
PITTSFIELD TOWNSHIP ZONING BOARD OF APPEALS MINUTES

Members Present: Dennis Ward, Kathie Mahn, Ishwar Naik, Alayna Stagg, Kenneth Brostrom.

Members Absent: None.

Others Present: Ali Alaouieh, Rich Riza, Richard Plisko, Senior Planner Paul Montagno, Associate Planner Suzanne McCoy, and Recording Secretary Laura Ford.

1.0 Call Meeting to Order/Determination of a Quorum

Chairperson Naik called the meeting to order at 6:31 p.m. A quorum was present.

2.0 Approval of Agenda

Motion by Member Ward, supported by Member Brostrom, to approve the agenda, as presented.

MOTION CARRIED

3.0 Communications and Announcements

None.

4.0 Items from the Floor

None.

5.0 Old Business

None.

6.0 New Business

6.1 ZBA 07-03 Aliza Development, LLC

[submitted for appeal of Zoning Administrator's decision]

Associate Planner Suzanne McCoy reviewed her report. She said that this is a request to appeal the Zoning Administrator's interpretation of the parking requirements. She listed the neighboring land uses. She said that a drive-through oil change facility and a retail building with a drive-through restaurant are proposed. She said that the parking required is the sum of the various uses on the site. She said that thirty-eight (38) parking spaces are required and thirty (30) spaces were provided. She added that this includes the two (2) bays in the oil change facility. She mentioned that this site does not meet the minimum parking requirements. She said that the Zoning Ordinance states that where a use is not specifically mentioned the regulations of a similar use will apply. She said that staff used the minor vehicle repair requirements for this site. She said that this requires five (5) parking spaces for each service bay and one (1) parking space for every two (2) employees. She added that there would be four (4) employees. She said that the

applicant is asking that the stacking spaces provided for the oil change facility be used to meet the requirements. She said that it is the opinion of the Zoning Administrator that stacking spaces that are required cannot be counted to satisfy the requirements. She said that the ZBA may make an interpretation of the parking requirements and any interpretation made would apply to every site governed by the Zoning Ordinance.

Member Stagg asked that if this were allowed would the use be interpreted as an oil change facility.

Planner McCoy stated that if the ZBA were to interpret that the stacking spaces in this situation could be used toward the parking requirements, a text amendment to the Zoning Ordinance would be made.

Ali Alaouieh, applicant, stated they are asking that this not be categorized as minor vehicle repair because no repairs would be done at this facility.

Member Brostrom asked if they would be replacing light bulbs, turn signals, or air filters.

Mr. Alaouieh replied yes. He stated that there would be no overnight parking.

Richard Riza, applicant, stated that he has been in the oil change business for fifteen (15) years. He mentioned that garages do overnight major repairs to vehicles. He said that this business is for convenience and the cars would be in and out as soon as possible. He said that they do not need parking spaces to park cars overnight. He said that they might flush radiators and this would take twenty-five (25) minutes at the most. He said that the oil changes are a ten (10) minute process. He said they are cramped into this site because of the regulations and there are not enough spaces to meet the requirements. He mentioned that in fifteen (15) years he has never had more than four (4) people waiting for an oil change and added that you would never see ten (10) people waiting for an oil change. He asked who would want to wait forty (40) minutes for a fifteen (15) minute job. He added that this is why they are hoping for leeway on the interpretation.

Member Ward asked what interpretation they are asking for. He asked if they want to change the classification of the business or are requesting that a variance be applied to allow the stacking spaces to be counted as parking spaces.

Mr. Riza stated that they are appealing the interpretation of the Zoning Administrator. He said that they hope that ten (10) parking spaces are not designated to that spot alone. He added that there is no need for ten (10) parking spaces.

Member Ward asked if they were requesting a different category and, if so, is there a particular category they are asking for.

Mr. Riza stated they are requesting a category for oil change facilities. He said that adequate parking would be one (1) to two (2) spaces for employees and whatever is appropriate for stacking for the drive-through.

Member Ward asked that if a variance were granted would this apply to other drive-through facilities in the Township.

Senior Planner Paul Montagno stated that they are not asking for a variance; they are asking for an interpretation. He said that with other drive-through facilities they have required stacking spaces and the required parking for the interior seating. He said that traditionally the interpretation for anything with bay doors where there is work on a vehicle is minor vehicle repair. He said that they are asking to have a completely different category that does not require parking spaces for the bay doors. He said that the ZBA could direct staff to look at amending the Zoning Ordinance.

Member Brostrom discussed the customers waiting in the lobby. He said that they might stay in their car and wait their turn so as not to lose their place in line.

Mr. Riza stated that while their car is being serviced they could either wait in the car or inside the facility.

Member Brostrom asked if there is room for people to park who have other business and are not getting an oil change.

Mr. Riza replied yes, there would be two (2) parking spaces for the employees. He said that some people stay in the car and some people get out and watch what they are doing.

Member Ward stated that these are employee parking spaces and not customer parking spaces.

Chairperson Naik stated that the site plan shows five (5) parking spaces.

Mr. Riza stated that what is shown on the site is not exactly how the site will be laid out.

Chairperson Naik asked if there would be only two (2) employees.

Mr. Riza replied yes, himself and another person.

Member Stagg asked what the parking spaces are for along the eastern parking lot.

Planner Montagno stated that there is also a retail use proposed on the site.

Member Stagg stated that if someone had business at this facility they could use those parking spaces.

Planner McCoy stated that they could not take the parking for another use and use it for this one. She said that the oil change facility has its own parking requirements.

Member Mahn showed an area on the plan and asked if it was designated for landscaping.

Planner McCoy replied yes.

Member Mahn stated that typically on a drive through there is a bypass lane and nothing like that is accommodated for. She added that there is no access if someone has an emergency.

Planner McCoy stated that this issue is being dealt with in the site plan review process. She added that there are several circulation issues onsite.

Chairperson Naik asked what the name of the franchise would be.

Mr. Riza stated that they are working with Valvoline.

Chairperson Naik asked if they advertise fifteen (15) minute oil changes.

Mr. Riza replied ten (10) minute oil changes.

Chairperson Naik asked if there are environmental issues with respect to the oil changes.

Planner Montagno stated that this would be a county issue. He said that they do deal with the floor drains and the storm water. He said that they review this in the site plan review process.

Chairperson Naik asked if each use has to provide their own parking.

Planner McCoy replied yes.

Member Stagg stated that they are short eight (8) parking spaces. She mentioned that the site plan shows that eight (8) cars could be stacked up waiting. She said that if she looked in and saw more than four (4) cars waiting she would be on her way.

Member Ward stated that this business has bay doors, they are handling fluids and materials such oil filters and radiator fluids, and he is uncomfortable using stacking spaces as parking spaces. He said that parking is established by the use. He said that a different standard should not be applied because of the time frame of the use. He added that this is a minor vehicle repair facility.

Member Stagg stated that ten (10) minutes is different than two (2) to twenty-four (24) hours. She said that the other issues of handling the materials and minor vehicle repair are not ZBA issues.

Member Ward stated that he is not concerned with how the fluids are handled he is concerned with the use of those materials.

Chairperson Naik asked if anyone in the audience was in favor of or opposed to this use.

There were no comments.

Member Ward stated that they should have findings in the minutes to support their decision. He said that this does affect the Zoning Ordinance.

Chairperson Naik stated that they should classify the points that would support the Zoning Administrator's interpretation or oppose them. He said that he would take a vote of each member at the end of the discussion.

Member Ward asked if a motion is needed.

Planner Montagno replied yes, a motion is needed. He said that the ZBA could find that the staff interpretation of the Ordinance is correct or that this is a separate classification because it is a different use other than the typical minor vehicle repair category. He added that the ZBA could direct staff to amend the Zoning Ordinance to make this a different category than minor vehicle repair. He reviewed the Zoning Ordinance definition of minor vehicle repair.

Member Brostrom stated that these uses are not always a quick service process. He said he could remember waiting numerous times for an oil change. He said that on the opposite side of the building there is a loading zone and a stacking area for the coffee shop. He said that there is no place for parking other than the loading zone.

Mr. Alaouieh stated that this is understandable. He said that there are other issues involved with the site plan. He said that they first wanted to resolve the parking issues for the oil change use and then work on the circulation issues.

Mr. Riza stated that at their other facilities there is no bypass lane. He said that at those locations they have had to pull a car out to let a car bypass, and that area was tighter than this site. He said that ten (10) parking spots is a waste of space.

Member Ward stated that he does not see how the site could handle a bypass lane because of the impervious surface. He added that this might not be possible with the layout of the site.

Chairperson Naik suggested that the members individually voice their opinion on this request and then take a vote.

Member Stagg stated that she would like staff to make an amendment to have a different category for an oil change facility and allow the stacking spaces to count as parking spaces.

Planner Montagno asked if Member Stagg meant specifically a drive-through oil change operation.

Member Stagg replied yes. She said that this is set up to be a quick convenience. She said that if there are too many cars people might go past the site anyway.

Member Ward stated that he recognizes the applicant's issues; however, he agrees with the Zoning Administrator's interpretation. He said that he is uncomfortable with stacking being part of the required parking. He said that this would be a safety hazard for residents and the Fire Marshal. He said that he does not support a change to the Zoning Ordinance for a drive-through oil change facility.

Member Mahn stated that she agrees with the findings of the Zoning Administrator. She said that there are safety hazards and unforeseen circumstances where stacking is similar to generating an intended traffic jam.

Member Brostrom stated that a new category should be made for drive-through oil facilities. He said there needs to be a definition of what would be a safe and reasonable requirement for parking. He said that he does not agree to use the stacking for parking and he does not consider it parking. He said that there are safety issues with this particular site. He said that the applicant should work with staff on these issues. He added that ten (10) parking spaces seems excessive. He said that he would not consider stacking as parking.

Planner Montagno asked if Member Brostrom was looking to reevaluate the number of parking spaces needed for a drive-through oil change facility.

Member Brostrom replied yes. He said that this requirement seems excessive given the nature of the business.

Member Stagg stated that she is concerned with only having two lanes and people not having enough room to get out. She added that there needs to be a bypass lane.

Planner McCoy stated that staff is dealing with this in the site plan review process and this is still in the preliminary review stage.

Chairperson Naik asked that if staff was directed to amend the Ordinance what would the time frame for this be.

Planner Montagno stated that this could possibly be on the agenda for the next Planning Commission meeting on August 16th. He said that the Planning Commission would make a recommendation/determination.

Chairperson Naik stated it would then go to the Township Board. He asked that if they were to overturn the Zoning Administrator's decision would they have less leverage.

Planner Montagno stated that they would have to apply the same criteria to other uses of this type.

Chairperson Naik stated that he does not disagree with the Zoning Administrator's interpretation. He said that they do not have another category in the Ordinance to select other than minor vehicle repair. He said that they should direct staff to work to amend the Ordinance to allow for a functional facility that is safe and does not result in undue burden on the applicant.

Member Ward discussed the wording of the motion.

Motion by Member Brostrom, supported by Member Stagg, that the Zoning Administrators decision be overturned and direct staff to create a new category for drive through oil change facilities with unique parking requirements.

Discussion:

Member Ward stated that he agrees with the Zoning Administrators decision.

Planner Montagno stated that the request from the applicant was that the ZBA overturn the decision to allow those ten (10) spaces to count as stacking spaces. He said that if the ZBA does not want this to happen they could agree with the decision of the Zoning Administrator and still direct staff to change the Ordinance to allow a different parking requirement.

Member Brostrom stated that this is what he wanted to say. He amended his original motion.

Motion by Member Brostrom, supported by Member Stagg, to uphold the Zoning Administrators decision, and direct staff to create a new parking requirement category for drive through oil change facilities.

ROLL CALL:

YES: MAHN, NAIK, BROSTROM, STAGG
NO: WARD
ABSENT: NONE
ABSTAIN: NONE

MOTION CARRIED

7.0 Zoning Administrator's Report

None.

8.0 Member's Report

None.

9.0 Secretary's Report

None.

10.0 Chairperson's Report

None.

11.0 Approval of Prior Minutes

11.1 Minutes of May 21, 2007

Motion by Member Ward, supported by Member Brostrom, to approve the minutes, as amended.

MOTION CARRIED

12.0 Adjournment

Motion by Member Ward, supported by Member Mahn, to adjourn the meeting.

MOTION CARRIED

Chairperson Naik adjourned the meeting at 7:28 p.m.

s/Alayna Stagg, Secretary

August 27, 2007