

OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS

MINUTES OF A SPECIAL MEETING HELD JUNE 7, 2007

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**Agenda**

**COPPER BEECH TOWNHOMES - FRONTAGE VARIANCE - WEST KL AVENUE -  
(PARCEL NO. 3905-24-155-022)**

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A special meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on Thursday, June 7, 2007, commencing at approximately 4:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Grace Borgfjord, Chairperson  
Duane McClung  
Dave Bushouse  
Roger Taylor  
Robert Anderson  
Mike Smith, Alternate

MEMBER ABSENT: Cheri Bell, Alternate

Also present were Jodi Stefforia, Planning Director; Brian VanDenBrand, Associate Planner; James W. Porter, Township Attorney; and approximately 25 other interested persons.

**Call to Order**

The Chairperson called the meeting to order at 4:00 p.m.

**Approval of Agenda**

The Chairperson asked if there were any changes to the Agenda, and hearing none, asked to move to the next Agenda item.

**Minutes**

The Chairperson said the next item on the Agenda was approval of the minutes of May 15, 2007. Mr. McClung made a motion to approve the minutes as submitted,

and Mr. Anderson seconded the motion. The Chairperson called for a vote on the motion, and the motion passed unanimously.

**COPPER BEECH TOWNHOMES - FRONTAGE VARIANCE - WEST KL AVENUE - (PARCEL NO. 3905-24-155-022)**

The Chairperson said that the next item was consideration of a variance request from Section 66.201 to allow a land division resulting in a parcel with less than 200 feet of frontage on a public street. She said that the subject property was owned by the Copper Beech Townhomes and located on West KL Avenue, Parcel No. 3905-24-155-022. The Chairperson asked to hear from the Planning Department. Ms. Stefforia presented her report to the Zoning Board of Appeals dated June 7, 2007, and the same is incorporated herein by reference.

Ms. Stefforia explained that the applicant was requesting a variance to allow the division for financing purposes. Ms. Stefforia then took the Board through a complete review of the variance standards as are more fully set forth in her report. The Chairperson then asked to hear from the applicant.

Mr. Peter Lorenz, surveyor for Copper Beech Townhomes development introduced himself to the Board. He said that the purpose for the division of the property was to allow financing for a different LLC, but one which was still controlled by Copper Beech Townhomes. He said the only purpose for the separation was to provide the bank with adequate security if there were a default on the loan. He said there was no intent to access the public roads along the northwest portion of the property. He stated it was their full intent to continue to operate the development as a single integrated multi-housing development with access off KL Avenue. Mr. Lorenz said, in order to assure the second property had access to KL Avenue, they had drafted the appropriate Driveway Easement, a copy of which they presented to the Board and the Township Attorney. Mr. Lorenz indicated that, in seven to nine years, it was very likely that the properties would be recombined and this separate configuration would no longer be needed.

The Chairperson asked if there were any questions of the applicant. Mr. Taylor asked if there was a default would they want to attempt to access Scenic Way Drive or Windingwood Drive. Mr. Lorenz assured the Board that they would not do that. He said that they would make sure that they maintained access to KL Avenue via Copper Beech Boulevard.

The Chairperson asked if there was any public comment.

Mr. Mike Colasanti said that he had some concerns. He stated there were a number of students walking across his property to get to the bus stop. He asked whether anyone was going to be putting up a fence. The applicant indicated that they would work with the neighbor to try to mitigate any impact on Mr. Colasanti. The

Planning Director pointed out that the time for site plan review was sometime back and the issue of a fence was not necessarily an issue that the Zoning Board of Appeals could address.

Mr. Steve Sidorik introduced himself on behalf of the developer. He said they also had difficulty with one of their neighbors (The Pointe), and he said he understood how Mr. Colasanti felt. He said that they would be willing to develop landscaping and grading to try to minimize any impact that their property would have on the neighbors. He stated that they certainly were willing to work with the neighbors and wanted to be a good neighbor to those property owners adjacent to their development.

Mr. Dan Thompson introduced himself to the Board. He said he was concerned about access to Scenic Way. He stated he was concerned, if Copper Beech went bankrupt, that a new developer would be able to access Scenic Way and Windingwood Drives. He said he was concerned because of the position the Township Board had taken with regard to Mr. Seelye's development and the need to provide connectivity between his proposed development and the existing plat in which Mr. Thompson lives. Mr. Thompson asked the ZBA to prohibit access to Scenic Way and Windingwood Drives. Attorney Porter said that what happened with Mr. Seelye's proposal and this request were quite different. He said he thought they could be distinguished, since one was a high-density residential development and the other was a single and two-family residential development. He also noted that the existing site plan would not allow access to the public road in Mr. Thompson's plat. He also noted that the Board could attach as a condition to the granting of the variance a requirement that no access be taken onto Windingwood or Scenic Way Drives.

Ms. Margaret Masuzawa introduced herself to the Board. She said she was quite concerned about the granting of the variance and hoped that the Board could attach a condition that a berm be put in before granting the applicant's request. Attorney Porter noted that the Board could attach conditions, but they had to have a direct relationship to the variance at issue. He said he had concerns about attaching conditions that were more related to the site plan rather than the actual granting of the variance. He asked that the Board proceed cautiously.

Ms. Sandra West introduced herself to the Board. Ms. West said that there was a big difference between access from one low-density residential to another versus access from high-density residential into a low-density residential area. She said property values will drop if access is allowed. She asked that the Board prohibit access to their single-family residential development as a condition of granting the variance. Ms. West then talked about the loss of the solitude that their development had suffered as a result of the development. Mr. Colasanti also noted the loss of wildlife in the area since the development proceeded. Ms. Stefforia suggested that the Board return to discussion of the issues directly related to the variance request.

Mr. Thompson asked if there would be any housing or buildings in the northwest corner of the property. Mr. Sidorik indicated there would not.

Mr. Lorenz again reiterated for those in attendance that Copper Beech Townhouses development would not be accessing Windingwood or Scenic Way Drives at any time. However, he did not want the conditions imposed, if any, to be so restrictive that, if the property were later converted to single-family or two-family residential development, they could not access Scenic Way or Windingwood Drive. The Board members indicated that they understood.

Ms. Stefforia noted for the record that there was a letter from Gerald Pahl opposing the variance. She said perhaps Mr. Pahl did not fully understand the applicant's variance request, since his concern seemed to be opposing development of the site (which was already approved), not the frontage variance.

The Chairperson asked if there was further public comment. Hearing none, she called for Board deliberations.

Mr. Bushouse pointed out that Concord, Mount Royal and Seville Apartments had all developed in various stages on separate parcels with different forms of corporate ownership. He said that basically what was being proposed was very similar to how those older apartments were developed. He stated that, while one Board could not bind a future Board, he said it had always been the policy of the Township to not allow traffic from a high-density residential development to "dump" into a low-density development. He pointed out that, if this was a different request, with two similar uses/densities, he would not be opposed to connection to Windingwood and Scenic Way Drives. He said he thought that policy had served the Township well, and he thought that granting the subject variance would be similar to what had been done for other apartment developments in the past. He encouraged the developer to install fencing so as to not negatively impact the neighbors. However, he did not feel that matter should be dealt with through the granting or denial of a variance.

Mr. Bushouse then made a motion to grant the variance as requested based upon the facts and recommendations as set forth in the Staff report. He said his motion was conditioned upon the developers not opening up vehicular access to Scenic Way Drive or Windingwood Drive for a high-density project. Mr. Taylor seconded the motion. The Chairperson called for further discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

### **Other Business**

The Chairperson began by welcoming Mike Smith back to the Board and thanking him for his willingness to serve.

**Adjournment**

There being no further business, the Chairperson called for an adjournment. Mr. Anderson called for an adjournment at approximately 4:36 p.m., and the Chairperson adjourned the meeting.

OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS

By: Grace Borgfjord

By: Duane McClung

By: Dave Bushouse

By: Roger Taylor

By: Robert Anderson

By: Mike Smith

Minutes Prepared:

June 8, 2007

Minutes Approved:

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