

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS REGULAR MEETING, JUNE 13, 2022

A Regular Meeting of the Charter Township of Oxford Zoning Board of Appeals was held Monday, June 13, 2022, at the Oxford Township Meeting Room, 300 Dunlap Road, Oxford, MI 48371.

Members Present: **Mageli, Bailey, Birch** (alternate), **Walters**

Members Absent: **Payne** (excused), **Butler** (excused)

Also Present: Recording Secretary McCullough, the applicants, and one cameraperson (OCTV).

The meeting was called to order by Chairman Walters at 7:00 p.m.

APPROVAL OF THE AGENDA

Board Member Mageli moved, Board Member Birch seconded, to approve the June 13, 2022, agenda as presented.

Ayes: 4 Nays: 0 Absent: 2
Motion Carried.

APPROVAL OF MINUTES – August 9, 2021

Board Member Mageli moved, Board Member Birch seconded, to approve the August 9, 2021, minutes, as presented.

Ayes: 4 Nays: 0 Absent: 2
Motion Carried.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None

REGULAR BUSINESS

21-ZBA-004AB (Munaco) – 972 Chelsea Blvd. (P-04-21-103-023), Lot 67, Westlake of Waterstone, LLC. The applicant is requesting A) reduced side-yard setback for a driveway of two point sixty-six (2.66) feet rather than the three (3) feet required for private residence driveway if the lot width is ninety (90) feet or less, and B) reduced side-load garage driveway apron width of twenty (20) feet rather than the twenty-four (24) feet required if the lot width is eighty (80) feet or less.

Chairman Walters explained how the hearing will proceed.

Carl Munaco, Westlake of Waterstone, LLC, 48635 Van Dyke, Shelby Township, MI 48317 was available to answer any questions of the Board.

Chairperson Walters opened the public hearing at 7:07 p.m.

Hearing no public comments, Chairperson Walters closed the public hearing at 7:07 p.m.

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FINDINGS OF FACT

The Board of Appeals shall make a Finding of Fact based upon competent evidence that the requirements of *Section 17.8, subsection C.(1) through (5) have been met. [Article XXVII, Section 17.8 C.)]*

SECTION 17.8 – SUBSECTION C(1):

1. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
 - The Board Members concurred that a literal enforcement of the provisions of the Zoning Ordinance would result in a practical difficulty.
2. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant’s predecessors.
 - The Board Members concurred that the need for the variance has neither been self-created by the applicant, nor the applicant’s predecessors.
3. A lesser variance than requested will not give substantial relief to the applicant and will not be more consistent with justice to other property owners.
 - The Board Members concurred that a lesser variance than requested would not give substantial relief to the applicant.
4. The variance will do substantial justice to the applicant, as well as to other property owners.
 - The Board Members concurred that the variance would provide substantial relief to the applicant, as well as other property owners.
5. The need for the variance is due to the unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
 - The Board Members concurred that the need for the variance is due to unique circumstances of the property.

Board Member Mageli moved, Board Member Bailey seconded, with regard to 21-ZBA-004AB, 972 Chelsea Blvd. (P-04-21-103-023), Lot 67, Westlake of Waterstone, LLC, based on the Findings of Fact listed above, to approve the variance A) reduced side-yard setback for a driveway of two point sixty-six (2.66) feet rather than the three (3) feet required for private residence driveway if the lot width is ninety (90) feet or less, and B) reduced side-load garage driveway apron width of twenty (20) feet rather than the twenty-four (24) feet required if the lot width is eighty (80) feet or less. This is based on the public hearing and discussion within the Findings of Fact listed above.

Roll call:

Ayes: Mageli, Birch, Bailey, Walters

Nays: None

Absent: Butler, Payne

Motion Carried.

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS REGULAR MEETING, JUNE 13, 2022

22-ZBA-001 (Dibler) – 990 Keith Avenue. (P-04-28-353-037). The applicant is requesting a reduced front-yard setback of ten point three (10.3) feet rather than the twenty-five (25) feet required.

Chairman Walters explained how the hearing will proceed.

Deborah Jones, DL Jones & Associates Architects, LLC, 1581 Harwood Road, Oxford, MI 48371 and Gordon Dibler, 990 Keith Avenue, Oxford, MI 48371 were available to answer any questions of the Board.

Chairperson Walters opened the public hearing at 7:27 p.m.

Hearing no public comments, Chairperson Walters closed the public hearing at 7:27 p.m.

FINDINGS OF FACT

The Board of Appeals shall make a Finding of Fact based upon competent evidence that the requirements of *Section 17.8, subsection C.(1) through (5) have been met. [Article XXVII, Section 17.8 C.)]*

SECTION 17.8 – SUBSECTION C(1):

1. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
 - The Board Members concurred that a literal enforcement of the provisions of the Zoning Ordinance would result in a practical difficulty.
2. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.
 - The Board Members concurred that the need for the variance has neither been self-created by the applicant, nor the applicant's predecessors.
3. A lesser variance than requested will not give substantial relief to the applicant and will not be more consistent with justice to other property owners.
 - The Board Members concurred that a lesser variance than requested would not give substantial relief to the applicant.
4. The variance will do substantial justice to the applicant, as well as to other property owners.
 - The Board Members concurred that the variance would provide substantial relief to the applicant, as well as other property owners.
5. The need for the variance is due to the unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
 - The Board Members concurred that the need for the variance is due to unique circumstances of the property.

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS REGULAR MEETING, JUNE 13, 2022

Board Member Birch moved, Board Member Bailey seconded, with regard to 22-ZBA-001 (Dibler) – 990 Keith Avenue. (P-04-28-353-037), based on the Findings of Fact listed above, to approve the variance of a reduced front-yard setback of ten point three (10.3) feet rather than the twenty-five (25) feet required. This is based on the public hearing and discussion within the Findings of Fact listed above.

Roll call:

Ayes: Mageli, Birch, Bailey, Walters

Nays: None

Absent: Butler, Payne

Motion Carried.

BOARD MEMBER COMMENTS

None.

ADJOURNMENT

Board Member Mageli moved, Board Member Bailey seconded, to adjourn the meeting at 7:31 p.m.

Ayes: 4 Nays: 0 Absent: 2

Motion Carried.

Todd Walters, Chairperson

Margie Payne, Secretary

Approved: 10/17/2022

/smm