

OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS  
MINUTES OF A REGULAR MEETING HELD AUGUST 20, 2024

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**Agenda**

**Non-Motorized Facility Variance: Scott Williams (Complete Team Outfitters)**

The applicant is requesting a variance from Section 57 of the Zoning Ordinance to eliminate the requirement that a non-motorized facility be established at 1560 South 8th Street.

**Setback Variance: Michael Shields (Blackberry Systems)**

The applicant is requesting a variance from Section 50 of the Zoning Ordinance to allow a 15-foot side yard setback for building additions where the ordinance requires a 20-foot setback in the I-1, Industrial District. Subject property is 6477 West KL Avenue.

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A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held Tuesday, August 20, 2024, beginning at 3:00 p.m.

MEMBERS PRESENT:     Rick Everett  
                              Dusty Farmer  
                              Fred Gould  
                              Harry Jachym, Vice Chair  
                              Al Smith

MEMBERS ABSENT:     Louis Williams, Chair

Also present were Jodi Stefforia, Planning Director; Leeanna Harris, Zoning Administrator; Jim Porter, Township Attorney; and 3 interested persons.

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Vice Chair Jachym called the meeting to order at 3:03 p.m. Those in attendance joined in reciting the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Ms. Farmer **made a motion** to approve the agenda as presented. Mr. Smith **seconded the motion**. The motion was **approved unanimously**.

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

There were no comments on non-agenda items.

**APPROVAL OF THE MINUTES OF JUNE 25, 2024**

Vice Chair Jachym asked for additions, deletions, or corrections to the Minutes of the meeting held on June 25, 2024.

Mr. Smith **made a motion** to approve the minutes of the meeting held on June 25, 2024, Ms. Farmer **seconded the motion**. The **motion was approved** unanimously.

**NON-MOTORIZED FACILITY VARIANCE (1560 SOUTH 8<sup>TH</sup> STREET)**

Ms. Harris presented her staff report dated August 14, 2024, and incorporated herein, regarding a variance to not be required to install the non-motorized facility adjacent to South 8th Street.

Project Summary:

Mr. Scott Williams, owner of 1560 S. 8<sup>th</sup> St., is requesting a variance from the requirement to install a non-motorized facility adjacent to South 8th Street, per Section 57.90 of the Zoning Ordinance.

The applicant previously applied for Site Plan Review and a variance request to construct a new 6,684 square foot building with a connecting breezeway to the existing building on site. Since that approval on February 20, 2024, the applicant has made good progress and is nearing completion. However, as a condition of approval for the site plan review, the applicant was required to enter into an escrow agreement in lieu of installing the non-motorized facility and deposit funds of \$45,000 to an escrow account with the Township for future use. Ms. Harris shared an aerial view map of the property.

Recommendation:

Planning Department staff recommended that the motion of possible action should include the findings of fact relevant to the requested variance. Letters of support are incorporated herein by Township Attorney Porter and Township Public Works Director Ms. Anna Horner.

Based on the staff analysis, the following findings of fact are presented:

- Support of variance approval
  - o There are unique physical circumstances that prevent strict compliance with the Zoning Ordinance.
  - o Conformance to the Ordinance is unnecessarily burdensome.
  - o The request would not be considered a self-created hardship.
  - o It is not expected that the variance request would negatively impact the health, safety, or welfare of others.
  
- Support of variance denial
  - o Minimum necessary for substantial justice is not met.

Possible motions for the Zoning Board of Appeals to consider include:

1. Variance Approval

The Zoning Board of Appeals approves the variance request.

If the variance were approved, staff also recommend the Zoning Board of Appeals attach the following conditions:

- The applicant consents to a Special Assessment District.

2. Variance Denial

The Zoning Board of Appeals denies the variance request.

Discussion was held around the Special Assessment District (SAD). Vice Chair Jachym requested more information about the Special Assessment District. Mr. Porter stated that historically they would ask an applicant to sign an agreement that if and when a SAD is established, they would support it. This would run with the property.

Ms. Farmer stated that this Ordinance was recently amended, but recommends that it be reviewed again by the Township Planning Commission for recommendation to take into consideration scenarios like this request.

Ms. Stefforia shared that with the work on the comprehensive master plan, there will be a strong transportation component, and the non-motorized plan will be revisited to craft language for streets like this verses S. 9<sup>th</sup> Street which will see development happening along it and would want the facilities built or escrowed.

Mr. Matt Gibson, from Complete Team Outfitters, the tenant and business partner of Mr. Williams, spoke in support of the variance and offered to address any questions. Mr. Gibson informed the Board they are happy to sign any document or agreement for beautification in the future to put sidewalks in if that is required from the Township, but at this time they would be the only business with a sidewalk.

Vice Chair Jachym inquired about the sign posted out front, “build to suit” and if they were seeking new tenants. Mr. Gibson advised that they had previously planned to build additional spaces, but due to the downturn with commercial real estate, they are not actively seeking new tenants. If that changes, they would come back before the Township and start the process again.

Ms. Farmer **made a motion** that the Zoning Board of Appeals approve the variance request with the following condition:

- The applicant consents to a Special Assessment District.

Mr. Gould **seconded the motion**. The **motion was passed** unanimously.

**SETBACK VARIANCE: MICHAEL SHIELDS ( 6477 W KL AVENUE)**

Ms. Harris presented per her staff report from August 14, 2024, and is incorporated herein for a variance from Section 50 of the Zoning Ordinance to allow a 15-foot side yard setback for building additions where the ordinance requires a 20-foot setback in the I-1, Industrial District. The subject property is 6477 West KL Avenue.

Project summary:

SHIELDS MJ LLC is requesting a variance from setback requirements outlined in Section 50.60.C. of the Zoning Ordinance to allow for a reduced setback of 15 feet along the east property line where the Zoning Ordinance requires 20 feet, or the height of the building, whichever is greater, to allow for additions on the east side of the building. The applicant's intent is to submit for full site plan review for planned site modifications once they have completed the variance process. Ms. Harris shared an aerial view map of the property.

Recommendation:

Planning Department staff recommended that the motion of possible action should include the findings of fact relevant to the requested variance.

- Support of variance approval
  - o It is not expected that granting the variance would negatively impact the health, safety, or welfare of others.
  - o The conditions or circumstances which created the variance request are not entirely self-created.
  - o There are unique physical circumstances that prevent strict compliance with the Zoning Ordinance.
  
- Support of variance denial
  - o Minimum necessary for substantial justice is not proven.
  - o Compliance with the Ordinance is not unnecessarily burdensome as the property could continue to be utilized in its present state and constructing additions on the site is entirely discretionary.

Possible motions for the Zoning Board of Appeals to consider include:

1. Variance Approval  
The Zoning Board of Appeals approves the variance request.
  
2. Variance Denial  
The Zoning Board of Appeals denies the variance request.

Ms. Harris advised that the addition would be a single-story addition.

Mr. Mike Shields, owner of Blackberry Systems, shared with the Board that the business has been growing and they enjoy the location and the being part of the Oshtemo Township community. With their growth, they need additional warehouse and office space.

Mr. Everette asked Mr. Shields if they had considered going to the South or building higher. Mr. Shields advised there is not enough room for them to build to the South and confirmed that the section being added is a one-story section.

Mr. Gould asked if this would make it impossible to expand again on this current site. Mr. Shields confirmed that with the three elements they are considering, they would not be able to expand further. They have previously looked for commercial property to build on or leasing options for additional space for warehousing but have been unsuccessful. With this addition, they anticipate they will remain at the current location at least 10 to 15 years.

Ms. Farmer shared that it is good to hear that businesses are expanding.

Mr. Smith **made a motion** that the Zoning Board of Appeals approve the variance request. Mr. Gould **seconded the motion**. The **motion was passed** unanimously.

Vice Chair Jachym thanked Mr. Shields. Mr. Shields thanked the Township staff for the assistance they received. The Board recognized staff for their work.

### **OTHER UPDATES AND BUSINESS**

Vice Chair Jachym called for other updates and business.

Ms. Stefforia shared that on October 15<sup>th</sup> at 6:00 p.m., there will be a joint meeting of all the Township Boards with a presentation by Progressive AE to share the comprehensive master plan. They are starting to flush out the future use master plan and starting to talk about if are there any additional sub areas that will warrant a closer look in this process.

### **ADJOURNMENT**

There being no further business, Vice Chair Jachym adjourned the meeting at 3:46 p.m.

Minutes Prepared: August 21, 2024  
Minutes Approved: September 24, 2024