

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

MINUTES OF A MEETING HELD JUNE 26, 2012

Agenda

LOT FRONTAGE VARIANCE (ARNDT) – APPLICATION FOR VARIANCE FROM THE MINIMUM FRONTAGE REQUIREMENTS OF SECTION 66.201 TO ALLOW A BOUNDARY LINE ADJUSTMENT TO OCCUR RESULTING IN A LOT FRONTAGE OF ONE PARCEL OF 165 FEET, 35 FEET LESS THAN THE 200 FOOT MINIMUM. SUBJECT PROPERTIES ARE 10185/10209/10241 WEST MAIN STREET (PARCEL NOS. 3905-18-430-011/-021/-030

SITE PLAN AMENDMENT (MAPLE HILL PAVILION) – APPLICATION TO AMEND AN EXISTING SITE PLAN TO DEVELOP AN APPROXIMATELY 23,000 SQUARE FOOT ADDITION WITHIN A PREVIOUSLY DEMOLISHED SPACE IN AN EXISTING COMMERCIAL CENTER IN THE C – LOCAL BUSINESS DISTRICT PROVIDING SPACE FOR UP TO FIVE POTENTIAL TENANTS. SUBJECT PROPERTY IS 5050 WEST MAIN STREET (MAPLE HILL PAVILION – PARCEL NO. 3905-13-288-022).

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on Tuesday, June 26, 2012, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Robert Anderson
James Sterenberg, Second Alternate
L. Michael Smith
Grace Borgfjord
Neil Sikora, First Alternate

MEMBERS ABSENT: Roger Taylor, Chairman
Cheri Bell

Also present were Greg Milliken, Planning Director, James W. Porter, Township Attorney, and two other interested persons.

Call to Order/Pledge of Allegiance

The Chairperson and Vice Chair not being present, Mr. Anderson was asked to chair the meeting. He called the meeting to order at 3:00 p.m.

The next item on the Agenda was the Pledge of Allegiance. Mr. Anderson asked those present to stand and recite the Pledge with him.

Public Comment on Non-Agenda Items

Mr. Anderson asked if there was any public comment on non-agenda items. There being none, he asked that the Board proceed with the next Agenda item.

Minutes

Mr. Anderson said the next item up for consideration was approval of the minutes of May 22, 2012. He asked if there were any corrections, deletions, or amendments. There being none he called for a motion. Grace Borgfjord made a motion to approve the minutes as submitted. The motion was seconded by James Sterenberg. Mr. Anderson called for a vote on the motion, and the motion passed unanimously.

LOT FRONTAGE VARIANCE (ARNDT) – APPLICATION FOR VARIANCE FROM THE MINIMUM FRONTAGE REQUIREMENTS OF SECTION 66.201 TO ALLOW A BOUNDARY LINE ADJUSTMENT TO OCCUR RESULTING IN A LOT FRONTAGE OF ONE PARCEL OF 165 FEET, 35 FEET LESS THAN THE 200 FOOT MINIMUM. SUBJECT PROPERTIES ARE 10185/10209/10241 WEST MAIN STREET (PARCEL NOS. 3905-18-430-011/-021/-030)

Mr. Anderson indicated that the next item on the agenda was consideration of a variance request from the minimum frontage requirements of Section 66.201 to allow a boundary line adjustment to occur resulting in a lot frontage of one parcel of 165 feet, 35 feet less than the 200 foot minimum. The subject properties were 10185, 10209, 10241 West Main Street (Parcel Nos. 3905-18-430-011/-021/-030). Mr. Anderson called for a report from the Planning Department. Mr. Milliken submitted his report to the Zoning Board of Appeals dated June 26, 2012, and the same is incorporated herein by reference.

Mr. Milliken explained that there were three parcels abutting West Main Street, and the applicant was looking for a boundary adjustment which would result in two parcels; one with 234 feet of frontage, and 1.4 acres in size meeting both depth and width requirements. He said the other parcel would continue having frontage of 165 feet, but combine the remaining acreage from the other two parcels to create a parcel that was 10.75 acres in size. He said this parcel would then meet the depth-to-width ratio, but the remaining frontage would still be below current Ordinance requirements. He said that is what the applicant was asking for a variance from; i.e., the 200-foot frontage requirement. Mr. Milliken then proceeded to take the Board through a review of the Standards of Approval for a non-use variance; i.e., practical difficulty.

Mr. Milliken explained why an exact division of the property could not take place; because to do so would cut one of the accessory buildings in half. Mr. Milliken concluded his presentation by noting that it was more desirable to rearrange the boundary configuration which would result in reducing three non-conforming parcels to only one, and the remaining parcel would not have any increased frontage non-conformance. The street frontage for that one parcel would remain at 165 feet.

Mr. Anderson opened the meeting to questions of the Planning Director. He began by asking if the FAA or Michigan Aeronautics Commission would allow construction along the southern portion of the subject properties. Mr. Milliken said that the Michigan Aeronautics Commission had placed height limitations on buildings within the airport approach zone.

Mr. Sterenberg asked why the one-acre parcel had been split off the parcel furthest to the east. The applicant indicated that that had been done thirty years ago in order to allow a widow to build a house without all the excess acreage.

Mr. Sterenberg inquired about the reconfiguration proposed in 2008. Mr. Milliken said that the purpose was to reconfigure the lots similar to what was being proposed currently to increase their marketability.

Mr. Anderson asked if there were any further questions of the Planning Director. Hearing none, he asked to hear from the applicant.

Ms. Jean Arndt introduced herself to the Board. Mr. Anderson asked if she could explain the reasons behind this request. Ms. Arndt explained how she and her husband had purchased the three properties over a period of years, and had planned to develop them, but then the real estate market crashed. She said they currently had two rentals, and that she and her husband had recently moved into one, and wanted to sell the other. She explained that their broker said that the second rental would be much more marketable if it was located on a smaller piece of property because banks were reluctant to loan money on homes with larger real estate holdings.

Mr. Anderson asked if she understood the restrictions on building on the property. Ms. Arndt said that she was very much aware of the no-build zone, and what could or could not be done on the property.

Mr. Anderson asked if there were any further questions of Ms. Arndt. There being none, he asked if there was any public comment. There being no public comment, Mr. Anderson asked the Board to begin its deliberations.

Mr. Smith asked if any of the neighbors had received notice; and, if they had, whether they had raised any concerns. Mr. Milliken explained that notice had gone to everybody within 300 feet of the subject property. He said two neighbors came in and inquired about the proposal. Once it was explained to them that there were building

limitations on the property within the approach zone to the airport, they seemed satisfied with the proposal.

Mr. Anderson said that he thought that the proposal would bring the properties more into compliance with the Ordinance than if they were left in their current configuration. Mr. Sterenberg said that the one property would remain at 165 feet, and, therefore, they were not increasing any degree of deviation from the Ordinance. Mr. Smith said he thought it was a reasonable request. Mr. Sikora said he agreed with Mr. Smith. Mr. Sterenberg noted that the proposed configuration was certainly better than the way the property is currently laid out. Mr. Sikora asked what happened to the previous request. Mr. Milliken said that after a year if there is no action taken on a previous variance request, it simply lapses. Mr. Anderson asked for comment from Ms. Borgfjord. She made a motion to approve the variance as requested, in that, it would bring the property more into compliance with the Ordinance by taking the three non-conforming parcels and reducing them to one non-conforming parcel. Mr. Smith seconded the motion. Mr. Anderson called for a vote on the motion. The motion passed unanimously.

SITE PLAN AMENDMENT (MAPLE HILL PAVILION) – APPLICATION TO AMEND AN EXISTING SITE PLAN TO DEVELOP AN APPROXIMATELY 23,000 SQUARE FOOT ADDITION WITHIN A PREVIOUSLY DEMOLISHED SPACE IN AN EXISTING COMMERCIAL CENTER IN THE C – LOCAL BUSINESS DISTRICT PROVIDING SPACE FOR UP TO FIVE POTENTIAL TENANTS. SUBJECT PROPERTY IS 5050 WEST MAIN STREET (MAPLE HILL PAVILION – PARCEL NO. 3905-13-288-022).

Mr. Anderson indicated that the next item on the Agenda was an amendment to an existing site plan to develop an approximate 23,000 square foot addition within a previously demolished space in the existing commercial center known as Maple Hill Pavilion. He said the property was located at 5050 West Main Street, Parcel No. 3905-13-288-022. Mr. Anderson asked to hear from the Planning Director, Greg Milliken. Mr. Milliken presented his report dated June 26, 2012, regarding the Maple Hill Mall Pavilion, and his report is incorporated herein by reference.

Mr. Milliken explained that at the time the Commercial Center was developed in 2004, the power center was shown as a complete structure; however, given to lapse of time, he thought it would be best if the site plan was reviewed once again by the Zoning Board of Appeals. Mr. Milliken then proceeded to take the Board through a review of the Standards for Approval of the site plan pursuant to Section 82.800 of the Zoning Ordinance, as more fully set forth in his report.

Mr. Anderson asked if there were any questions of Planning Director. Hearing none, he asked to hear from the applicant.

Judson Kline introduced himself on behalf of Herschman Architects. He said that his firm had developed the original plan, and they were now proposing to complete the

development with the 23,000 foot addition. He said that this addition would be built as a single unit with space for four tenants. He said in addition to the four tenant spaces there would be a small landlord room as shown on the proposed diagram. He asked if he could answer any questions for the Board.

Mr. Anderson asked when they might begin construction. Mr. Kline said they hoped to start as soon as possible if the Board approved the site plan. Mr. Sterenberg asked what the timeline would be. Mr. Kline said they would begin as soon as possible, and would plan on opening the store sometime in early 2013.

Mr. Sterenberg asked if they had two or three tenants currently committed. Mr. Kline said they actually had three tenants committed to the property and one proposal that was currently pending.

Mr. Anderson asked if there were any other questions of the applicant. Hearing none, he called for public comment. There being no public comment, the Acting Chairman asked that the Board commence its deliberations.

Mr. Sterenberg expressed his delight in seeing the Mall completed. He said for years it looked unfinished, and he was very pleased that they were moving ahead to complete the development. Mr. Smith said that he would like to echo Mr. Sterenberg's sentiments, and wanted to see the project move forward. Mr. Anderson said he was pleased to see the development going on and told the applicant that he was glad they were in the Township.

Mr. Sikora said he thought it was a great idea, and he made a motion to approve the site plan as submitted, subject to the following conditions:

1. A sign permit is required before any new signs are installed on site, and all signage shall conform to the requirements of the sign chapter of the Zoning Ordinance.
2. At least one barrier-free ramp shall be provided in front of the proposed redevelopment (currently shown on possibly installed) as recommended by the Township Engineer.
3. The dumpsters shall be enclosed in compliance with the Township Ordinance requirements prior to the issuance of a Certificate of Occupancy.
4. The improvements recommended by the Fire Marshal shall be addressed in the development of the construction plans.
5. Site plan approval is subject to the approval of the Fire Department, pursuant to adopted codes.
6. Site plan approval is subject to the review and acceptance of the Township Engineer as adequate.

Mr. Smith seconded the motion. Mr. Anderson called for a vote on the motion. The motion passed unanimously.

Any Other Business

Mr. Anderson asked if there was any other business. Hearing nothing, he asked the Board to proceed with the next item.

Member Comments

All of the members of the Planning Commission wished the developers of the Maple Hill Mall good luck. As the applicants left the meeting, the Board members said they would look forward to progress on the development.

Ms. Borgfjord raised an issue with regard to the property north of the Maple Hill Mall, and thought there should be some way to develop that property. Various members of the Planning Commission agreed, including legal counsel, who said he thought it should be developed for offices or some type of commercial use.

Mr. Anderson asked for further Planning Commission member comments. Hearing none, he said the Agenda was exhausted, and the meeting was adjourned at 3:50 p.m.

Minutes Prepared:
June 29, 2012

Minutes Approved:
October 23, 2012