

**VILLAGE OF OXFORD
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES**

*Zoning Board of Appeals Members: Joe Bullen, Marilyn Benner, Rose Bejma, Scott Jones,
Elgin Nichols, Dave Bailey*

22 West Burdick Street Oxford, MI 48371	May 7, 2018	7:00 pm
--	--------------------	----------------

CALL TO ORDER

Vice Chairperson Rose Bejma called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Benner, Bejma, Jones, Nichols, Bailey

Members Absent: Bullen

Staff Present: Planning Consultant Chris Khorey, Assistant Village Manager Drew Benson,
Fire Chief Pete Scholz

APPROVAL OF AGENDA

MOTION

Motion by Bejma, seconded by Bailey to add the meeting minutes from July 11, 2016 to the agenda for review and approval, and approve the agenda as amended.

Voice Vote

Yes: All - No: None.

Absent: Bullen

Motion Carried.

ANNUAL ELECTION OF ZONING BOARD OF APPEALS

- a. Election of Chairperson

MOTION

Motion by Nichols, seconded by Bailey to elect Rose Bejma to the position of Chairperson for the Zoning Board of Appeals.

Voice Vote

Yes: All - No: None.

Absent: Bullen

Motion Carried.

b. Election of Vice Chairperson

MOTION

Motion by Benner, seconded by Jones to elect Elgin Nichols to the position of Vice Chairperson for the Zoning Board of Appeals.

Voice Vote

Yes: All - No: None.

Absent: Bullen

Motion Carried.

c. Election of Secretary

MOTION

Motion by Nichols, seconded by Bailey to elect Marilyn Benner to the position of Secretary for the Zoning Board of Appeals.

Voice Vote

Yes: All - No: None.

Absent: Bullen

Motion Carried.

APPROVAL OF MEETING MINUTES

Board Chairperson Bejma noted a few grammatical errors in the July 11th, 2016 meeting minutes

MOTION

Motion by Nichols, seconded by Jones to approve the Regular Meeting Minutes of July 11th, 2016 with grammatical amendments as noted.

Voice Vote

Yes: All - No: None.

Absent: Bullen

Motion Carried.

PUBLIC HEARINGS

- A. **Applicant:** Dennis Greene
Property: PO-04-27-278-013 (commonly known as 145 S. Washington)
Zoning: R-1 Residential & C-2 General Business
Request: Lot Width Variance

Planning Consultant Chris Khorey introduced the topic and outlined the unique characteristics of the property, including the split zoning of C-2 on the portion fronting M-24, and R-1 on the rear portion fronting Mechanic. Khorey outlined the limited frontage on M-24, and outlined the request for the variance. Khorey highlighted that the proposed variance would allow a lot split that would completely separate the R-1 zoned portion of the property from the C-2 zoned portion, and would create a single lot that would only allow a single single-family home as currently zoned.

MOTION

Motion by Nichols, seconded by Bailey to enter a public hearing for the lot width variance request for PO-04-27-278-013 at 7:08 p.m.

Voice Vote

Yes: All - No: None.

Absent: Bullen

Motion Carried.

Laura Amedure, 24 Lincoln Street, asked if the property would be considered in Village or in the Township. Planner Khorey indicated that it would be within the Village limits.

Emma Taylor, 208 Minnetonka, asked where the proposed lot split would be on the parcel. Khorey outlined the proposed lot split on the displayed map. Taylor noted that this parcel would be much larger than the surrounding single-family lots, and asked what protections would there be for existing residents from a developer who sought to put multiple housing units on that property, and stated that if this variance were allowed, it would only be a matter of time until a request for multiple-family use would be requested for that property.

Khorey indicated that the variance request in question right now is only to allow the parcel to exist as a stand-alone single family lot, and would not allow anything other than a single family home without additional public hearings and legislative approvals.

Ms. Taylor indicated that she had not received her letter of notice for this public hearing while in Florida, and requested that the Village administration make sure that each resident receives notices of future public hearings.

Shannon Strong, 26 Lincoln, indicated that she is opposed to this proposed variance, and would prefer to see this lot stay as a vacant lot as it always has.

Pete Scholz, Oxford Fire Chief, noted that from a fire-protection perspective, he has no issue with a single family home being located on the proposed lot. Scholz added that if multiple-family were to be considered for that property, he would require a second form of egress from the property.

Linda Risinger, an Addison Township resident, noted that her daughter owns one of the properties adjacent to this parcel in question, and had submitted a letter to the Zoning Board of Appeals to be entered into the public hearing for this topic. Risinger also added that there is a

school and a playground across the street from the proposed egress onto Mechanic Street, and indicated that it is a very busy area.

Chairperson Bejma read aloud a letter from Debora and Ricardo Luchini, 515 Mechanic, regarding their opposition to the proposed variance due to the property's proximity to the school, and the congestion concerns.

Chairperson Bejma read aloud a letter from Tom Matheson, regarding his opposition to the proposed variance due to the impact it would have on the adjacent property owners, as well as the safety concerns from additional traffic.

MOTION

Motion by Nichols, seconded by Bailey to close the public hearing for the lot width variance request for PO-04-27-278-013 at 7:20 p.m.

Voice Vote

Yes: All - No: None.

Absent: Bullen

Motion Carries.

NEW BUSINESS

- A. Zoning Board of Appeals Consideration of a Request for a Lot Width Variance for PO-04-27-278-013 (commonly known as 145 S. Washington)

Dennis Greene, the property owner of PO-04-27-278-013, and the applicant for this variance rose to speak, and outlined the considerations behind his request, as well as the hardships that the conditions within the Zoning Ordinance have placed on his ability to develop or sell the large parcel of land. Greene also addressed the potential safety concerns, and indicated that the proposed split would not increase the density beyond single family.

Greene also indicated that the split zoning would encouraged the rear portion to be split off for residential use, and the granting of this variance would allow him to comply with the Village's Master Plan for this property.

Ms. Taylor asked why not have the proposed parcel take it's access from M-24 as opposed to Mechanic. Greene indicated that he is trying to create 2 points of egress for that parcel to comply with the Fire Chief's requirements. Greene indicated that in his proposal would be a point of access from the parking lot behind the commercial parking lot off of M-24, as well as a driveway off of Mechanic.

Taylor reiterated her safety concerns for school children that walk along Mechanic. Greene indicated that there are more significant safety concerns for egress along M-24 as opposed to Mechanic.

Board Member Nichols indicated that the applicant could put in a private road on the property

regardless of what the Zoning Board of Appeals rules, and also indicated the issues with getting an additional curb-cut along M-24. Nichols asked how Mr. Greene ended up with this non-conforming issue. Greene indicated that he had purchased it knowing the existing issues, and indicated that he has had numerous on-going conversations with Village officials regarding the options for developing this property.

Nichols asked why the Zoning Board of Appeals had previously declined a variance for this property. Khorey indicated that he did not have any documentation present in regard to the previous variance request.

Nichols indicated that while this variance request is not to consider the allowance of multiple housing units, he could not envision how 20-25 homes could comfortably fit on this proposed parcel. Khorey indicated that any multi-family development proposals would require numerous public hearings and additional approvals before anything of the sort could take place.

Nichols asked why the applicant had come before the Zoning Board of Appeals as opposed to the Planning Commission, and Khorey noted that the Planning Commission does not have the authority to grant variances of this sort.

Board Member Scott Jones asked if Mr. Greene owned any of the adjacent parcels that could allow egress from the proposed lot. Mr. Green indicated that he does not.

Board Member David Bailey noted that the curb cuts on this parcel that give access to M-24 are not well placed to allow multiple points of egress.

Planning Consultant Khorey discussed his official review of this proposed variance, and outlined his recommendation that it be approved due to the following findings:

- 1.) Presently, the site cannot be developed into an R-1 use due to a lack of access. The Village Master Plan identified the site as a key development area.
- 2.) The applicant has tried other methods of achieving access to the site, prior to requesting the variance.
- 3.) The unique shape of the parcel was not created by the applicant.
- 4.) Any future development will be required to go through an approval process where issues of circulation, fire safety, neighborhood character, and residential density will be addressed.

Board Member Benner asked for clarification as to the requirement of a second means of egress for the property. Khorey indicated that that requirement would not be needed for a single family use.

Khorey indicated that as a 6 member board, any decision by the Zoning Board of Appeals requires 4 votes to take any action. There are only 5 members in attendance at this meeting, so if needed, the item could be tabled until the next meeting when there is a full board present. Assistant Village Manager Benson read aloud the referencing text from the Zoning Ordinance

that outlines the required votes for a decision.

Laura Amedure, 24 Lincoln Street, asked about alternative points of egress for the proposed parcel. Khorey outlined some of the various potential options and the additional efforts that those options would require.

Board Member Nichols indicated that while he understands the reasoning behind Mr. Greene's request, he has some reservations about making a decision with some many variables unanswered in terms of what the land would eventually be used for.

Board Member Benner expressed concerns about the ability to have multiple points of egress for the proposed parcel.

MOTION

Motion by Nichols, seconded by Bailey to deny the requested variance for PO-04-27-278-013 based on the application, the applicant's presentation and testimony, the record presented at the hearing, and based on the following particulars which support the denial of the variance sought:

- 1.) The lot exit requested is not in conjunction with the 60' ordinance
- 2.) Traffic would cause additional Mechanic Street safety concerns
- 3.) Similar variance previously declined for lot non-conformity
- 4.) Lot would not comfortably allow 20-25 homes
- 5.) Lot is across the street from a school and playground

Roll Call

Yes: Benner, Bejma, Jones, Nichols, Bailey

No: None.

Absent: Bullen

Motion Carried.

Board Member Nichols indicated that he understands Mr. Greene's request from a business-owners perspective, but does not feel that this proposed variance would have been in the community's best interest.

Board Member Bailey indicated that he believes that this property will be developed one day, but probably not in 2018.

PUBLIC COMMENT

None.

CONSULTANT & ADMINISTRATION COMMENTS

None.

BOARD MEMBER COMMENTS

Board Member Nichols thanked his fellow board members for their confidence in electing him to serve as Vice Chair of the Zoning Board of Appeals.

Board Member Bailey discussed the formality of the Zoning Board of Appeal's procedures, and stated that he felt the Zoning Board of Appeals had proceeded well at this meeting.

Board Member Benner stated that the property in question tonight was a very interesting case, and thanked the members of the community who attended this meeting.

Chairperson Bejma thanked the Board for their confidence in electing her to serve as Chairperson, and indicated that she looks forward to improving in the role. Bejma also asked about the next scheduled Zoning Board of Appeals meeting. Assistant Village Manager Benson indicated that unless some new business comes about, the next mandatory meeting would be in November of 2018.

Chairperson also asked about having the number of Zoning Board of Appeals members. The group discussed the topic, and recommended that the Planning Commission should look at making a Zoning Ordinance change in regard to the number of Zoning Board of Appeals members in the coming weeks.

ADJOURN

MOTION

Motion by Nichols, seconded by Benner to adjourn the meeting at 8:00 p.m.

Voice Vote

Yes: All - No: None.

Absent: Bullen

Motion Carries.

Respectfully submitted,

Drew Benson
Recording Secretary

Recording Secretary

Zoning Board of Appeals Chairperson