscape plan had been submitted, with some exceptions for certain pre-existing trees and vegetation on site. The submitted plan does not comply fully with landscaping requirements.

Ms. Stefforia asked Mr. West if the shared parking with Skyridge Church was open-ended. She was concerned about the statement that said they could use Skyridge's parking until December 31 or until such time as they have an opportunity to develop their own parking. She thought that was too indefinite. Mr. West said that it was an open-ended agreement and that there was not a definite termination date for the cross parking agreement.

Ms. Stefforia asked whether the cross access agreement should be recorded. Attorney Porter indicated, if the agreement was going to be relied upon indefinitely, it should be recorded.

The Chairman asked to hear from the applicant. The applicant initially declined to make a presentation. Therefore, the Chairman called for Board deliberation.

The Chairman began the discussion by noting that he thought it was quite unusual to have a site plan with absolutely no parking on site. He inquired as to whether a similar request had ever been approved. Ms. Stefforia said she did not recall approval of any similar request. She also noted that having a blanket approval without some end date on the cross access agreement raised concerns. She suggested that there be a six-month or one-year limitation on the agreement. The Chairman said he concurred with her concerns. Mr. Smith agreed with the Chairman and Ms. Stefforia with regard to the lack of parking on site. The Chairman asked if the Board could place a limitation on the length of the cross access agreement, and Attorney Porter noted that they could. Mr. Anderson said he did not think it was normal or consistent with past practices to not have any parking on site.

Ms. Bell asked if she could raise a question with the applicant. She then asked the applicant when he thought the parking would be installed. Mr. Farouk Saleh said that the Islamic Center consisted of only 20-30 members, and he did not believe that it would be a problem installing the parking, but with limited resources, it might take them some time. He said they did not have the funding but hoped they would be able to complete the parking by the end of 2011. Ms. Bell asked if they would be parking at the Skyridge Church until such time as the parking lot was completed on their site. Mr. Saleh said that was correct.

Mr. Bushouse raised a concern over the development of the site. He asked Mr. Saleh if they were going to grade the lot and install a retention pond at this time. Mr. Saleh said they planned to do the grading and install the swales, but not pave the parking area. Mr. Bushouse expressed a concern about maintaining the integrity of the retention ponds or water discharge areas because of dirt and silt run-off. Mr. Bob Carr, the surveyor for the Islamic Center, said he thought they would still continue to operate because they were more of a swale than a pond. Mr. Anderson asked if the engineer had approved the plans. Mr. West indicated that he had. Mr. Bushouse asked if the Engineer was aware that they were not going to install the paving at this time. Mr. West said the Township Engineer was aware of that fact.

Ms. Bell said she shared the same concerns that Mr. Bushouse had regarding silting and water run-off problems in the water retention areas, particularly if the property was graded but not paved for one or two years.

The Chairman asked if there were any other questions. Hearing none, he called for public comment. There being no public comment, he called for Board deliberations.

Mr. Sterenberg asked if the surrounding owners were notified of the hearing. Mr. West indicated that they were. Mr. Sterenberg asked if there were any responses, and Mr. West indicated there were not.

Mr. Smith said he was quite uncomfortable with approving the plan as proposed. He said he did not think the applicant had all his ducks in a row. The Chairman said he thought that was especially true because there was no end in sight to the cross parking

agreement. Ms. Bell said she appreciated wanting to maintain the integrity of the landscaping to protect the property to the south, but said she was uncomfortable with the nature of the cross parking agreement. Mr. Sterenberg also expressed a concern regarding grading and landscaping now and waiting to put the pavement in.

Mr. Bushouse said normally if the site plan is not complete, the applicant is required to furnish some type of performance bond in order to allow the Township to complete the project if the project is not done in a timely fashion. The Chairman asked how long the Board should give the applicant before the bond is relinquished. Mr. Bushouse said normally a year is given. Ms. Bell asked for confirmation that if the project was not completed in accordance with the plan, that the Township would go ahead and put in the parking lot. Mr. West indicated that was correct. The Chairman asked if the bond would remain in place until the project was completed. Ms. Stefforia and Mrs. West indicated that it would.

Ms. Stefforia did add that in lieu of a bond, they could issue a letter of credit from a Michigan bank in order to guarantee that monies were available to complete the project. Mr. Sikora said he preferred to not pave the site until it is needed from a greenspace standpoint, but he did not want to see an open-ended arrangement with the property owners to the north and was concerned about the indefinite nature of that proposal.

Ms. Bell also expressed concern about there being no proposed lighting on site.

Mr. Imad Farran, of the Islamic Center, asked if they paid a deposit toward the paving, whether the project would be allowed to move forward. He stated that they would probably need two springs and two summers in order to complete the parking. The secretary added that they needed to make sure that they had sufficient monies up front to complete the project, and if there were not able to, they would return the property to residential use. Attorney Porter again noted that they would have to make sure that they property met current Building Code standards for a group occupancy for it to be used as a house of worship. He expressed the concern that there might be substantial upgrades which the applicant had not considered, and he suggested that they talk to the Building Department.

The Chairman then asked if the applicant wished to have this matter tabled until they could discuss the upgrade of the building itself with the Building Department. Mr. Saleh said he thought that was appropriate because he did not want to put substantial money into the building and not be able to use it.

Ms. Bell made a motion to table this matter until the next Zoning Board of Appeals' meeting, at which time, the applicant could return with additional information regarding the building review, landscaping, parking lot development, lighting for the site and a possible bond or guarantee. Mr. Anderson seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

**OSHTEMO CHARTER TOWNSHIP – SETBACK VARIANCE – PUBLIC UTILITY BUILDING – 10645 WEST MAIN STREET – (PARCEL NO. 3905-18-332-040)**

The Chairman indicated that the next item on the Agenda was a request for a setback variance for a public utility building to be established at 10645 West Main Street, Parcel No. 3905-18-332-040. The Chairman asked for a report from the Planning Department. Ms. Stefforia submitted her report to the Board dated May 25, 2010, and the same is incorporated herein by reference.

Ms. Stefforia took the Board through the Standards of Approval of a Nonuse Variance as more fully set forth in her report. The Chairman asked if there were any questions of Ms. Stefforia.

Mr. Anderson asked if there would be landscaping. Ms. Stefforia said that the Planning Commission required landscaping as part of the site plan approval.

The Chairman asked if there were any comments from the neighbors. Ms. Stefforia said that there had been no comments. The Chairman called for public comment. There was no public comment. Therefore, the Chairman called for Board deliberation.

Mr. Smith said he thought it was obvious that the utility pump station was a necessity and he thought it was appropriate to grant the variance as requested.

The Chairman asked if there were further comments. Hearing none, he said he would entertain a motion. Mr. Smith made a motion to approve the variance for the reasons set forth in the Staff report. The motion was seconded by Mr. Sikora. The Chairman called for a vote on the motion, and the motion passed unanimously.

**Public Comment on Non-Agenda Items**

None.

**Review of Emergency Procedures**

Ms. Bugge took the Board through a review of the emergency procedures as established by the Township.

**Any Other Business**

None

Adjournment

There being no further business to come before the Board, the Chairman adjourned the meeting at approximately 4:45 p.m.

Minutes Prepared:  
June 8, 2010

Minutes Approved:  
\_\_\_\_\_, 2010