

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD SEPTEMBER 24, 2024

Agenda

Accessory Building Variance: Midgett (10273 Skyview Drive)

The applicant is requesting a variance from Section 57.100.D of the Zoning Ordinance to allow the expansion of an accessory building for a total square footage of 4,750 square feet where the ordinance limit is 2,954 square feet in the RR, Rural Residential District.

Extension of Site Plan Approval: Faraday Properties (Unit 3 at BTR2)

The applicant is requesting a 12-month extension of the administrative site plan approval extension granted October 5, 2023 pursuant to Section 64.90 of the Zoning Ordinance.

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held Tuesday, September 24, 2024, beginning at 3:00 p.m.

MEMBERS PRESENT: Rick Everett
 Dusty Farmer
 Fred Gould
 Al Smith
 Louis Williams, Chair

MEMBERS ABSENT: Harry Jachym, Vice Chair

Also present were Colten Hutson, Zoning Administrator; Jim Porter, Township Attorney; and 8 interested persons.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Williams called the meeting to order at 3:00 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 AUGUST 20, 2024

Chair Williams asked for additions, deletions, or corrections to the Minutes of the meeting held on August 20, 2024.

Ms. Farmer **made a motion** to approve the minutes of the meeting held on August 20, 2024. Mr. Smith **seconded the motion**. The **motion was approved** unanimously.

Accessory Building Variance

Mr. Hutson presented his staff report dated September 19, 2024, and incorporated herein, regarding a variance to expand an existing airplane hangar by an additional 2,250 square feet for a total area of 4,750 square feet.

PROJECT SUMMARY:

Mr. Jim Midgett and Mrs. Mary Jane Canney Midgett are requesting a variance from the size restrictions for accessory buildings outlined in Section 57.100.D of the Zoning Ordinance to allow for a greater square footage than required by code.

The square footage of any accessory building located on a property within a subdivision or site condominium cannot exceed the footprint of the livable portion of the property's principal building. If granted, the variance would allow for the expansion of an existing detached airplane hangar by an additional 2,250 square feet for a gross floor area of 4,750 square feet (net floor area of 4,500 square feet) whereas the Zoning Ordinance allows a maximum area of 2,954 square feet. Mr. Hutson shared an aerial view map of the property.

The property under consideration is outlined in light blue in the map above with the subject hangar addition illustrated through the red and white hatch marks. The property is zoned RR, Rural Residential District and is located on a corner building site within the Skyview Estates Site Condominium development located on the north side of Almena Drive between 1st Street and 2nd Street. Said development was approved by the Township in 1999 as an open space community, which includes the grass runway of Newman's Airfield as part of the development

Although Newman's Airfield is a public-use airport, the 15 Site Condominium unit owners within Skyview Estates have interest in the airport and can utilize the air strip, hence allowed to build airplane hangars on their respective properties.

RECOMMENDATION:

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

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

- 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 Conformance to the Zoning Ordinance is unnecessarily burdensome as the latest amendment to the Ordinance did not consider the properties tied to Newman's Airfield.
- Support of variance denial
 - o Minimum necessary for substantial justice is not proven.
 - o There are no unique physical circumstances that prevent strict compliance with the Zoning Ordinance.

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.

Chair Williams invited the applicant to speak. Mr. and Mrs. Midgett spoke in support of the variance stating they have one of the smallest hangars on the airport and want to align with their neighbors. They shared that their request was within the condominium bylaws.

Chair Williams opened the floor to public comments. Three residents spoke expressing support for the variance.

Chair Williams closed the public comments.

Mr. Everett asked a neighbor in the audience who lives directly next to the location where the variance is being requested if he was in support of the variance. The neighbor confirmed his support.

Ms. Farmer asked the Planning Department staff the status of changing this particular Ordinance so variances will not be needed for the hangars. Township attorney Porter agreed that the Ordinance should be changed as this development was approved for hangars up to 4,500 feet so a variance should not be needed.

Mr. Hutson advised that the Ordinance was last updated in 2020 to allow for a more administrative process. He agrees that Ordinance should be revised as it pertains to Newman's Airfield as it is a unique development that is an open space community with an airstrip.

Mr. Smith **made a motion** that the Zoning Board of Appeals approve the variance request to allow for the construction of a hanger not to exceed 4,500 square feet of net floor area for the reasons stated in the staff report. Ms. Farmer **seconded the motion**. The **motion was passed** unanimously.

Extension of Site Plan Approval: Faraday Properties (Unit 3 at BTR2)

Mr. Hutson presented his memo from September 24, 2024, and is incorporated herein. Faraday Properties, LLC is requesting a 12-month extension for their development located on Unit 3 of the Western Michigan University Business, Technology, and Research Park 2, a Site Condominium development on the corner of Parkview Avenue and Drake Road.

PROJECT SUMMARY:

The subject project, which consists of a new 60,785 square foot two-story office and manufacturing/distribution facility, was approved by the Zoning Board of Appeals on November 15, 2022. Administratively, the owner was previously granted a one-year extension on the site plan, extending its validity to November 15, 2023. The property owner has since expressed that construction for this project will not commence until Spring of 2025. As construction isn't scheduled to begin until after November 15, 2024, Faraday Properties, LLC has submitted a request to extend the validity of the site plan until November 15, 2025.

RECOMMENDATION:

Planning Department staff recommended that the Zoning Board of Appeals grant the requested 12-month extension.

Mr. Smith inquired as to the policy on extensions. Mr. Hutson shared with the Board that the code allows for one administrative extension and then one extension from the Zoning Board of Appeals.

Chair Williams invited the applicant to speak.

Mr. Kyle Sischo, with Faraday Properties, LLC, shared that they recently received the IDD and IFT approval from the Township. Part of the delay has been due to logistics and the cost. The cost of the construction increased by \$3-\$5 million from the original quote due to the economy between 2020 and 2022. With the grace of the Oshtemo Township they received an IFT exemption which dramatically helps with the costs. Progress is being made for a Spring or early Summer commencement as expected.

Mr. Smith **made a motion** that the Zoning Board of Appeals grant the requested 12-month extension. Ms. Farmer **seconded the motion**. The **motion was passed** unanimously.

Other Updates and Business

Chair Williams asked if there were any other updates or business.

Mr. Hutson advised that the Planning Department staff did not have any updates at this time.

Adjournment

There being no further business, Chair Williams adjourned the meeting at 3:22 p.m.

Minutes Prepared: September 25, 2024

Minutes Approved: