

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

MINUTES OF A MEETING HELD FEBRUARY 24, 2015

Agenda

PUBLIC HEARING: APPLICANT (PNV INVESTMENTS, LLC) REQUESTS A VARIANCE FROM THE SIDE YARD SETBACK REQUIREMENTS OF SECTION 23.404 TO ALLOW A 2,800 SQUARE FOOT ADDITION TO AN EXISTING OFFICE BUILDING TO BE CONSTRUCTED 15 FEET FROM THE WEST PROPERTY LINE, 5 FEET LESS THAN THE 20 FOOT MINIMUM REQUIRED FOR OFFICE BUILDINGS IN THE R-3 RESIDENCE DISTRICT. SUBJECT PROPERTY IS 5659 STADIUM DRIVE (PARCEL NO. 3905-25-332-020)

A meeting of the Oshtemo Charter Township Zoning Board was held on Tuesday, February 24, 2015, at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Cheri Bell, Chairperson
Bob Anderson, Second Alternate
Lee Larson
Millard Loy
Neil Sikora, First Alternate

ABSENT: L. Michael Smith
James Sterenberg

Also present were Greg Milliken, Planning Director; James Porter, Attorney; Martha Coash, Meeting Transcriptionist; and three interested persons.

Call to Order and Pledge of Allegiance

Chairperson Bell called the meeting to order and the "Pledge of Allegiance" was recited. Due to Mr. Smith's and Mr. Sterenberg's absence, Mr. Sikora and Mr. Anderson were called upon to act as sitting members for the meeting.

Public Comment on Non-Agenda Items

There were no comments on non-agenda items.

Approval of the Minutes of January 27, 2015

The Chairperson asked if there were any additions, deletions or corrections to the minutes of January 27, 2015. No changes were noted.

Mr. Sikora made a motion to approve the minutes of January 27, 2015 as presented. Mr. Larson seconded the motion. The motion was approved unanimously.

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Chairperson Bell said the next item was a request for a variance from the side yard setback for an addition to an office building at 5659 Stadium Drive and asked Mr. Milliken to review the application.

Mr. Milliken said the applicant is requesting a variance to build a 2800 square foot addition onto the west side of an existing office building. The proposed addition is located 15 feet from the west property line. The required setback is 20 feet. Therefore, a variance is required for this setback encroachment.

He noted that In addition to the variance, special exception use approval is also required for the addition to the existing office building in the R-3 district. The Planning Commission will hear this request on February 26th.

Mr. Milliken explained the subject property is located at 5659 Stadium Drive on the south side of Stadium Drive west of 11th Street. The property has a shared private entry onto Stadium Drive with the Bronson medical facilities to the east. The parcel is an office condominium with two office buildings. The proposed addition is located on the southern of the two buildings.

He said this southern building is a two-story building totaling approximately 6,921 square feet. The building houses office space for two tenants with the addition providing space for a physical therapy gym.

He explained the property is located in the R-3 district, which is a residential district that serves in a transitional capacity allowing low-intensity commercial uses. Office buildings are a special exception use in the R-3 district, and therefore expansions of an office building require an amendment to the special exception use. This will be addressed by the Planning Commission on February 26.

He said as part of the R-3 district, special standards are in place for office buildings requiring special exception uses. One of these standards is a side and rear

yard setback of 20 feet or the height of the building, whichever is greater. The R-3 district has a normal side yard setback of 10 feet.

Mr. Milliken explained the 2800 square foot addition will extend 25 feet, 5 inches from the existing building to align with the west wall of the northern building on the property that currently sits 15 feet from the side property line. Although the existing building is a two-story building, the addition is one story in height. The addition will house a physical therapy gym associated with a new tenant in the building.

Mr. Milliken noted a few comments regarding the Standards of Approval for the Board's information regarding the request as discussed in the Staff Report.

The addition could be made five feet narrower and thus comply with the side yard setback requirements. However, this would be a fairly narrow structure and limit its ability to be used. There are few other options on the property for an addition of the proposed size that would not require a variance of some sort (setback or parking).

There have been a number of cases where setback standards have changed over time and variances have been requested to permit additions that maintained an existing building line or setback. In nearly all cases we found, those requests were granted. In addition, the Board has given importance to the uses on adjacent properties, particularly those well established. He pointed to the recent variance approval for D & R Sports in 2014.

The existing northern building already has a setback on the west side of 15 feet, and the proposed addition will bring the two buildings into alignment and not encroach any closer to the property than the existing northern building. In addition, the adjacent property to the west most impacted by the proposed addition is an apartment complex with parking and carports adjacent to the shared property line. The closest building / dwelling unit to the proposed addition would be over 100 feet away.

The variance is a result of the design and layout determined by the applicant. They have done so based on the location of the existing building to the north and to align the two buildings on the property along the west side.

The proposed structure will be fully screened from Stadium Drive by the building to the north. The proposed addition and setback variance will align the west edge of the southern building with the west edge of the existing northern building. The addition is adjacent to parking and carport structures.

Mr. Milliken recommended that any action by the Zoning Board of Appeals be conditioned upon subsequent approval by the Planning Commission of the special exception use for the expansion of the office use and proposed site plan.

Chairperson Bell asked if Board Members had questions for Mr. Milliken.

In response to questions from Mr. Sikora and Chairperson Bell, Mr. Milliken clarified the zoning surrounding the property in question: south is R-3; east is C; north is C, and west is R-4.

He also explained variance requests are brought to the Zoning Board first when there is also a need for a special exception from the Planning Commission to make the process more efficient, in answer to a question posed by Mr. Anderson.

Chairperson Bell asked the applicant to speak to the Board.

Mr. Kris Nelson of Schley Architects, 4200 S. 9th Street, noted he was accompanied by Mr. Terry Schley and Mr. Paul Vlachos, owner of the property.

Mr. Nelson said the intent of the project is to match the existing building; current screening on the west side, which exceeds requirements will be maintained; he noted required parking spaces would also be maintained, and he explained the addition was “shoe horned” into the only space that would accommodate it, but it requires the variance requested to accomplish the addition.

Mr. Paul Vlachos of PNV Investments, 5659 Stadium Drive, explained the building addition would be used to consolidate physiotherapy and gymnasium space for the expanding pediatric physical therapy business, and noted a long-term lease would keep the tenants in Oshtemo Township. He added there will be lighting and parking upgrades to improve the property that are sensitive to the neighbors to the west and concluded by saying this would be a nice addition to the Township.

Chairperson Bell asked whether the Board had questions for the applicant.

In response to a question from the Chair, Mr. Vlachos said a 2-story addition was not considered because the variance required would be much more complicated than what was being requested for the planned one-story addition.

Mr. Sikora asked whether there would be a connection between the two buildings; Mr. Vlachos replied there would not be a connection.

There were no further questions; Chairperson Bell moved to Board deliberation.

Board Members agreed they saw no potential problems with the project.

In response to a question from the Chair, Mr. Milliken said if the property were zoned commercial the required set-back would be 20 feet or the height of the building, which could be adjusted down to as little as zero in the C-district by the Zoning Board.

Mr. Larson moved approval, contingent on approval of the special use application by the Planning Commission. Mr. Loy supported the motion. The motion was approved unanimously.

Any Other Business / ZBA Member Comments

Mr. Milliken noted Members received a copy of the 2014 Planning & Zoning Annual Report and noted it provided a good picture of what the Township is doing department-wise.

He said he does not anticipate a ZBA meeting will be needed in March.

Chairperson Bell asked if there were suggestions regarding topics the Board should be concentrating on.

Attorney Porter said the biggest item that the Township Board will need support is bringing the Township up to speed on multi-use paths, particularly Drake Road.

Mr. Larson also cited the need for the Township to step up and become a part of the community regarding public transportation.

Mr. Milliken said he would send a reminder about a Place-Making class, which involves taking communities to the next level to provide a better quality of life.

Mr. Larson noted he attended a couple of these classes, that they were beneficial providing information about how to create environment, and encouraged participation.

Adjournment

Chairperson Bell noted the Zoning Board of Appeals had exhausted its Agenda, and with there being no other business, adjourned the meeting at 3:35 p.m.

Minutes prepared:
February 25, 2015

Minutes approved:
May 26, 2015