

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS MEETING,
OCTOBER 14, 2024

A Meeting of the Charter Township of Oxford Zoning Board of Appeals was held Monday, October 14, 2024 at the Oxford Township Meeting Room, 300 Dunlap Road, Oxford, MI 48371.

RESPECTS TO THE FLAG

NOTING OF ROLL

Members Present: **Mageli, Payne, Walters, Bailey, Butler**

Members Absent: None.

Also Present: Recording Secretary McCullough, one OCTV cameraperson, the applicant and applicant's representatives.

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

APPROVAL OF THE AGENDA

Board Member Walters moved, Board Member Payne seconded, to approve the October 14, 2024 agenda as presented.

Ayes: 5 Nays: 0 Absent: 0

Motion Carried.

APPROVAL OF MINUTES

Regular Minutes – September 9, 2024

Board Member Mageli moved, Board Member Walters seconded, to approve the September 9, 2024 regular meeting minutes, as presented.

Ayes: 5 Nays: 0 Absent: 0

Motion Carried.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No residents spoke during public comment.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Case 24-ZBA-005 – Tom Siwek, Applicant

The subject property is located at 3020 Adventure Lane, Oxford, MI 48371, Parcel No. 04-04-376-006.

The applicant is seeking the following variances:

1. A variance from Section 3.7 of the Oxford Township Zoning Ordinance to allow for a front yard building setback of 28 feet instead of the required 50 feet along Adventure Lane (private road).
2. A variance from Section 8.7.C.1 of the Oxford Township Zoning Ordinance to allow for a front yard parking setback of 38 feet instead of the required 50 feet along Oakwood Road (public road).

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS MEETING,
OCTOBER 14, 2024

Board Member Bailey recused himself from the discussion as he acted on the applicant's preliminary site plan at the Planning Commission level.

Chairman Butler explained the meeting procedure.

Tom Siwek, President, H&S United Construction, 5388 S. Saginaw Road, Flint, MI 48507, Greg Barron, Barron Industries, 215 Plexus Drive, Oxford, MI 48371, and Rade Beslac, Fenton Land Surveying & Engineering, 14165 S. Fenton Road, Fenton, MI 48430 presented the request and were available to answer any questions of the Board.

The Board referenced the review dated 09/30/2024 from Carlisle|Wortman Associates, Inc.

Chairman Butler opened the public hearing at 7:14 p.m.

No items of correspondence were received from the public.

Hearing no public comments, Chairman Butler closed the public hearing at 7:14 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.)]*

Neither the nonconforming use of neighboring lands, structures, or buildings in the same district, nor either the permitted or nonconforming use of lands, structures, or buildings in any other district(s) shall be considered grounds for the issuance of a variance.

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 finds that this standard does not apply.
2. The variance will do substantial justice to the applicant, as well as to other property owners.
 - The Board finds that the requested variance would do justice to the applicant. Additionally, the variance would be fair to adjacent properties, as the variance requests are along the road and not abutting other properties.
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 finds that this standard does apply given that the applicant has demonstrated that they did attempt other configurations of the proposed addition, which would not work on the property given that the original building was placed in the middle of the property.

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS MEETING,
OCTOBER 14, 2024

4. 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 finds that this standard does apply. The applicant has demonstrated that there are topography issues, as well as two front yard setback requirements due to the bisecting roads which create unique circumstances.
5. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.
 - The Board finds that the need for the variance has not been self-created because there are natural topography issues. The bisecting private road (Adventure Lane) and public road (Oakwood Road) creating dual front yards was not created by the applicant.

Board Member Walters moved, Board Member Payne seconded, regarding 24-ZBA-005 (Tom Siwek), 3020 Adventure Lane (Parcel No. 04-04-376-006), to approve the following variance to:

1. Section 3.7 of the Oxford Township Zoning Ordinance to allow for a front yard building setback of 28 feet instead of the required 50 feet along Adventure Lane (private road).
2. Section 8.7.C.1 of the Oxford Township Zoning Ordinance to allow for a front yard parking setback of 38 feet instead of the required 50 feet along Oakwood Road (public road).

This is based on the public hearing and discussion within the Findings of Fact listed above.

Roll call:

Ayes: Mageli, Payne, Walters, Butler

Nays: None

Abstention: Bailey (Board Member Bailey cannot act on this request as he previously acted on the petition as a member of the Oxford Township Planning Commission).

Absent: None

Motion Carried.

BOARD MEMBER COMMENTS

The Board thanked Member Margie Payne for her work on the Zoning Board of Appeals. Ms. Payne did not seek reelection to the Township Board.

ADJOURNMENT

Board Member Payne moved, Board Member Walters seconded, to adjourn the meeting at 7:22 p.m.

Ayes: 5 Nays: 0 Absent: 0

Motion Carried.

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS MEETING,
OCTOBER 14, 2024

James Butler, Chairperson

Norris Mageli, Secretary

Approved: May 12, 2025

/smm