

**CHARTER TOWNSHIP OF HAMPTON
BOARD OF APPEALS
JUNE 15, 2017**

The regular meeting of the Charter Township of Hampton Board of Appeals was called to order at 7:00 p.m. by Chairperson Noble in the Boardroom of the Hampton Township Administrative Offices.

PRESENT: Brey, Goetz, Noble, Spyhalski, Foret

ABSENT: None

ALSO PRESENT: Sheppard, J. Dewyse, and 5 people in the audience

Motion by Goetz seconded by Foret that the minutes of the April 20, 2017, meeting be approved as printed and that the reading of the minutes be waived. Motion carried.

COMMUNICATIONS:

No Communications

UNFINISHED BUSINESS:

John Morey, representing El Mexicano, 3593 W Center Ave., appeared before the board to get the tabled variance approved with changes.

Discussion was held on the following: Since the variance request is now larger than originally requested for the front yard setback, it has to be re-noticed for the next meeting. The applicant no longer needs the parking variance. The owner of the adjacent property is the same owner as the restaurant and they are willing to work the restaurant parking into the industrial parking as the same owner. The township needs to find out if there are any other variance restrictions in place when JCS Tool received precious special use permits or variances.

At this time the meeting was open to the public. No one addressed the board

Motion by Brey seconded by Goetz that the variance request to El Mexicano be tabled again so that the request can be re-noticed for a larger variance for the front yard setback on a major thoroughfare.

AYES: Brey, Goetz, Spyhalski, Noble, Foret

NAYS: None

ABSENT: None

Motioned carried

NEW BUSINESS:

John Meyer, FAIA Architect, representing Oakland Orthopedics at 513 & 515 Mulholland appeared before the board to request the following variances for an addition to a medical supply store: Sideyard setback of 8', rear yard setback of 30', and green strip of 8'.

Discussion was held on the following: Mr. Meyer discussed his handout and presented other properties in the area that are not in compliance with the ordinance. Most if the properties were "grandfathered" in or received variances. The applicant obtained a special use permit from the planning commission. The addition cannot go on the side of the building because of the

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parking. A variance may be needed for two additional parking spaces. This would require a re-notice of the variance. Applicant can deferred these two spaces to avoid a re-notice. The variances being requested are very large percentages and have never been granted before, therefore, this would be setting a precedent. This R6 Zone may need to be looked at and revised since there are hardly any residential units in this zone anymore.

Discussion continued on the following: The board can grant the variances not because of the uniqueness of the lot, but based on the district use change. Parts of the zoning ordinances overlap each other and some chapters are conflicting. Conditions can be placed on the variance request as follows: The applicant must obtain site plan approval from the planning commission, a fence of at least 4' high adjacent to the residential property must be shown and approved by the planner, and proper drainage must be shown.

At this time the meeting was open to the public. Noble read a communication from McLaren Health Care in regards to them having no opposition to the variances being requested.

Motion by Noble seconded by Foret, that the Board of Appeals of the Charter Township of Hampton, hereby reverses the denial of a building permit to Oakland Orthopedics at 513 & 515 Mulholland, under Notice of Appeal No. 17-02, for the reason that there is either unnecessary hardship (or) there is practical difficulty in carrying out the strict letter of Ordinance No 36A, and said applicant has demonstrated the existence of the conditions set forth in Chapter XXIII Section 10 thereof. The reasons being the R6 zone is mostly business and not residential. This is subject to the following conditions: Site plan approval be obtained from the planning commission, at least a 4' fence has to be in place and approved by the planner to ensure that residential lot is not impacted by headlights, and the drainage must be approved by the building inspector.

OPEN TO THE PUBLIC:
No one addressed the board.

Motion by Spyhalski seconded by Goetz that the meeting adjourn. Motion carried. Meeting adjourned at 8:20 p.m..

Respectfully submitted:

Ruth Noble, Chairperson

Jodie Hebner, Recording Secretary