

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS MEETING,
NOVEMBER 13, 2023

A Meeting of the Charter Township of Oxford Zoning Board of Appeals was held Monday, November 13, 2023 at the Oxford Township Meeting Room, 300 Dunlap Road, Oxford, MI 48371.

RESPECTS TO THE FLAG

NOTING OF ROLL

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

Members Absent: Bailey

Also Present: Township Attorney Deja Vasquez, Recording Secretary Susan McCullough, one OCTV cameraperson and three guests.

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

APPROVAL OF THE AGENDA

Board Member Butler moved, Board Member Mageli seconded, to approve the November 13, 2023 agenda as presented.

Ayes: 5 Nays: 0 Absent: 1
Motion Carried.

APPROVAL OF MINUTES

Regular Minutes – September 11, 2023

Board Member Payne moved, Board Member Mageli seconded, to approve the September 11, 2023 regular meeting minutes, as presented.

Ayes: 5 Nays: 0 Absent: 1
Motion Carried.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None

NEW BUSINESS

Case 23-ZBA-005, 691 and 697 South Lapeer Road

The applicant is requesting property line adjustments at 691 S. Lapeer Road (P 04-26-303-006) and 697 S. Lapeer Road (P 04-26-303-007). The applicant has requested a lot line adjustment pertaining to two (2) adjacent non-conforming lots. The lot adjustment is to align the property line with the adjoining buildings' dividing wall. The request will align the interior property line of both lots with the wall they share. The proposed adjustment would change the current width by approximately 1".

Neil Jarbo, 2111 Long Meadow Drive, Sterling Heights, MI 48314 and Carol Mitchell, Berkshire Hathaway Kee, Oxford, MI presented the request and were available to answer any questions of the Board.

The Board referenced the review dated 11/03/2023 from The Kelly Firm and the review dated 10/23/2023 from Carlisle|Wortman Associates, Inc.

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Vice Chairman Walters opened the public hearing at 7:09 p.m.

Hearing no public comments, Vice Chairman Walters closed the public hearing at 7:09 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 property is unique due to the fact that the property line is currently not aligned with the shared wall. The interior property line currently veers into the building located on lot 2. Therefore, the properties are already being used as if the variance had been granted.
2. The variance will do substantial justice to the applicant, as well as to other property owners.
 - The Board finds that the variance meets this standard as the zoning regulations treat the Applicant unfairly due to the unique aspects of the proposed parcel.
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 it is unlikely a lesser variance would provide substantial justice to the insignificant size of the proposed adjustment.
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 concurs that this circumstance is unique and would not apply to other properties in the same zoning district due to the fact that the interior property line veers into the building located on lot 2.
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 variance is self-created by a former property owner because the current building on the property veers over into lot 2. However, it was the consensus of the Board that surveying methods are done differently now than they were in the past.

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Board Member Butler moved, Board Member Payne seconded, regarding 23-ZBA-005 (Jarbo), Lot 2-691 South Lapeer Road (P 04-26-303-006) and Lot 1-697 South Lapeer Road (P 04-26-303-007) to grant the following variances:

1. Minimum permitted lot size for 691 South Lapeer Road (Lot 2) from one (1) acre to zero point two seven six (0.276) acres in the C2 District.
2. Minimum permitted lot size for 697 South Lapeer Road (Lot 1) from one (1) acre to zero point two seven five (0.275) acres in the C2 District.
3. Minimum permitted lot width for Lot 2 from one hundred fifty (150) feet to sixty point one one (60.11) feet in the C2 District.
4. Minimum permitted lot width for Lot 1 from one hundred fifty (150) feet to fifty-nine point eight nine (59.89) feet in the C2 District.

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

Roll call:

Ayes: Mageli, Birch, Butler, Payne, Walters

Nays: None

Absent: Bailey

Motion Carried.

BOARD MEMBER COMMENTS

Vice Chairman Walters wished everyone a Happy Thanksgiving.

ADJOURNMENT

Board Member Butler moved, Board Member Payne seconded, to adjourn the meeting at 7:19 p.m.

Ayes: 5 Nays: 0 Absent: 1

Motion Carried.

Todd Walters, Vice Chairperson

James Butler, Secretary

Approved: February 12, 2024
/s/mm