



**Call to Order:** 7:30 PM

**Roll Call:**

Tilburt, Blair, Powell, Skelonc, Stout, in attendance  
Zoning Administrator Gross, and Township Attorney Leisman also in attendance.

**Pledge of Allegiance:**

**Approval of Last Meeting Minutes:** Motion to approve February 15, 2023 minutes by Stout, second by Skelonc, all Ayes, Motion Carried.

**Approval of Agenda:** Motion to approve by Skelonc, second by Stout, all Ayes, Motion Carried.

**Public Comment – Matters not the Subject of Agenda Items:** No public comment.

**Agenda Matters to be reviewed by the Zoning Board of Appeals:**

**NEW BUSINESS**

1. 2023 Election of Officers

*Tilburt:* Called for nominations for Chairperson - nomination for Jon Tilburt – Accepted.

Motion to elect Jon Tilburt as Chairperson by Stout, second by Skelonc; all Ayes, Motion Carried.

*Tilburt:* Called for nominations for Vice-Chairperson - nomination for Gerald Skelonc - Accepted.

Motion to elect Gerald Skelonc as Vice-Chairperson by Blair, second by Tilburt; all Ayes, Motion Carried.

*Tilburt:* Called for nominations for Secretary - nomination for Brynadette Powell - Accepted.

Motion to elect Brynadette Powell as Secretary by Stout, second by Tilburt; all Ayes, Motion Carried.

**ZONING BOARD OF APPEALS OFFICERS 2023**

Chairperson – Jon Tilburt

Vice-Chairperson – Gerald Skelonc

Secretary – Brynadette Powell

2. Scheduled Public Hearing: Variance Request – 3584 17 Mile Rd., Cedar Springs Retail Management

Mitchel Harvey representing Stonefield Engineering

Eric Starck representing Miller/Johnson, Attorneys

Max Nathan – Alrig/CS Retail Mgmt Project Manager

All comments based on drawings submitted by Stonefield dated 3/15/2023

Mr. Harvey distributed drawings, EX-1,2,3, dated 3/15/2023

- Proposed variance is to allow parking withing the 75' front yard setback. See Zoning Ordinance Section 10.04, C3.
- Mr. Harvey noted that the nature of their request is not unique to this area along 17 Mile Rd; both Meijer Gas Station and Auto Zone encroach on the 75' setback, as well as properties across 17 Mile Rd.
- The proposed parking setback is actually 64' from the curb line.
- The topography of the site indicates a significant 9' drop from 17 Mile Rd. to the south property line.
- An easement at the south property line also limits the placement of property improvements including parking, loading and dumpsters.

- Mr. Starck noted that they have previously been granted a dimensional variance for the driveway on this site. The Planning Commission brought this parking setback issue to their attention.
- Mr. Stark stated their narrative indicates response to the four standards required for a variance.
  - 1) *Practical Difficulties*: Enforcement would effectively prohibit parking in the front yard, where the building entry would be located. Also, it would make it difficult to attain the required amount of parking for this building.
  - 2) *Special Conditions*: The front property line along 17 Mile Rd. steps down as you go east. The west side of the site allows for the 75' setback whereas the east side does not. Effectively, six parking spaces are impacted. From a practical standpoint, the impact at the east side is no worse than that on the west side. 17 Mile Rd. is not affected. Also, we have frontage on three streets, thus two front yard setbacks. This means approximately 30% reduction in building footprint area. Site topography also limits the building envelope.
  - 3) *Deprivation of Property Rights*: Every property owner around us has parking within 75' of 17 Mile Rd. including a recent variance for Aldi, although their variance was due to clear vision angles.
  - 4) *No Substantial Detriment to other Properties*. Granting of this variance will be consistent with surrounding properties. Proposed parking will not impose a traffic hazard or clear vision issue.
- Granting of this variance will not "green light" the project. We still have substantial issues to clear with the Planning Commission.

#### Comments/Questions from ZBA and Township Attorney

1. Attorney Leisman: When preparing resolutions, I was using the submitted site plan which shows all of the front row of parking to be affected by the required 75' setback. Are you now saying that is wrong?
2. Mr. Stark responded the setback is from the front property line which is the center of 17 Mile Rd., not the right-of-way line which is approximately the curb line. Discussion followed on the interpretation of the Zoning Ordinance. Attorney Leisman will advise.
3. Why are there two businesses on the site when ordinance allows just one? Eliminating one business and/or reducing building size would reduce parking requirements and variance may not be required. Owner response was that this is what they have been doing in other townships and what their tenant prefers.  
The Planning Commission, and possibly the ZBA, will have to address this issue.
4. There is still the question of whether medical clinics are an allowable use vs. medical office use. The Planning Commission will address this issue.
5. The owner responded that they own this property and have the right to develop it pursuant to a use that is allowed in the ordinance. If a variance is needed, they have a right to pursue it. They believe the setback standard has been set by surrounding properties.
6. The setback lines and dimensions are not shown clearly, thus the number of affected spaces and amount of encroachment are in question.

Chairman Tilburt asked for public comment on the presentation. With no public comment, the Public Hearing was closed and Township officials were asked to present their report and recommendations.

Attorney Leisman: The prepared resolutions were based on the drawings dated March 15, 2023, and the 75' required setback. The drawing submitted does not clearly show the required setback line and the parking spaces affected by their proposal. It appears that all parking spaces

along the north would be affected, not just the six spaces noted by the applicant tonight. The definitions for front yard and setback in the ordinance need to be looked at based on Mr. Stark's argument that only six parking spaces are at issue. Attorney Leisman will advise of proper definitions and whether setback is to be from property line or right-of-way line. May need to table the variance request and consider again next month with a revised drawing. The public notice was for a variance to allow parking within the setback area, so additional notice would not be required.

After considerable discussion, motion was made by Stout and seconded by Skelonc to table the variance request until revised drawing is submitted. All Ayes – Motion Carried.

The revised drawing should clearly show the 17 Mile Rd. right-of-way line, the requested parking setback line, and the distance between the two at all points, as well as the distance from the right-of-way line to the property line. Attorney Leisman will advise which line the 75' setback is to be measured from.

**Other Matters to be reviewed by the Zoning Board of Appeals:** None

**Old Business:** None

**Open discussion for Issues not on the Agenda:**

1. Correspondence Received: MTA Zoning Training in May/June – Contact Cathy Austin if interested.

**Report of Township Board Representative:** *Stout* – ZBA is doing a good job.

**Report of Planning Commission Representative:** *Tilburt* – nothing to report

**New Business:** None

**Adjournment:** Motion to adjourn by Stout, seconded by Blair, all Ayes, motion carried. Adjourned – 8 PM.

Next Meeting to be May 17, 2023, \* **4:00 PM.**

Secretary: *dm [signature]*

Date: *CHAP*

*5/17/23*

\* NOTE: CHANGE OF TIME FROM 7:30 PM TO 4:00 PM.

