

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

MINUTES OF A MEETING HELD DECEMBER 14, 2010

VOLKEL – DEPTH-TO-WIDTH VARIANCE – 7280 WEST N AVENUE – (PARCEL NO. 3905-34-455-065)

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on Tuesday, December 14, 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
Robert Anderson
L. Michael Smith
Neil Sikora, First Alternate
James Sterenberg, Second Alternate

MEMBERS ABSENT: None

Also present were Jodi Stefforia, Planning Director; James W. Porter, Township Attorney, and one other interested person.

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 consideration of the minutes of September 28, 2010. The Chairman asked the Board members if there were any revisions. Hearing none, a motion was made by Mr. Anderson, which was seconded by Ms. Bell, to approve the minutes, as submitted. The Chairman called for a vote on the motion, and the motion passed unanimously.

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The Chairman indicated that the next item up for consideration was the request for variance from Section 66.201 to allow a land division resulting in a parcel exceeding the 4-to-1 depth-to-width dimensional requirements. The Chairman stated that the subject property is located at 7280 West N Avenue, Parcel No. 3905-34-455-065. The Chairman asked to hear from the Planning Department. Ms. Stefforia submitted her

report to the Board dated December 14, 2010, and the same is incorporated herein by reference.

Ms. Stefforia reviewed the subject property with the Board members including past requests for variances. However, she noted that the applicant had now reached an agreement to acquire 75 feet from a neighboring property which would bring the frontage for both of the proposed parcels into compliance with the Zoning Ordinance. However, she said there needed to be a variance for the depth-to-width ratio based on the loss of width after dividing land from Parcel A and adding it to Parcel B. Ms. Stefforia then took the Board through the Standards of Approval for a Nonuse Variance, as is more particularly set forth in her report.

The Chairman asked if there were any comments from the neighbors. Ms. Stefforia said there were none.

Mr. Bushouse asked if the drive to the house on Parcel B would run through Parcel A. Ms. Stefforia indicated that it would, and therefore, an easement would be required and should be part of the grant of the variance if the Board is willing to consider the same.

The Chairman asked to hear from the applicant. Matt Volkel introduced himself to the Board. He said he wanted the variance to make sure his mother-in-law had a residence on that property. He understood that they were not in compliance, and he was requesting a variance to come into compliance with local zoning law. Mr. Volkel said he did not intend to market or sell the property separately, and that the only goal here was to make sure that he had a place for his mother-in-law.

The Chairman asked if there were any questions.

Mr. Anderson asked if his mother-in-law resided in the building formerly identified as an outbuilding. Mr. Volkel said she was. Mr. Volkel said that they would be increasing the size of the residence in that structure to come into compliance with the Zoning Ordinance. He said they had signed the sales agreement with the property owner to the east subject to approval of the variance by the ZBA.

Mr. Smith asked if the increase in square footage was to come into compliance with the Building Code. Ms. Stefforia said that technically it was the Zoning Ordinance which required the minimum square footage of the structure.

The Chairman asked if there were any further questions. Hearing none, he noted that there was no other public in the audience, and he dispensed with public comment. He called for Board deliberations.

Mr. Smith said he did not have difficulty in granting the variance provided that the additions to the residence on Parcel B met all building codes. Ms. Stefforia noted that the last time this matter was addressed, the Board thought that Building Code issues really were not within its prerogative.

Mr. Bushouse asked if they could hold the building permit until the deeds were recorded. Attorney Porter indicated that they could wait to issue the building permits until the deeds had been prepared and recorded. He also assured the Board that the Building Department would be looking at all structural improvements and that the Building Department would make sure that the property was constructed in accordance with the Michigan Building Code.

Mr. Smith asked if they could rent the property if they chose to do so. Ms. Stefforia said they could do anything with their property that anyone else could since they would be conforming, with the exception of the depth-to-width ratio for which they were seeking a variance. Attorney Porter noted, if the variance was granted, it would run with the land, and there were not be any further restrictions on these properties.

Ms. Bell noted that, while the applicants' intent is not to sell the property, they could. Attorney Porter said that was true, but with the appropriate variance, the properties would become conforming parcels.

The Chairman asked if there was further discussion, and hearing none, called for a motion. Mr. Smith made a motion to approve the variance as requested based upon the Staff's report and recommendations, subject to an access easement being provided for Parcel B across Parcel A so as to not increase the number of curb cuts on N Avenue, and that no building permits for the structure on Parcel B be issued until such time as the appropriate deeds are recorded, showing the property being acquired by Parcel A and the division between Parcel A and Parcel B having been completed.

The Chairman asked if there was any further discussion. Hearing none, he called for a vote on the motion, and the motion passed unanimously.

2011 Meeting Dates

Ms. Stefforia presented the Zoning Board of Appeals with a proposed set of meeting dates in 2011. She noted that if a meeting is not required, she would provide notice of any cancellations. The meeting dates were accepted by the Board.

Public Comment on Non-Agenda Items

The Chairman said there was no public to comment.

Any Other Business

Mr. Sikora asked if he could comment as a Board member. The Chairman yielded the floor. Mr. Sikora said that he normally received an e-mail about picking up his packet prior to a Board meeting. He said he had not received that e-mail prior to this meeting, and was concerned that appropriate notice to the Board members was not being maintained and asked that the e-mail notices be re-established.

Mr. Sikora also noted repairs throughout the building which had been requested were still not completed.

Lastly, Mr. Sikora noted that there were numerous grammatical errors in the Township's newsletter and thought they were unprofessional. He asked that the matter be brought to the attention of the Township administration. The Chairman said that he noticed typographical errors in the newsletter as well.

The Chairman asked if there were any further comments.

Mr. Bushouse told the Board that this would be his last meeting, as he would be going over to the Planning Commission. The Chairman then thanked Mr. Bushouse for his experience and input as a ZBA member for numerous years and thanked him for his public service.

Adjournment

There being no further business to come before the Board, the Chairman adjourned the meeting at approximately 3:30 p.m.

Minutes Prepared:
December 20, 2010

Minutes Approved:
_____, 2011