

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS SPECIAL MEETING
MONDAY, FEBRUARY 22, 2016

A special meeting of the Charter Township of Oxford Zoning Board of Appeals was held Monday, February 22, 2016, in the Oxford Township Meeting Room.

Members Present: Bailey, Bellairs, Butler, Roesner, Walters

Members Absent: None

Also Present: Recording Secretary Cushing, the applicants, 2 audience members, a camera person

The meeting was called to order by Chairperson Butler at 7:00 pm.

RESPECTS TO THE FLAG

NOTING OF ROLL

APPROVAL OF AGENDA

Board Member Bellairs moved, Board Member Walters seconded, to approve the February 22, 2016, Special Meeting Agenda, as corrected.

Ayes: 5 Nays: 0 Absent: 0 Motion Carried (5-0-0)

APPROVAL OF MINUTES

Zoning Board of Appeals Regular Meeting December 14, 2015

Board Member Walters request that his name in the minutes reflect as “Walters” vs. “Walter”.

Board Member Walters moved, Board Member Bellairs seconded, to approve the December 14, 2015, Regular Meeting minutes, as amended.

Ayes: 5 Nays: 0 Absent: 0 Motion Carried (5-0-0)

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA - None

REGULAR BUSINESS

Chairperson

Chairperson Butler opened the nominations for Chairperson of the Zoning Board of Appeals for 2016.

Board Member Bellairs nominated James Butler, Board Member Roesner seconded the nomination.

There being no further nominations, it was unanimous approval of James Butler for Chairperson of the Zoning Board of Appeals for 2016.

Vice-Chairperson

Chairperson Butler opened the nominations for Vice-Chairperson of the Zoning Board of Appeals for 2016.

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS SPECIAL MEETING
MONDAY, FEBRUARY 22, 2016

Board Member Bellairs nominated Todd Walters for Vice-Chairperson, Chairperson Butler seconded the nomination.

There being no further nominations, it was unanimous approval of Todd Walters for Vice-Chairperson of the Zoning Board of Appeals for 2016.

Secretary

Chairperson Butler opened the nominations for Secretary of the Zoning Board of Appeals for 2016.

Board Member Bellairs nominated Kallie Roesner for Secretary, Chairperson Butler Seconded the nomination.

There being no further nominations, it was unanimous approval of Kallie Roesner for Secretary of the Zoning Board of Appeals for 2016.

ZBA001.16 – 700 Maloney Ave., Oxford, MI 48371 – Parcel 04-28-327-020 – Applicant: Homeowner: John Abrahamson, 700 Maloney Ave., Oxford, MI 48371 The subject property is located in a R-1 Zoning District, Lot 41 and part of Lot 40 of Lakeland Subdivision east of Lakesview Dr. on the west side of Maloney Ave. Approval of this application, as submitted, would require variance according to Zoning Ordinance 67A: ARTICLE 3.7 – Schedule of District Regulations

Chairperson Butler went over how the hearing will proceed.

The applicant John Abrahamson stated they were proposing to extend the existing garage on his home at 700 Maloney. His existing home is located in the side yard setback. Therefore, the addition to the existing garage, which extends of the back of the home, would also be in the side yard setback. The applicant provided a survey showing the exact variance being requested from the required ten (10) foot for a side setback.

Chairperson Butler opened the Public Hearing at 7:05 pm

Jackie Copelane, 686 Maloney, property is located closest to the proposed addition. It was noted that the support Mr. and Mrs. Abrahamson with this project.

Chairperson Butler closed the Public Hearing at 7:08 pm.

Chairperson Butler noted receipt of correspondence from the Township Planner, Brian M. Oppmann an associate of Carlisle Wortman Associates, Inc. dated 2/9/2016.

FINDINGS OF FACT

The Board of Appeals shall make a Findings 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:

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS SPECIAL MEETING
MONDAY, FEBRUARY 22, 2016

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 this did not apply.
2. The variance will do substantial justice to the applicant, as well as to other property owners.
 - Board Member Roesner stated that the applicant did a good job pointing out in the packet how the variance would substantial justice to the applicant, as well as to other property owners. In light of the configuration of that neighborhood it would apply.
 - The other Board Members concurred.
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.
 - Board Member Roesner stated it is not expanding the non-conforming beyond the current non-conforming existing setback.
 - Board Member Walters stated the neighbors present stated it would not impact the neighbors.
 - The other Board Members concurred.
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.
 - Board Member Bellairs noted that the subdivision was established at the time the Ordinance was set. The property is not in an area that can meet the Ordinance. If the variance was granted it would not be making it worst.
 - The other Board Members concurred.
5. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.
 - Board Member Roesner agreed that at some point the setback was legal and the change was out of their hands.
 - The other Board Members concurred.

Board Member Roesner moved, Board Member Bellairs second that ZBA001.16 in relation to the requested setback be allowed a variance to allow a side yard setback of to allow a variance to allow the distance between the construction and property line to be 3.2 feet and I based this on our Finding of Fact, the information, our discussion and the information provided by the applicant.

Ayes: Butler, Bellairs, Walters, Roesner, Bailey

Nays: None

Absent: None

Motion Carried (5-0-0)

BOARD MEMBER'S COMMENTS

Board Member Roesner reported on the Planning Commission updated the Ordinance to reflect Zoning Board of Appeals having a 5 board member. When that is completed the by-laws will need to be updated.

Chairperson Butler stated that the Board now has an alternate available.

CHARTER TOWNSHIP OF OXFORD ZONING BOARD OF APPEALS SPECIAL MEETING
MONDAY, FEBRUARY 22, 2016

The Board Members welcomed Korey Bailey to the Board.

ADJOURNMENT

Board Member Walters moved, Board Member Bellairs seconded, to adjourn the meeting at 7:18 p.m.

Ayes: 5 Nays: 0 Absent: 0 Motion carried (5-0-0)

James Butler, Chairperson

Kallie Roesner, Secretary

Date approved: March 14, 2016
dkc