

OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS

MINUTES OF A MEETING HELD SEPTEMBER 28, 2010

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Agenda

**YOUNG – VARIANCE – NON-CONFORMING PARCEL BUILDABLE FOR A DUPLEX  
– 2111 NORTH DRAKE ROAD - (PARCEL NO. 3905-12-480-065)**

**BIANCO – RECONFIGURATION OF A NON-CONFORMING PARCEL – 5567 WEST  
MICHIGAN AVENUE – (PARCEL NO. 3905-25-190-070)**

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A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on Tuesday, September 28, 2010, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Roger Taylor, Chairman  
Dave Bushouse  
Robert Anderson  
L. Michael Smith  
Neil Sikora, First Alternate  
James Sterenberg, Second Alternate

MEMBER ABSENT: Cheri Bell

Also present were Jodi Stefforia, Planning Director; Chris West, Associate Planner; James W. Porter, Township Attorney, and three 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 first item on the Agenda was the minutes of August 24, 2010. The Chairman said if there were no changes he would entertain a motion. A motion was made by Mr. Anderson, seconded by Mr. Sikora to approve the minutes, as submitted. The Chairman called for a vote on the motion, and the motion passed unanimously.

**BIANCO – RECONFIGURATION OF A NON-CONFORMING PARCEL – 5567 WEST MICHIGAN AVENUE – (PARCEL NO. 3905-25-190-070)**

The Chairman announced there would be a change in the order of consideration, and he began with Item #5 on the Agenda, the reconfiguration of a non-conforming parcel. He said this was a request for a variance from Section 66.201 of the Zoning Ordinance to allow a parcel reconfiguration, increasing the level of non-conforming from the dimensional requirements. He said the property was located at 5567 West Michigan Avenue, Parcel No. 3905-25-190-070. The Chairman asked to hear from Staff. Mr. West submitted his report dated September 28, 2010, to the Board, and the same is incorporated herein by reference.

Mr. West explained that the applicant was seeking to split the rear portion of her property to allow a developer to combine a portion of her property with adjacent parcels for potential commercial development at the corner of Stadium Drive and 11<sup>th</sup> Street. He said that the existing frontage would not change, but it would reduce the area of the property by approximately 15,834 square feet. He did note that if the property was platted, the minimum width requirement would be 120 feet and the minimum area would be 13,200 square feet. Therefore, the subject parcel would meet the minimum requirements needed for a platted lot.

Mr. West proceeded to take the Board through a review of the standards for approval for a nonuse variance, noting that some similar variances were granted depending on the facts and circumstances, while others were denied. Under the provision regarding whether the spirit of the Ordinance was observed, he did note that the reconfiguration would not create another building site, and the land to be divided would be combined with the other three parcels at the northwest corner of Stadium Drive and 11<sup>th</sup> Street. He also noted that there were four properties on the same block which had less than the minimum square footage requirement needed for unplatted parcels. In addition, he highlighted the fact there were four other properties of similar size in the vicinity of the subject property. He concluded by stating again that, even after the division, the property would meet the minimum dimensional requirements for a platted lot.

The Chairman asked if there were any questions of Mr. West. Mr. Anderson asked for clarification on the map. Mr. West directed Mr. Anderson to the screen to clarify the properties at issue.

Ms. Stefforia noted that it might be best if the Board were to grant the land division that the variance be subject to the property to be split being combined with adjacent parcels. Attorney Porter concurred, and said if it was not combined with other properties, the result would be a nonbuildable parcel. He recommended that the Board follow the Township Planner's advice as far as an appropriate condition if the variance was granted.

Mr. Anderson asked if the whole property were purchased whether a variance would be required. Mr. West said they would still need a variance if the parcel was split

in order to be combined with the other properties at the corner of 11<sup>th</sup> Street and Stadium Drive. Mr. Anderson asked if it was platted, if the property would conform. Mr. West indicated that it would.

The Chairman asked if the three lots north of the subject property would be buildable if they were combined. Mr. West said he had not looked at the individual dimensions of those properties and could not answer that question.

Mr. Smith asked if the other properties were for sale. Mr. West said he could not comment on that.

The Chairman asked if there were any other questions. Hearing none, he asked to hear from the applicant.

Mr. Dan Ruzick spoke on behalf of the applicant, Irene Bianco. He explained that Mrs. Bianco wanted to retain ownership of her home, but was willing to sell the rear portion of her property and possibly provide the developer with a right of first refusal on the balance. He said the other properties were owned by John Schlukebir, and he thought if this split was approved that the development would move forward.

The Chairman asked if there were any public comments, and hearing none, called for Board deliberations.

Mr. Smith said he thought it seemed like a reasonable request. He said he thought it would enhance the other properties, but at the same time, not diminish any of the existing residential homes in the area. He also said he thought the request was in line with the other properties in the area, and therefore, he felt the variance should be approved.

The Chairman said he would like to see the variance contingent upon the other properties being purchased and combined with the portion of the property split off from Mrs. Bianco's property. Mr. Smith concurred. Mr. Bushouse also agreed and said he wanted to see the four parcels re-described as a single buildable parcel. Mr. Sterenberg asked what the time frame would be. Mr. Bushouse said he was not concerned about the exact timing so long as it was done prior to the issuance of a building permit.

Mr. Smith then made a motion to approve the request as submitted, based upon the Staff report and the acceptance of the comments contained therein, subject to the combination of the four properties as a single parcel before the issuance of a building permit. The motion was seconded by Mr. Anderson. The Chairman called for a vote on the motion, and the motion passed unanimously.

**YOUNG – VARIANCE – NON-CONFORMING PARCEL BUILDABLE FOR A DUPLEX  
– 2111 NORTH DRAKE ROAD - (PARCEL NO. 3905-12-480-065)**

The Chairman said the next item for consideration was a variance request from Section 66.201 of the Zoning Ordinance to allow a parcel which has less than 200 feet of frontage to be considered buildable for purposes of adding on to the existing dwelling to make the dwelling a duplex. He said the property was located at 2111 North Drake Road, Parcel No. 3905-12-480-065. The Chairman asked for a report from the Planning Department. Ms. Stefforia submitted her report dated July 27, 2010, and the same is incorporated herein by reference.

Ms. Stefforia explained that the property currently has 90 feet of frontage but was granted a variance in 2005 to make it buildable. She said the variance was granted based on the fact that the home had been preexisting for more than a 30-year period and that the rear acreage was split from the front parcel, and a 66-foot easement was created across the property. She said, once the rear property was developed, the easement would provide the subject parcel with the requisite 200 feet of frontage for unplatted parcels.

Ms. Stefforia then proceeded to take the Board through a review of the standards for approval for a nonuse variance as is more specifically set forth in her report.

Mr. Anderson asked for clarification regarding one of the previous variances granted. Ms. Stefforia said his inquiry was focusing on the Lotfi property, not the property at issue.

Mr. Smith asked if the lot had the requisite square footage. Ms. Stefforia said it did and that the lot contained 1.8 acres. Mr. Smith asked if the only issue was the frontage requirement, to which Ms. Stefforia indicated yes.

The Chairman asked to hear from the applicant.

Ms. Cavel Young introduced herself to the Board. She said she operates an adult foster care home and wants to add on to the home in order to have a private residence for herself. She said she worked as a psychiatric nurse and that her clientele consisted of special-needs adults. She said she needed some space alone for herself and that is why she is seeking the variance. Ms. Young said, if the rear portion of the property had developed as planned, she would not need to request a variance, but because the development has been put on hold, as a lot of development in the area has, she must request the variance.

The Chairman asked if there was any public comment.

Ms. Stefforia noted a letter which they had received from Mr. Albert opposing a duplex in a single-family neighborhood and a second letter they had received from Irwin Slesdet complaining about increased density. Ms. Stefforia noted for the Board that duplexes were a permitted use in the "R-2" zone. She also noted that the size of this lot

was 1.8 acres, and therefore the property more than met the density requirements under the Township Zoning Ordinance.

The Chairman asked if there was further comment from the public. Hearing none, he called for Board deliberations.

The Chairman noted the concerns of the neighbors, but he thought that was an issue which should have been addressed at the time the "R-2" zoning was established in this area and did not believe it was relevant for the discussions of the Zoning Board of Appeals.

Mr. Smith said he thought there was a great likelihood that the property would eventually come into compliance, once the rear portion of the property developed. He said he saw no harm in granting the variance, since it would only be temporary in nature and thought that the Board should consider it now.

The Chairman said that he agreed, and if the property behind the subject property had developed, there would not be a need for a variance. He thought the likelihood of the road developing in the future was quite likely.

Mr. Anderson said he had no concerns, and based upon the Staff report and the acceptance of the Staff's comments, he made a motion to grant the variance as requested. The motion was seconded by Mr. Bushouse. The Chairman called for further discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

#### Public Comment on Non-Agenda Items

None.

#### Any Other Business

None.

#### Adjournment

There being no further business to come before the Board, the Chairman adjourned the meeting at approximately 3:45 p.m.

Minutes Prepared:  
October 5, 2010

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