

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

MINUTES OF A MEETING HELD AUGUST 22, 2017

Agenda

**REQUEST TO DEFER PARKING: TJ MIHELICH, 7755 STADIUM DRIVE
TJ MIHELICH, OWNER OF THE INDUSTRIALLY-ZONED PROPERTY AT 7755
STADIUM DRIVE, IS REQUESTING ZONING BOARD OF APPEALS PERMISSION
TO DEFER THREE OF THE ORDINANCE-REQUIRED 12 PARKING SPACES FOR
THE SUBJECT PROPERTY, PARCEL NO. 3905-34-160-030.**

A meeting of the Oshtemo Charter Township Zoning Board was held on Tuesday, August 22, 2017, at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

ALL MEMBERS WERE PRESENT: James Sterenberg, Chair
 Bob Anderson
 Nancy Culp
 Neil Sikora, Vice Chair
 Anita Smith
 L. Michael Smith

Also present were Ben Clark, Zoning Administrator, James Porter, Township Attorney, Martha Coash, Meeting Transcriptionist, and three interested persons.

Call to Order and Pledge of Allegiance

Chairperson Sterenberg called the meeting to order and invited those present to join in reciting the "Pledge of Allegiance."

Public Comment on Non-Agenda Items

There were no comments on non-agenda items.

Approval of the Minutes of June 27, 2017

Chairperson Sterenberg asked if there were any additions, deletions or corrections to the minutes of June 27, 2017. Hearing none, he asked for a motion of approval.

Mr. Anderson made a motion to approve the minutes of June 27, 2017 as presented. Mr. Smith supported the motion. The motion was approved unanimously.

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Chairperson Sterenberg said the next item was a request for deferment of three of 12 required parking spaces and asked Mr. Clark to review the request.

Mr. Clark explained the applicant is in the process of paving the existing dirt parking area on the subject property and wished to defer the installation of three of the ordinance-required 12 parking spaces. Given that the building is currently vacant, this parking requirement is based on the most “intense” usage allowed in the I-1 zoning district, which would be a professional office. The property consists of 1.4 acres and an existing 2400 square foot structure.

He said Section 68.420: *Deferred Parking (Non-Residential Use)* of the Oshtemo Township Zoning Ordinance does allow the Zoning Board of Appeals to grant such a request without requiring a variance. He listed the four criteria necessary to allow deferment and Staff’s explanations of compliance by the applicant.

1. *The applicant submits a site plan including the design and layout of all required parking areas including areas proposed for deferred parking. Such deferred parking area shall not include areas required for setbacks, landscaping or greenspace, or land otherwise unsuitable for parking due to environmental or physical conditions.*

The necessary site plan has been submitted to the Township, clearly indicating that the three spaces proposed to be deferred can practically be added, should they be required. The location of these three spaces has no negative impact on landscaping, engineering, fire apparatus circulation, or general zoning compliance considerations.

2. *The applicant demonstrates, to the satisfaction of the reviewing body, that a reduced number of parking spaces will meet the parking needs due to the nature, size, density, location, or design of the proposed development. Pedestrian access and use may be considered.*

The applicant does not anticipate that the full complement of 12 parking spaces will be immediately needed for the relatively small facility. Depending on the future use of the structure, however, the applicant does concede that the three spaces may one day be needed.

3. *And any other factors reasonably related to the need for parking for the proposed development as determined by the reviewing body.*

Township Staff have not identified any other factors that the Zoning Board of Appeals should be made aware of in deliberating this request. Indeed, given that the structure is currently vacant, the actual parking needs, depending on future use, could be significantly lower.

4. *At any time subsequent to approval, the Township may require the construction of additional parking spaces based on review of the parking needs by the Planning Director.*

If the deferment is granted, Staff will continue to work with the applicant as this space is activated, ensuring that an appropriate amount of parking is provided.

Mr. Clark said upon reviewing the applicant's request to defer three of the 12 required parking spaces for this property, Township Staff are satisfied the requirements of section 68.420 of the Zoning Ordinance are being met, and that deferment of the spaces will not compromise public health, safety, or general welfare. To that end, he recommended the requested deferment be granted, to be administratively managed.

Chairperson Sterenberg thanked Mr. Clark for his report and asked if the deferment would remain in effect if the property is sold in the future.

Mr. Clark confirmed that would be the case.

The Chair determined there were no further questions from Board Members and asked if the applicant wished to speak.

Mr. TJ Mihelich said he owned the property along with his mother and brother and that it had been a pleasure working with Mr. Clark and other Township Staff members. He is proud of the property and feels the development will be beneficial for the community.

There were no further comments from Board Members or the public. Chairperson Sterenberg closed the Public Hearing and moved to Board discussion.

Mr. Smith said he was generally in favor of deferring paving in the Township as much as is reasonable.

Chairperson Sterenberg felt the project will be a huge improvement to the property and the area. Hearing no further discussion, he asked for a motion.

Mr. Smith made a motion to allow deferment of three parking spaces as requested, based on the recommendation by Staff including the explanation of criteria met. Mr. Anderson supported the motion. The motion was approved unanimously.

Any Other Business

Mr. Clark noted it was likely an October meeting would not be necessary.

ZBA Member Comments

There were no comments from Board Members.

Adjournment

Chairperson Sterenberg noted the Zoning Board of Appeals had exhausted its Agenda, and there being no other business, adjourned the meeting at approximately 3:10 p.m.

Minutes prepared:
August 23, 2017

Minutes approved:
March 27, 2018