



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
269-216-5220 Fax 375-7180 TDD 375-7198
www.oshtemo.org

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS - REGULAR MEETING**

**OSHTEMO TOWNSHIP HALL
7275 WEST MAIN STREET**

**TUESDAY, JUNE 25, 2024
3:00 P.M.**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: May 21, 2024
6. **Site Plan Review: Revitalize Church**
Bosch Architecture on behalf of Revitalize Church is requesting site plan approval of an approximately 1,200 square foot addition to the existing building at 2901 North 10th Street.
7. Presentation by GIS Specialist: Charter Township of Oshtemo Online Map
8. Other Updates and Business
9. Adjournment

(Meeting will be available for viewing through <https://www.publicmedianet.org/qavel-to-qavel/oshtemo-township>)

**Policy for Public Comment
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday, 8 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.–1 p.m. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Cheri Bell	216-5220	cbell@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Clare Buszka	216-5260	cbuszka@oshtemo.org
<u>Trustees</u>		
Neil Sikora	760-6769	nsikora@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Michael Chapman	375-4260	mchapman@oshtemo.org

Township Department Information			
<u>Assessor:</u>			
Kristine Biddle	216-5225	assessor@oshtemo.org	
<u>Fire Chief:</u>			
Greg McComb	375-0487	gmccomb@oshtemo.org	
<u>Ordinance Enforcement:</u>			
Rod Rought	216-5222	rrought@oshtemo.org	
<u>Parks Director:</u>			
Vanessa Street	216-5233	vstreet@oshtemo.org	
Rental Info	216-5224	oshtemo@oshtemo.org	
<u>Planning Director:</u>			
Jodi Stefforia	375-4260	jstefforia@oshtemo.org	
<u>Public Works Director:</u>			
Anna Horner	216-5228	ahorner@oshtemo.org	

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD MAY 21, 2024

Agenda

Public Hearing: Variance Request – Move Up, LLC (692 South 8th Street)

Move UP, LCC is requesting relief from the frontage requirements outlined in Section 50.10 of the Zoning Ordinance to allow a proposed land division at 692 South 8th Street resulting in a parcel with less than 200 feet of frontage.

Site Plan Review: Dunshee Auto and Body

Dunshee Auto and Body is requesting site plan approval of an 11,957 square foot auto body shop with associated office space on a vacant parcel in the 6600 block of West KL Avenue.

Site Plan Review: StoryPoint Kalamazoo at Bronson Place – Memory Care

CommonSail Development is requesting site plan approval of a 28-bed memory care facility addition to the building at 1700 Bronson Way.

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held Tuesday, May 21, 2024, beginning at 3:00 p.m.

MEMBERS PRESENT: Louis Williams, Chair
 Rick Everett
 Fred Gould
 Harry Jachym, Vice Chair
 Al Smith

MEMBERS ABSENT: Dusty Farmer

Also present were Jodi Stefforia, Planning Director; Colten Hutson, Zoning Administrator; Leeanna Harris, Zoning Administrator; Jim Porter, Township Attorney; Jennifer Wood, Recording Secretary; and approximately 11 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

Mr. Smith made a motion to approve the agenda as presented. Vice Chair Jachym 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 MARCH 26, 2024

Chair Williams asked for additions, deletions, or corrections to the Minutes of the meeting held on March 26, 2024.

Vice Chair Jachym requested a change to the minutes. On page one, paragraph three, Chair Williams is incorrectly identified as Vice Chair Williams.

Vice Chair Jachym **made a motion** to approve the minutes of the meeting held on March 26, 2024, with the correction on page one, paragraph three, changing Vice Chair Williams to Chair Williams. Mr. Gould **seconded the motion**. The **motion was approved** unanimously.

PUBLIC HEARING: VARIANCE REQUEST – MOVE UP, LLC (692 SOUTH 8TH STREET)

The Chair opened the public hearing on the variance request for 692 South 8th Street.

Ms. Harris presented her report from May 16, 2024, and incorporated herein by reference. She stated that this is a variance request for 692 South 8th Street, Parcel Number 3905-22-285-022. Move Up, LLC, is requesting a variance from frontage requirements outlined in Section 50.10 of the Zoning Ordinance to allow for a reduced frontage of 178 feet where the Zoning Ordinance requires 200 feet for parcels in the industrial districts. The applicant's intent is to divide the building addressed 692 South 8th Street from the parcel addressed 604 South 8th Street in order to own the subject building and corresponding property instead of leasing. The subject property is NW of South 8th Street and West of KL Street intersection and it does presently have frontage on two streets approximately 178 feet on West KL Ave and approximately 198 feet on South 8th Street. Supporting documentation is provided in the meeting packet.

Standards of review – staff analysis

The Michigan courts have applied the following principles for a dimensional variance, which collectively amount to demonstrating a practical difficulty, as follows:

- Special or unique physical conditions and circumstances exist which are peculiar to the property involved and which are not generally applicable to other properties in the same district.
- Strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use; or would render conformity to the ordinance unnecessarily burdensome.

- The variance is the minimum necessary to provide substantial justice to the landowner and neighbors.
- The problem is not self-created.
- Public safety and welfare.

Staff has analyzed the request against these principles and offers the following information in the staff report to the Zoning Board of Appeals.

Standards of Approval of a Nonuse Variance (practical difficulty)

Standard: Unique Physical Circumstances: Are there unique physical limitations or conditions which prevent compliance?

Comment: 692 South 8th Street is presently developed with three buildings on site. The property size is fully compliant with the Ordinance; however, neither of the frontages are currently compliant with the Ordinance. At one point, the property had approximately 209 feet of frontage on West KL Avenue, in compliance with the Zoning Ordinance’s requirements. The neighboring property, addressed 7106 West KL Avenue, constructed their septic tank and drain field for a multi-family home over the subject property’s line. As a requirement of the sale of the multi-family home, 31 feet of property, where the septic tank and drain field are located, had to be deeded over to the property owner to the east.

Before seeking a variance, the applicant did attempt to acquire the necessary frontage from the property owner at 7106 West KL Avenue. Due to the location of the septic tank and drain field, and other various reasons, this acquisition was not possible.

Standard: Conformance Unnecessarily Burdensome: Are reasonable options for compliance available? Does reasonable use of the property exist with denial of the variance?

Comment: Reasonable options for compliance are available by continuing to operate the property in its present state. Use is presently being made of the property and denial of the variance would not prevent continuing the use. Dividing the parcel and associated property from the parent parcel in order to own the building instead of leasing the building is entirely discretionary and options for compliance exist in platting or creating a site condominium. However, this involves the adjacent property owners to the south that are served by the private drive. There is presently a 66-foot-wide easement proposed from South 8th Street to the proposed divided parcel.

Standard: Minimum Necessary for Substantial Justice Applied to both applicant as well as to other property owners in district. Review past decisions of the ZBA for consistency (precedence).

Comment: In researching past Zoning Board of Appeals decisions regarding the request for relief from the road frontage requirements, one similar request was found. A copy of the documentation was provided in the meeting packet.

628 South 8th Street, Parcel Number 3905-22-285-025, 12/17/2001: The applicant sought relief from the frontage (and area) requirements for I-1: Industrial District properties from the Zoning Board of Appeals to allow for the expansion of their building to add storage. The applicants argued that platting would not benefit the neighboring properties or the community, and that a site condominium was not available because two units were necessary. The Zoning Board of Appeals granted the variance request, allowing the building enlargement, citing that the variance was consistent with the spirit and intent of the Ordinance, conditioning that shared drive maintenance shall occur and an improvement agreement between the owner of the subject site and the AGM property shall occur.

Standard: Self-Created Hardship: Are the conditions or circumstances which resulted in the variance request created by actions of the applicant or a previous owner?

Comment: The applicant's interest in owning the property and corresponding building is what is creating the request, arguing that the conditions and circumstances which resulted in the variance request were created by the actions of the applicant. However, also consider that the reason for the frontage being less than current Ordinance requirements was due to a neighboring property owner constructing their septic tank and drain field over the property line onto the subject property, causing the need for 31 feet of property to be deeded over to the neighboring property owner to the East as a requirement of the sale of the multi-family home. Before this, the property had approximately 209 feet of frontage on W KL Avenue, which would have been fully compliant with the Zoning Ordinance's requirements.

Standard: Public Safety and Welfare: Will the variance request negatively impact the health, safety, and welfare of others?

Comment: The frontage required by Ordinance of 200 feet is typical for industrially zoned properties for driveways, utilities, etc. and to ensure adequate space in between neighboring parcels. It could be argued that, by granting the variance and allowing the 178-foot frontage, the request could negatively impact the health, safety, and welfare of others unless there is a restriction placed that prohibits the establishment of a driveway to West KL Avenue.

Possible actions

The motion 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 There are unique physical circumstances that prevent strict compliance with the Zoning Ordinance as the nonconforming frontage was created due to the neighboring property owners constructing the septic tank and drain field over the subject property's property line, thus leading to the nonconforming frontage.

- Support of variance denial
 - o Compliance with the Ordinance is not unnecessarily burdensome as the property could continue to be utilized in its present state, and dividing the property is entirely discretionary.
 - o Although the conditions or circumstances which resulted in the variance request were not created by the actions of the applicant, the remaining frontage is a result of a previous owner, which is still relevant for self-created hardships.
 - o Conformance to the Ordinance is not unnecessarily burdensome as creating a site condominium, platting, or extending a private road through the site, is possible if neighboring property owners participate.

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 that the Zoning Board of Appeals attach the following conditions:

- No additional access points to West KL Avenue shall be permitted until such time that the parcel's West KL Avenue frontage satisfies Zoning Ordinance requirements.
- The proposed 66' easement shall be recorded with the Kalamazoo County Register of Deeds Office and proof of same provided with the application for Land Division approval.

2. Variance Denial

The Zoning Board of Appeals denies the variance request.

Ms. Harris offered to answer any questions the Board may have and stated the applicant was present.

Mr. Smith inquired about the condition of no additional access to KL Avenue until the 66-foot easement requirement is satisfied which would require all the property owners to agree to join together for the purpose of the easement.

Ms. Harris confirmed this statement and that no additional access to West KL Avenue be permitted until the frontage satisfies the Zoning Ordinance requirements.

Mr. Porter clarified that since the property owner is asking for the division this is a reasonable requirement creating the variance and utilizing the existing easement for access to South 8th Street.

Ms. Stefforia stated that if at any point in the future, if this is granted, and the southern parcel gets additional frontage and is compliant with the zoning requirements, then they would have met that variance standard and could have a driveway to West KL Avenue at that time if the Road Commission grants the driveway permit. Long term plans include a sewer being placed down West KL Avenue.

Vice Chair Jachym asked for clarification on whether the variance is for West KL Avenue or for 8th Street as we are discussing a possible split of the parcel.

Mr. Porter clarified that the variance is to allow the split of the parcel which would result in a 178-foot frontage on West KL Avenue.

A company representative and the applicant, Ms. April Jennesis, owner of Move Up, LLC, spoke to the Board in favor of the variance request. Chair Williams thanked the applicant for her comments.

Public Comment

There was none.

Ms. Stefforia informed the Board that today only the West KL Avenue frontage variance is being considered as 8th Street was previously granted a variance.

Vice Chair Jachym **made a motion** to grant the variance as this is a unique physical situation created with the septic system put in by previous owners and was not self-created and allow for access off West KL Avenue as this will not impact safety and to record the easement. Mr. Gould **seconded the motion**. The **motion was passed** unanimously.

Township attorney James Porter advised that the Zoning Board of Appeals is tasked with reviewing site plans when there is no special use. Typically, these reviews are done at the Planning Commission, but Oshtemo Township has done it this way for many years.

SITE PLAN REVIEW: DUNSHEE AUTO AND BODY

Ms. Stefforia presented a site plan review for Dunshee Auto and Body per a report dated May 16, 2024 and incorporated herein. Joseph Townsend, on behalf of Dunshee Auto and Body, is requesting site plan approval to construct an 11,957 square foot building on a parcel immediately west of the existing Dunshee Auto and Body property with corresponding site details on Parcel Number 05-23-335-021. The proposed building will serve as an office space and an auto body shop.

Analysis:

The entirety of the property in question is zoned I-1: Industrial District. Uses permitted in the I-1 zoning district are outlined in Article 27 of the Township's Zoning Code. Auto body and paint shops are identified as Permitted Uses within this section. New construction of a Permitted Use requires the review and approval of the Zoning Board of Appeals (Section 64.20). Below is an analysis of the proposal against Section 64: Site Plan Review.

Section 64: Site Plan Review

General Zoning Compliance:

Zoning: The site at Parcel Number 05-23-335-021 is zoned I-1: Industrial District. All properties surrounding this proposed new site are also within the I-1 Zoning District. The proposed auto body shop is a Permitted Use by right within said district.

Lot Dimensions: Parcels within the I-1 Zoning District require a minimum area of 50,000 square feet and frontage of 200 feet (Section 50.10.A). The proposed Dunshee Auto and Body site has nearly 254 feet of frontage along West KL Avenue and an area of 63,1625 square feet. The proposed property exceeds the dimensional standards of the code.

Setbacks: Properties within the I-1 District, and located on KL Avenue, have a front yard setback of 70 feet. The minimum setback distance between any building and any rear or interior side property line shall be 20 feet or the height of the abutting side of the building at its highest point as measured from the grade of the property line, whichever is greater (Section 50.60). This is not applicable in this case. The proposed building is 19 feet 8 inches at its highest and 18 feet at its eave. A 20-foot setback is provided on the east and rear property line and a 35-foot setback is provided on the west property line. The setback requirements are met with this property.

Access and Circulation

Access: Although the proposed lot has frontage to KL Avenue, the site will be accessed from an existing access drive to the site from the site immediately to the east. No new driveway on KL Avenue is proposed to the site. To accomplish this, the applicant will enter into the necessary cross access easement agreements and provide such to the Township prior to building permit issuance. All aisles within the proposed site plan will be a minimum of 24 feet wide.

Parking: Per Section 52.50, 30 parking spaces are required, and 30 spaces are provided, along with the two required ADA accessible spaces. All stalls are 10 feet by 20 feet, with the ADA spaces being concrete, meeting Township standards.

Sidewalk: Per Section 57.90, sidewalks indicated on the Township's Non-motorized Plan shall be installed by the developer when properties adjacent to planned nonmotorized facilities receive site plan approval from the municipality. The Township's adopted Non-

motorized Plan does not show any facilities on the south side of W KL Avenue, besides a paved shoulder/bike lane. Therefore, this section is not relevant.

Building Design

Facade: Exterior materials for the proposed Dunshee Auto and Body include Ashley Grey vertical ribbed siding, asphalt roof shingles, burnished CMU wall, aluminum gutter and downspout, and various white doors. Building designs are included in the staff report included in the meeting packet.

Trash and Recycling Containers: The applicant is proposing to locate the site's dumpster on the far southeast portion of the parking lot away from public view. The screening is proposed to be constructed of wood framing and posts and is proposed to be 6 feet tall from grade. This location and the proposed screening meet the requirements of Code Section 53.60 Screening of Trash and Recycling Containers.

Lighting: The applicant has provided a Photometric plan. Eight cut-off wall mounted light fixtures are proposed at 12 feet in height at various locations on the building. Per the Township Lighting Ordinance, wall mounted lights shall not be mounted higher than 14-feet above grade on a building. Requirements for the proposed wall fixtures have been met.

Signage: The applicant has indicated that there will not be any new signage. If the applicant chooses to do so, the signage shall be reviewed and approved through the signage application process as long as it meets with the Ordinance requirements.

Landscaping

The applicant has provided a landscaping plan that meets Township standards. The current plan shows 14 canopy trees, 54 shrubs, and 13 understory trees. A six-foot wood fence has also been proposed on the west property line to provide additional screening and to serve as a buffer between this site and residential property to the west.

Engineering

The Oshtemo Township Public Works Department reviewed the project site plan. Overall, most on-site concerns have been addressed in revision; however, there are still a few concerns with respect to stormwater and a few other minor details. Staff are confident that these items can be addressed through administrative review before a building permit is issued.

Fire Department

The Township Fire Marshal is satisfied with the site design.

Recommendation:

Staff recommends that the Zoning Board of Appeals approve the proposed Site Plan for a 11,957 square foot office and body shop building on Parcel Number 05-23-335-021 for Dunshee Auto and Body with the conditions outlined below:

1. The Environmental Permits Checklist and the Hazardous Substance Reporting Form shall be submitted to the Planning Department and approved prior to building permit issuance.
2. Copies of the necessary recorded easements showing access over the parcel to the east shall be provided to the Planning Department prior to the issuance of a certificate of occupancy.
3. Finalization of any engineering details pertaining to the site plan shall be submitted in a revised plan for administrative review and approval prior to building permit issuance.
4. A SESC Permit will be required from the Kalamazoo County Drain Commission prior to building permit issuance.
5. An address request form shall be submitted and approved by the Township prior to building permit issuance.

Chair Williams thanked Ms. Stefforia for the report and welcomed any public comment.

Mr. Joseph Townsend, owner of Dunshee Auto and Body addressed the Board in support of the site plan.

Mr. Smith **made a motion** that the Zoning Board of Appeals approve the Site Plan for an approximately 11,957 square foot office and body shop, Parcel Number 05-23-335-021, for Dunshee Auto and Body with the five conditions set forth by staff:

1. The Environmental Permits Checklist and the Hazardous Substance Reporting Form shall be submitted to the Planning Department and approved prior to building permit issuance.
2. Copies of the necessary recorded easements showing access over the parcel to the east shall be provided to the Planning Department prior to the issuance of a certificate of occupancy.
3. Finalization of any engineering details pertaining to the site plan shall be submitted in a revised plan for administrative review and approval prior to building permit issuance.
4. A SESC Permit will be required from the Kalamazoo County Drain Commission prior to building permit issuance.
5. An address request form shall be submitted and approved by the Township prior to building permit issuance.

Vice Chair Jachym **seconded the motion**. The **motion was passed** unanimously.

SITE PLAN REVIEW: STORYPOINT KALAMAZOO AT BRONSON PLACE – MEMORY CARE

Mr. Hutson reported on the Site Plan Review for StoryPoint Kalamazoo at Bronson Place – Memory Care per the staff report dated May 14, 2024 and incorporated herein. CommonSail Development, on behalf of the owner, EPC Trevi LLC, is requesting site plan approval to construct a 21,075 SF building addition onto the existing building located at 1700 Bronson Way.

Currently serving as an assisted living facility, the applicant is seeking to expand their operations to provide space for a new 28-bed memory care unit within the proposed building addition. The project site falls within the R-4: Residence District zoning designation. Additional documentation was provided in the meeting packet.

Analysis:

When reviewing this site plan review request, there is one set of criteria that needs to be considered: the general site plan review criteria outlined in Section 64. Section 64 includes requirements on access, parking, non-motorized facilities, grading, utilities, drainage, along with other general requirements. An analysis of the proposed building addition project against said code section has been provided below. Overall, most of the requirements of Section 64 have been met.

Section 64: Site Plan Review

General Zoning Compliance:

Zoning: 1700 Bronson Way is zoned R-4: Residence District and is located within the northeast quadrant of the Township. The subject property abuts farmland to its east, single-family homes and a cell tower to its north, a hospice care facility to its south, and unimproved commercial property and a multi-family development to the west. Land that abuts to the north and east of the project area are zoned R-2: Residence District while property adjacent to the south is zoned R-4: Residence District. Property to the west is zoned R-4: Residence District and C: Local Business District. The existing assisted living use is a permitted use by right within the R-4: Residence District. The proposed memory care use is also permitted by right within the R-4: Residence District. The site under consideration is approximately 35 acres in total has approximately 1, 680 feet of road frontage adjacent to the public roadway. With the proposed building addition, the percentage of land covered by buildings will increase to 14.1%. 16% of the 35-acre site remains as designated for open space. This site exceeds the minimum property area and fringe requirements and all setbacks have been met.

Access and Circulation

Access: The site under consideration already possesses a full access point adjacent to Croyden Avenue. The property also has two emergency access drives, one along Beech Avenue to the north and one along the west end of the site where Maple Hill Drive currently terminates. The site is designed to accommodate two-way travel. All circulation aisles proposed meet the minimum width requirements outlined in the Township’s Zoning Ordinance. The Fire Marshal has reviewed the site plan and found it adequate to service emergency vehicle circulation.

Parking: The site currently has 203 parking spaces in total, 120 of which are underground. All existing and proposed parking stalls are 10 Ft wide by 20 Ft deep. Nursing home uses are allowed one parking space for every two beds and one parking space per employee. The existing assisted living facility possesses 248 beds and 35 employees. The proposed memory care facility includes 28 beds and 15 employees. After calculating the parking needed for the use proposed to occupy the site, a total of 188

parking spaces would be required for this site. Sufficient parking has been provided and all parking requirements are satisfied.

Easements: There is a 20 Ft wide water easement proposed to run along the south side of the building addition. Said water easement will consist of 8" water main and will need to be dedicated to Oshtemo Township. Extension of such utilities will require coordination with the Public Services Department at the City of Kalamazoo. Other than the water easement, there are no other changes to easements on-site.

Non-motorized: The Township's Non-Motorized Transportation Plan does identify a nonmotorized facility adjacent to the subject site on the north side of Croyden Avenue and the east side of Maple Hill Drive. A 5Ft wide concrete sidewalk in said locations is currently proposed on the site plan. If any portion of the sidewalk results in being located outside of the public right-of-way in order to avoid safety concerns and utility conflicts, a sidewalk easement will be required to be recorded at the Kalamazoo County Register of Deeds Office.

Building Design

Building Information: The existing building located at 1700 Bronson Way was originally constructed in 1988 and is approximately 30 Ft tall. The proposed 21,075 SF building addition will be located on the east end of the existing building. The exterior material proposed for the addition is vinyl siding and brick masonry. The exterior of the addition will be harmonious with the existing façade and architectural features of the existing portion of the building.

Lot Dimensions: The site under consideration is comprised of three parcels and is about 35 Acres and has approximately 1,680 Ft of road frontage adjacent to public roadway. Each parcel exceeds both the property area (50,000 SF minimum) and frontage (200 Ft minimum) requirements of the R-4: Residence District. The site's dimensions satisfy zoning ordinance requirements.

Setbacks: The building addition is proposed to be setback 246 Ft from the south property line, 87 Ft from the east property line, approximately 325 Ft from the north property line along Beech Avenue, and 1,125 Ft from the west property line along Maple Hill Drive. The minimum setbacks outlined in the Township's Zoning Ordinance for the front, side, and rear yards have all been satisfied.

Fencing: A 6 Ft tall vinyl fence is proposed along the eastern property boundary and will extend the length of the 18 parking spaces proposed along the east side of Bronson Way. The fence will provide for additional screening between the memory care facility and the residentially zoned property to the immediate east. This will serve as a buffer between land uses in addition to the existing tree line along said property line. All requirements met.

Lighting: A photometric plan has been provided. Several new pole mounted lights and building mounted lights are proposed. All lighting ordinance requirements have been met.

Signs: No changes to the current on-site signage is proposed. This portion of the review is not applicable.

Landscaping

The landscaping plan that was submitted by the applicant proposes to preserve a number of existing trees in addition to planting several different tree species on-site. A significant amount of landscaping interior to the site such as along the expanded parking area and around the building addition has been provided. All landscaping requirements within the Zoning Ordinance have been met.

Engineering

Wightman and the Oshtemo Public Works Department have reviewed the project site plan and overall are happy with the proposal.

Fire Department

The Fire Marshal has reviewed the site plan and finds it satisfactory.

Recommendation:

Planning Department staff recommend the approval of the proposed Site Plan for a 21,075 SF memory care building addition onto the existing building located at 1700 Bronson Way with the following conditions:

1. A Soil Erosion and Sedimentation Control (SESC) permit from the Kalamazoo County Drain Commissioner's Office will be required prior to building permit issuance.
2. An 8" watermain connection is proposed on the south side of the building. All watermain connections shall be coordinated with the City of Kalamazoo Department of Public Services. Acceptance of watermain construction and testing must be provided prior to issuing a certificate of occupancy.
3. A non-motorized project permit for new sidewalk facilities within the public right-of-way shall be obtained from the Road Commission of Kalamazoo County prior to building permit issuance.
4. Benefit Unit fees for the sewer connection shall be collected by the Township prior to issuing a certificate of occupancy.
5. Copies of the necessary recorded easements shall be provided to the Township prior to issuing a certificate of occupancy
6. As a Non-Motorized Plan is presently being prepared as part of the Comprehensive Plan process, the extent of sidewalk installation along the subject site's road frontage as a part of the building addition project will be determined prior to occupancy.

Public Comment

A representative from StoryPoint spoke in support of the site review plan. One element in the packet they would like to address is the perimeter sidewalk along the outside of the existing property and the additional portion of the sidewalk to attach to the sidewalk system to the adjacent property.

Mr. Jeff Miller, a Landscape Architect with Prien & Newhof, spoke about the sidewalks.

The Board questioned Mr. Miller about the location of the sidewalk. The sidewalk in question is an ADA ramp on the Southeast corner of Croyden and Maple Hill and is not on their property.

Mr. Porter advised the Board that the courts have made it clear that off-site improvement can not be required. If the Township would like to see the off-site improvement they will need to participate.

Ms. Stefforia stated that according to the staff report by Mr. Hutson, the comprehensive plan process is currently underway and one of the elements of it will be an updated non-motorized plan. Due to this, we would like reserve the right to say if a sidewalk will be required or not depending on the outcome of the master plan process because commercial and residential development along Maple Hill Drive will be envisioned for that area.

Mr. Jim Pappas of Fusco, Shaffer & Pappas Architects and Planners offered to answer any questions the Board may have regarding the architectural design of the building.

Mr. Smith **made the motion** that the Zoning Board of Appeals accept the proposed Site Plan as presented for a 21,075 SF building addition onto the existing building located at 1700 Bronson Way with the following conditions:

1. A Soil Erosion and Sedimentation Control (SESC) permit from the Kalamazoo County Drain Commissioner's Office will be required prior to building permit issuance.
2. An 8" watermain connection is proposed on the south side of the building. All watermain connections shall be coordinated with the City of Kalamazoo Department of Public Services. Acceptance of watermain construction and testing must be provided prior to issuing a certificate of occupancy.
3. A non-motorized project permit for new sidewalk facilities within the public right-of-way shall be obtained from the Road Commission of Kalamazoo County prior to building permit issuance.
4. Benefit Unit fees for the sewer connection shall be collected by the Township prior to issuing a certificate of occupancy.
5. Copies of the necessary recorded easements shall be provided to the Township prior to issuing a certificate of occupancy
6. As a Non-Motorized Plan is presently being prepared as part of the Comprehensive Plan process, the extent of sidewalk installation along the subject site's road frontage as a part of the building addition project will be determined prior to occupancy.

In addition, not to exclude the installation of the 900 feet of sidewalk on the North side with the construction of a sidewalk or an updated pathway if that is what is called for from the master plan. As for the South side, the property that you do not own, we cannot require you to install an ADA ramp. Mr. Everett **seconded the motion**. The **motion was passed** unanimously.

OTHER UPDATES AND BUSINESS

Ms. Stefforia offered to give the Board a tour of the building following the conclusion of the meeting.

Meeting adjourned at 4:07 p.m.

Minutes prepared: May 24, 2024

Minutes approved:

June 20, 2024

Mtg Date: June 25, 2024

To: Oshtemo Township Zoning Board of Appeals

From: Leeanna Harris, Zoning Administrator

Applicant: Seth Baar, Bosch Architecture

Owner: Revitalize Church

Property: 2901 North 10th Street, Parcel Number 05-11-230-038

Zoning: R-2: Residence District

Request: Site Plan Review for expansion of building on site

Section(s): Section 64: Site Plan Review

OVERVIEW:

Seth Baar, on behalf of Revitalize Church, is requesting site plan approval for an expansion on the south side of the existing building on site to accommodate a larger area for children’s group activities. The expansion is proposed to add 1,223 square feet to the existing 3,968 square foot building. 2901 N 10th Street is located on the west side of N 10th Street, south of West H Avenue, shown on an aerial map to the right with the addition area shown in red and yellow hatching.

ANALYSIS:

When reviewing this site plan request, the set of criteria that needs to be considered are the general Site Plan Review criteria outlined in Section 64. Below is an analysis of the proposal against said code section.

SECTION 64 - SITE PLAN REVIEW:

General Zoning Compliance:

Zoning: 2901 N 10th Street is currently zoned R-2: Residence District. All properties surrounding the subject parcel are zoned R-2: Residence District. The proposed house of worship use expansion is considered a permitted use within the R-2: Residence District. All general zoning requirements have been met.



Lot Dimensions: The property possesses approximately 660 feet of frontage adjacent to N 10th Street and is about ten acres in size. The lot exceeds both the property area (min. 50,000 square feet) and frontage (min. 200 feet) requirements for unplatted parcels carrying an R-2: Residence District designation. The site's dimensions satisfy Zoning Ordinance requirements.

Setbacks: Properties within the R-2 District and those located on N 10th Street have a minimum front yard setback of 70 feet. The minimum setback distance between any building and any side yard property line is 10 feet. The minimum setback distance between any building and any rear yard property line shall be 15 feet. Building setbacks will not be changing on the north, east, or west property lines and setbacks are met on the south property line. Minimum setback requirements are satisfied.

Access and Circulation:

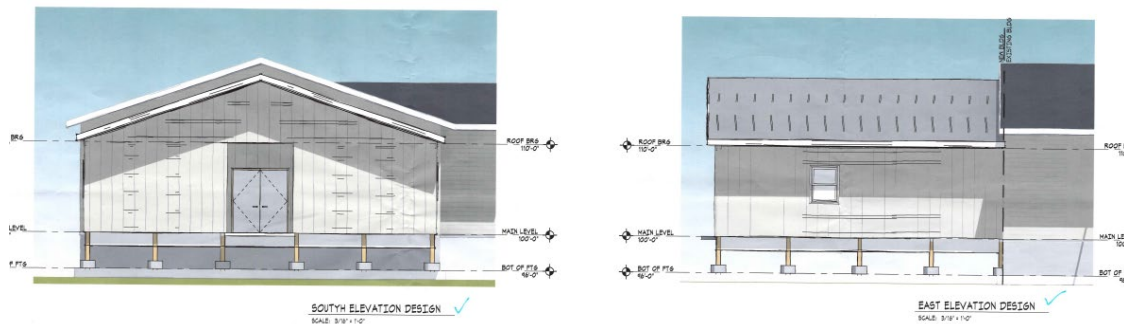
Access: The subject property currently has an existing drive into the site from N 10th Street near the northeast corner of the property. This drive will continue to be used in a similar fashion as before. The existing circulation aisle widths are 24 feet wide, which is the minimum width required under Section 52.50 of the Zoning Ordinance for two-way travel. Requirements are met.

Parking: The parking lot is presently existing, with a total of 66 parking spaces shown on the site plan. Two of the 66 parking spaces are ADA accessible. Staff suggest as a condition of approval that finalization of details pertaining to ADA parking spaces shall be subject to administrative review and approval. All existing parking spaces are 10 feet by 20 feet. Houses of Worship uses require 1 parking space for each 3 seats in the worship area. Although the existing parking exceeds the maximum limit, 50 spaces are required for the addition, which meets Ordinance requirements.

Non-motorized: The Township's Nonmotorized Transportation Plan indicates a ten-foot-wide shared use path on the west side of N 10th Street abutting the front of the subject property. However, Section 57.90 exempts uses requiring site plan review that entail an alteration or expansion to an existing building involving less than 2,000 square feet. Therefore, this section does not apply.

Building Design:

Building Information: The proposed 1,223 square foot building addition is proposed on the south side of the existing building on site and is proposed at 15 feet tall. An elevation sheet was provided with the site plan submission, and a snapshot of the south and east elevations are included below. The exterior material for the proposed building will be steel siding.



Trash Containers: The dumpster location will remain in its present place, with a new, opaque, 6-foot-tall enclosure to shield such from public view. Submitted details meet Ordinance requirements.

Landscaping: A landscaping plan was provided and satisfies Ordinance requirements.

Lighting: A lighting plan has been provided; however, no changes are reflected on the plan from present conditions and submitted details satisfies Ordinance requirements.

Signage: The applicant has indicated that there will not be any new signage. If the applicant chooses to erect signage in the future, the signage shall be subject to the Township's sign permit application process.

Engineering: The Oshtemo Public Works Department has reviewed the proposal and are satisfied with the site.

Fire Department: The Fire Marshal finds the site plan to be satisfactory and meets code requirements.

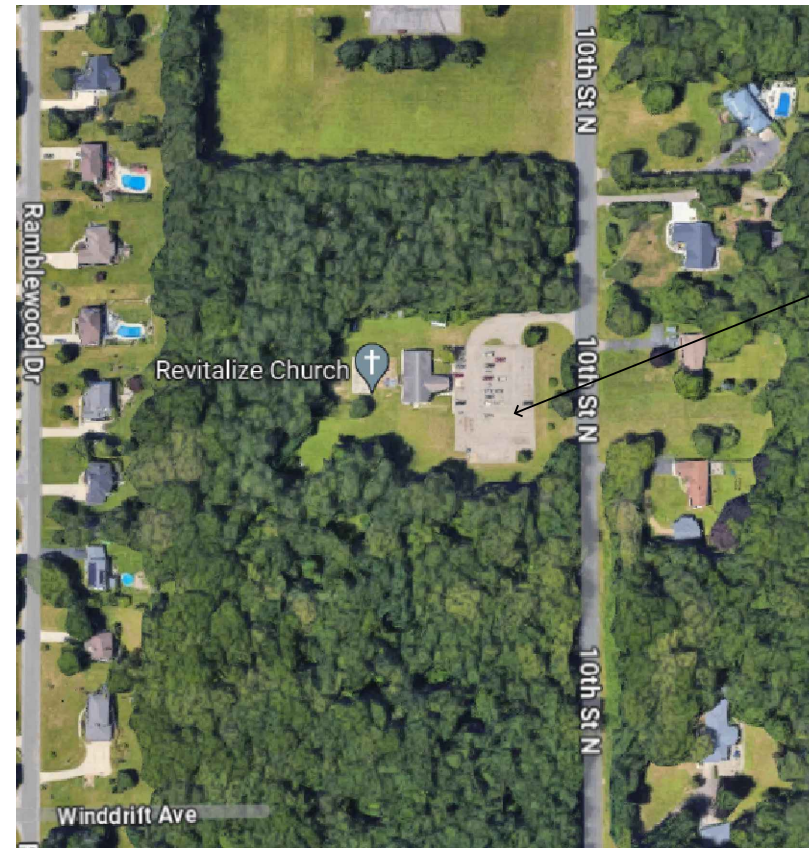
RECOMMENDATION:

Planning Department staff recommend the approval of the proposed 1,223 square foot addition onto the south side of the existing building located at 2901 N 10th Street with the following conditions:

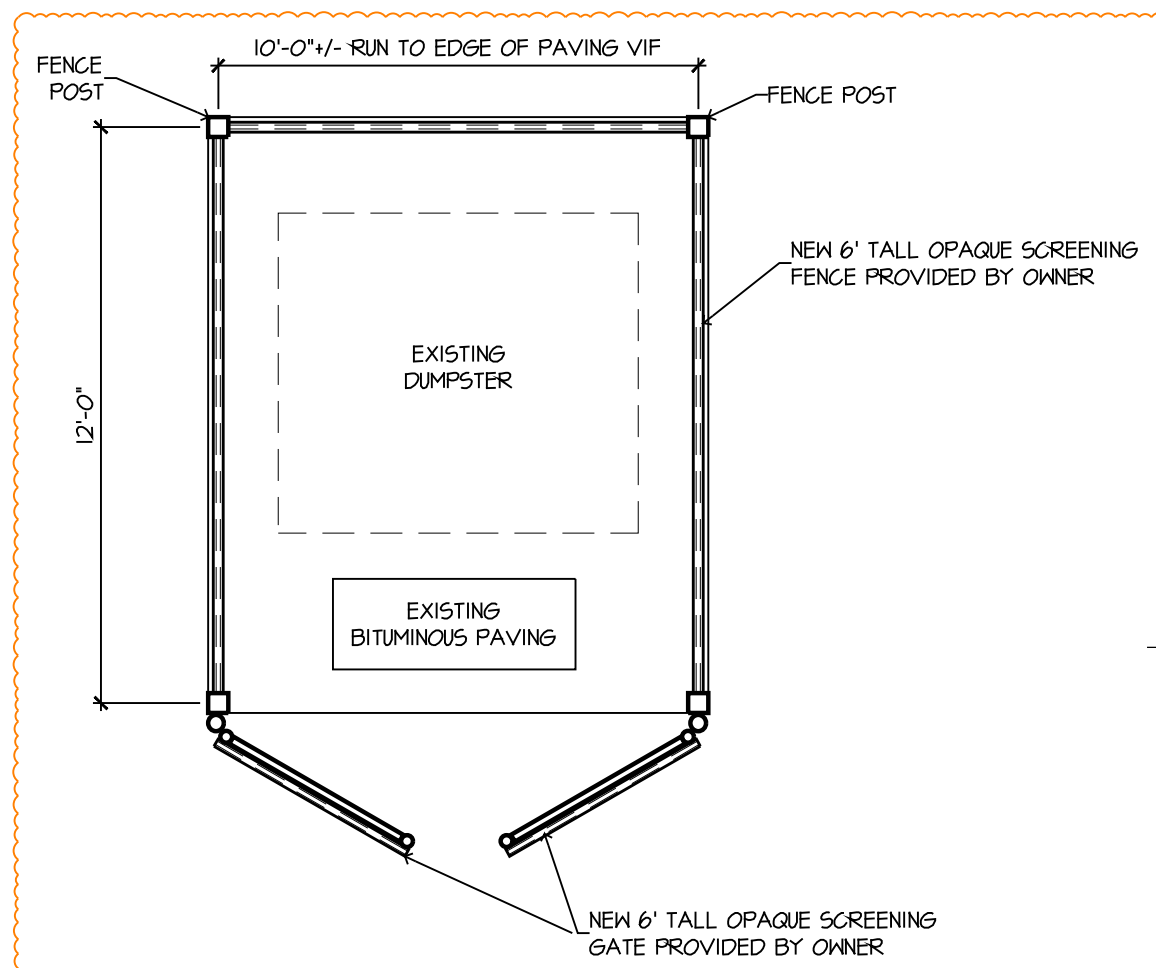
1. Finalization of details pertaining to ADA parking spaces shall be subject to administrative review and approval.

Attachments: Application
Site Plan
Floor Plan
Elevations Sheet

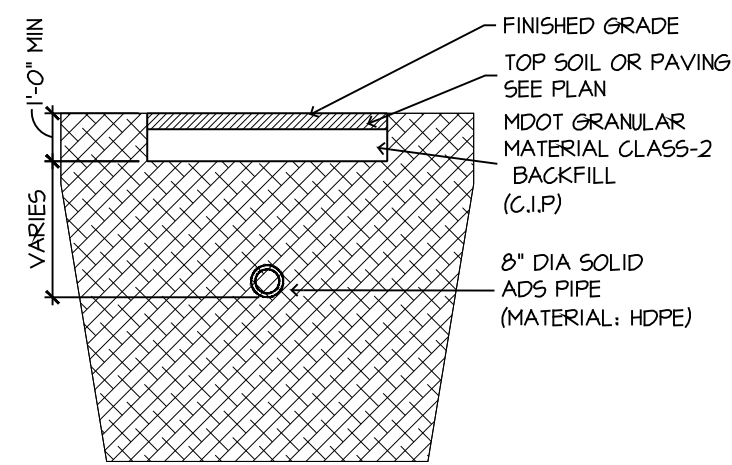
[This page is left intentionally blank]



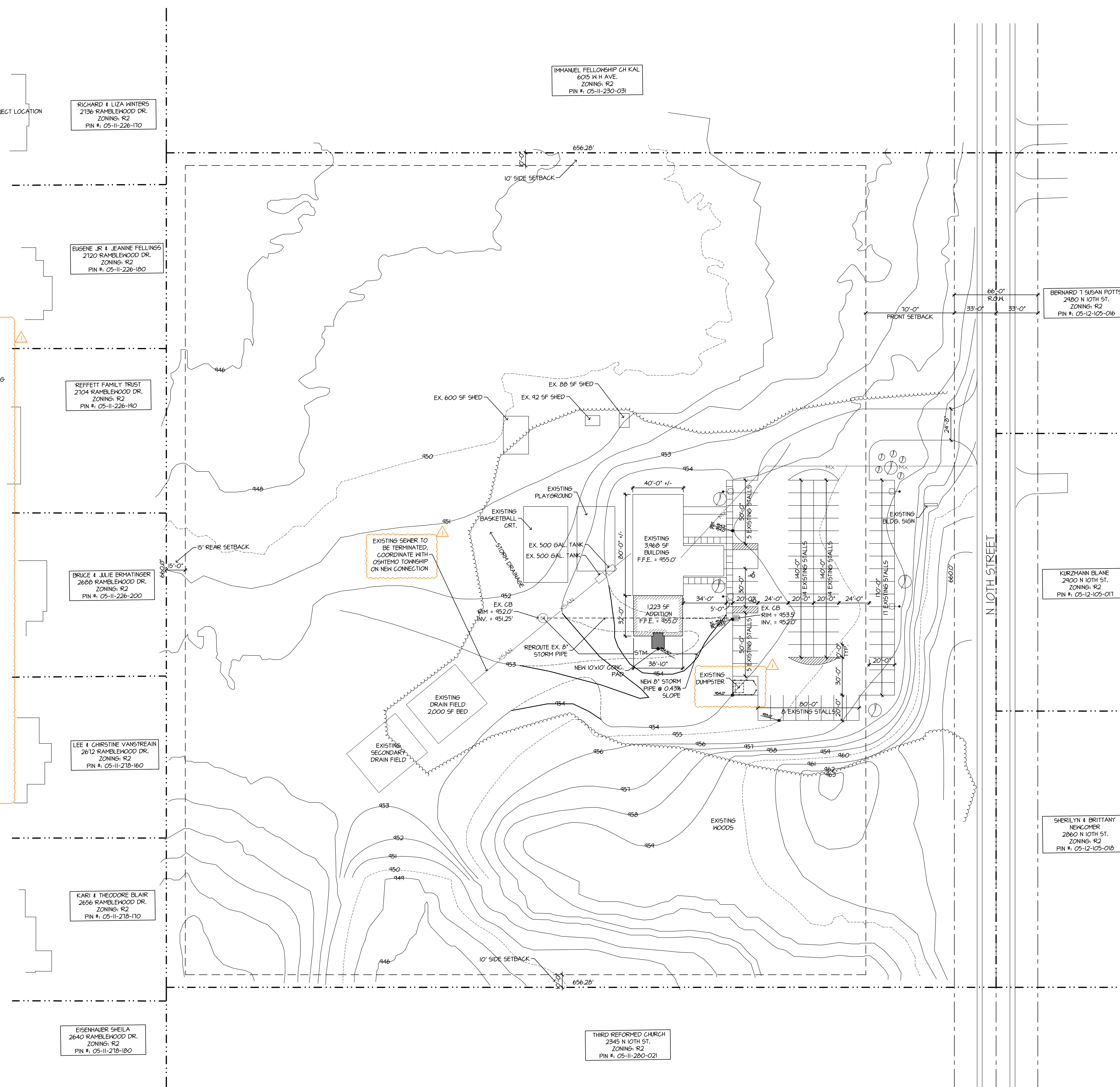
PROJECT LOCATION MAP
NOT TO SCALE



DUMPSTER ENCLOSURE
SCALE: 1/4" = 1'-0"



SOLID STORM PIPE
SCALE: 1/4" = 1'-0"



- SITE INFORMATION**
1. PARCEL ADDRESS: 2901 N 10TH STREET, KALAMAZOO, MI 49004 PIN: 05-11-230-038
 2. OWNER: REVITALIZE CHURCH 2901 N 10TH STREET KALAMAZOO, MI 49004
 3. ARCHITECT: BOSCH ARCHITECTURE 8085 VINEYARD PKWY KALAMAZOO, MI 49004 (269) 351-5151
 4. SURVEY: N/A
 5. ZONING: R2; RESIDENCE DISTRICT
 6. EXISTING LAND USE: PLACE OF WORSHIP
 7. TOTAL SITE AREA: 430,674 V- SF - 9.91 AC
 8. LAND USE PERCENT (%): OPEN: 91.3% (BUILD); 1.2% PAVEMENT; 1.5%
 9. BUILDING TYPE(S): 3468 SF EXISTING BLDG, 1223 SF ADDITION
5168 TOTAL SF
 10. MAXIMUM BUILDING HEIGHT: 35' MAXIMUM 15.0' ACTUAL
 11. REQUIRED PARKING: HOUSES OF WORSHIP: (1) STALLS REQUIRED PER THREE SEATS OR 6 FT OF PEN IN THE MAIN PLACE OF ASSEMBLY
150 SEATS / 3 = 50 STALLS REQUIRED
SPACES REQUIRED: 50 SPACES REQUIRED 66 STALLS PROVIDED
 12. LANDSCAPING: SEE THIS SHEET
 13. LEGAL DESCRIPTION: SEE THIS SHEET
 14. OCC. CLASSIFICATION: A3 - ASSEMBLY
 15. CONSTRUCTION TYPE: 5B
 16. ALL SITE PARKING STRIPES, ARROWS, CROSSHALKS AND LINES TO BE YELLOW PAINT. ALL BARRIER FREE MARKINGS, LINES AND SYMBOLS TO BE BLUE.

LEGAL DESCRIPTION:
SEC 11-2-12 E1/2 E1/2 NE1/4 EXC N 660FT 4 EXC S 1331.25 FT

Revitalize Church

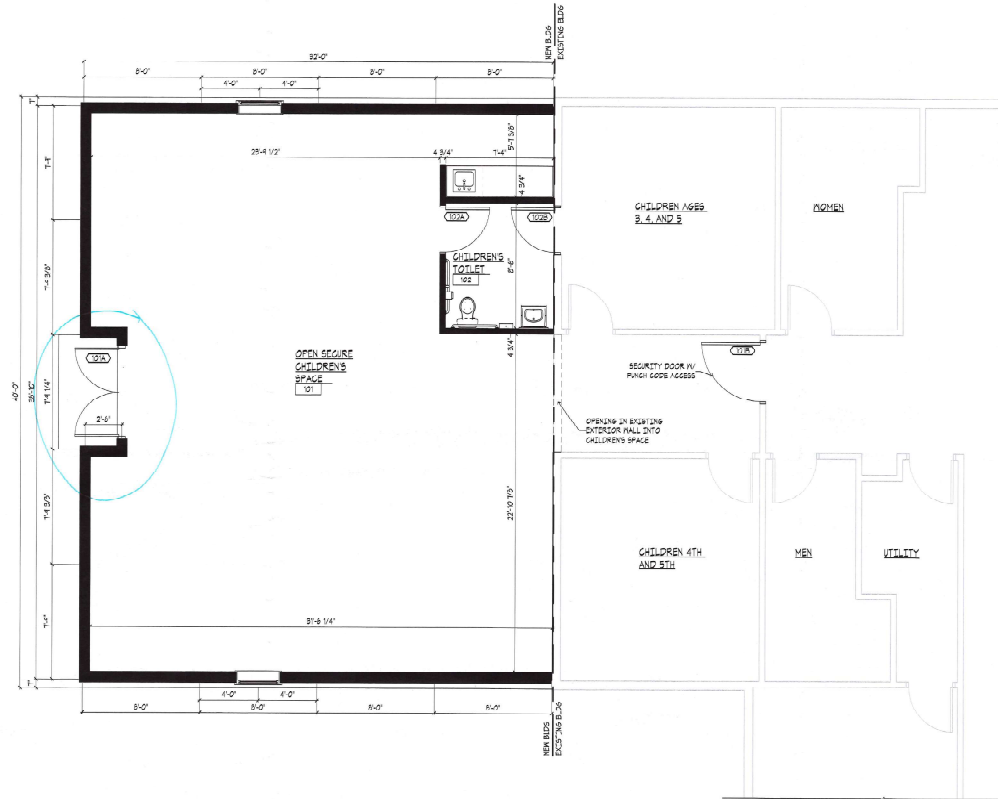
2901 10th St N, Kalamazoo, MI 49009


PREPARED FOR: SITE PLAN REVIEW
 05/24/2017 05:30:00 REVISED PER REVIEW COMMENTS
 ISSUED

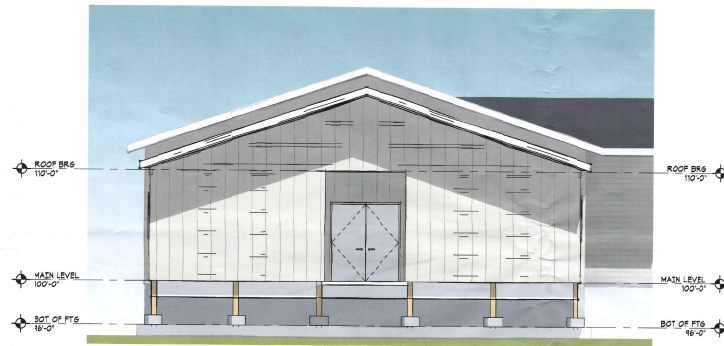


PN: 24017
 File Name: 24017\001.dwg
 8065 Vineyard Parkway
 Kalamazoo, MI 49009
 (269) 351-5151
 Boscharch.com

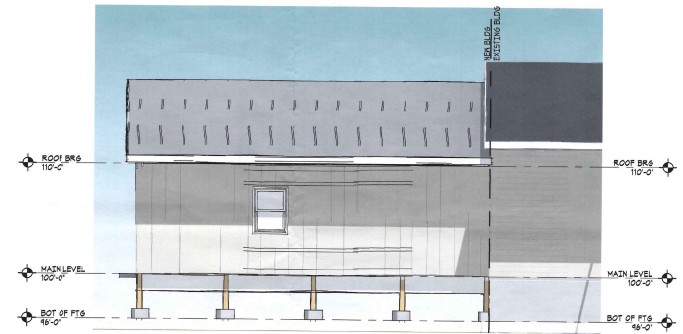
[This page left intentionally blank.]



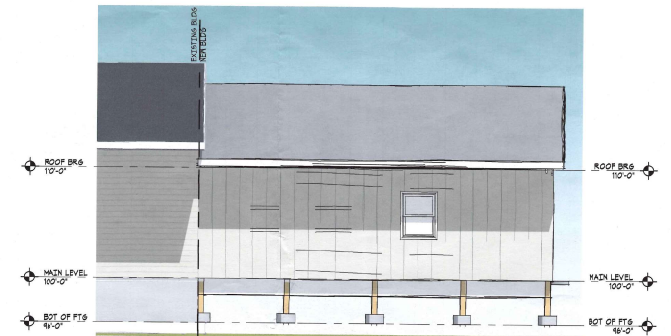
 MAIN LEVEL DESIGN PLAN
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION DESIGN ✓
SCALE: 3/16" = 1'-0"



EAST ELEVATION DESIGN ✓
SCALE: 3/16" = 1'-0"



WEST ELEVATION DESIGN ✓
SCALE: 3/16" = 1'-0"