

**NOTICE
OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

REGULAR MEETING - VIRTUAL

(Refer www.oshtemo.org Notice Board for Virtual Meeting Information, or page 3 of packet)

**TUESDAY, APRIL 28, 2020
3:00 p.m.**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of Minutes: January 28th, 2020
4. **Site Plan: Stadium and 11th**
The Vernon Group is requesting site plan approval to construct a 18,500 square foot medical office building at the northwest corner of Stadium Drive and South 11th Street.
5. **Variance: Wingard, 3274 S 6th Street**
Logan Wingard is requesting a 40-foot reduction of the 70-foot required front setback from the S 6th Street right-of-way to replace an old carport that had to be demolished.
6. **Variance: Consumer Credit Union, 6699 W Main Street**
Universal Sign, on behalf of Consumer Credit Union, is requesting relief from the Zoning Ordinance in order to install a pole sign with 80 square feet of display area when only 60 square feet is allowed.
7. Public Comment
8. Other Updates and Business
9. Adjournment

**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 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. 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>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Grant Taylor	216-5221	gtaylor@oshtemo.org
<u>Trustees</u>		
Cheri L. Bell	372-2275	cbell@oshtemo.org
Deb Everett	375-4260	deverett@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Ken Hudok	548-7002	khudok@oshtemo.org

Township Department Information		
<u>Assessor:</u>		
Kristine Biddle	216-5225	assessor@oshtemo.org
<u>Fire Chief:</u>		
Mark Barnes	375-0487	mbarnes@oshtemo.org
<u>Ordinance Enf:</u>		
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org
<u>Parks Director:</u>		
Karen High	216-5233	khigh@oshtemo.org
Rental Info	216-5224	oshtemo@oshtemo.org
<u>Planning Director:</u>		
Iris Lubbert	216-5223	ilubbert@oshtemo.org
<u>Public Works:</u>		
Marc Elliott	216-5236	melliott@oshtemo.org

Zoom Instructions for Participants

Before a videoconference:

1. You will need a computer, tablet, or smartphone with a speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. If you are going to make a public comment, please use a microphone or headphones with a microphone to cut down on feedback, if possible.
3. Details, phone numbers, and links to videoconference or conference call are provided below. The details include a link to **“Join via computer”** as well as phone numbers for a conference call option. It will also include the 9-digit Meeting ID.

To join the videoconference:

1. At the start time of the meeting, click on this link to [join via computer](#). You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](#) on any browser and entering this **Meeting ID: 973 9600 7765**

If you are having trouble hearing the meeting or do not have the ability to join using a computer, tablet or smartphone then you can join via conference call by following instructions below.

To join the conference by phone:

1. On your phone, dial the toll-free teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **973 9600 7765#**

Participant controls in the lower-left corner of the Zoom screen:



Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- Participants – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand. **This will be used to indicate that you want to make a public comment.**
- Chat – opens pop-up screen that allows participants to post comments during the meeting.

Public comments will be handled by the “Raise Hand” method as instructed above within Participant Controls.

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

DRAFT MINUTES OF A MEETING HELD JANUARY 28, 2020

Agenda

ELECTION OF 2020 OFFICERS – CHAIR AND VICE CHAIR

SITE PLAN: ASHLEY HOMESTORE ADDITION

MEYER C. WEINER CO. REQUEST FOR SITE PLAN APPROVAL TO CONSTRUCT A 3,110 SQUARE FOOT ADDITION TO 5157 WEST MAIN STREET TO PROVIDE ADDITIONAL PRODUCT DISPLAY SPACE, STORAGE, AND A FEW SMALL OFFICES FOR THEIR NEW TENANT.

A meeting of the Oshtemo Charter Township Zoning Board was held Tuesday, January 28, 2020, at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Neil Sikora, Vice Chair
Fred Antosz
Ollie Chambers
Fred Gould
Micki Maxwell
Anita Smith

MEMBER ABSENT: Cheri Bell

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. Two other persons were present.

Call to Order and Pledge of Allegiance

Vice Chair Sikora called the meeting to order and invited those present to join in reciting the “Pledge of Allegiance.”

Public Comment on Non-Agenda Items

There were no comments on non-agenda items.

APPROVAL OF THE MINUTES OF DECEMBER 17, 2019

Vice Chairperson Sikora asked if there were any additions, deletions or corrections to the minutes of December 17, 2019.

Mr. Antosz noted a typo on page four. Ms. Smith asked that her question regarding the parking spaces for the Bronson Ascension Site Plan be specifically stated on page 11.

Vice Chairperson Sikora asked for a motion to approve the Minutes with the requested corrections.

Mr. Antosz made a motion to approve the Minutes of December 17, 2019 as presented with the two corrections noted. Ms. Maxwell seconded the motion. The motion was approved unanimously.

Vice Chairperson Sikora moved to the next agenda item.

ELECTION OF 2020 OFFICERS – CHAIR AND VICE CHAIR

Vice Chairperson Sikora asked for nominations for the positions of Chair and Vice Chair for 2020.

Mr. Antosz nominated Mr. Sikora for the position of Chair.

Mr. Sikora was willing to accept the nomination. No other nominations were made. The group unanimously elected Mr. Sikora as Chair for 2020.

Mr. Antosz nominated Ms. Smith for the position of Vice Chair.

Ms. Smith was willing to accept the nomination. No other nominations were made. The group unanimously elected Ms. Smith as Vice Chair for 2020.

Chairperson Sikora proceeded to the next item and asked Ms. Lubbert for the staff review.

SITE PLAN: ASHLEY HOMESTORE ADDITION MEYER C. WEINER CO. REQUEST FOR SITE PLAN APPROVAL TO CONSTRUCT A 3,110 SQUARE FOOT ADDITION TO 5157 WEST MAIN STREET TO PROVIDE ADDITIONAL PRODUCT DISPLAY SPACE, STORAGE, AND A FEW SMALL OFFICES FOR THEIR NEW TENANT.

Ms. Lubbert reported that what once was the location of the MC Sports retail store, near the Southwest corner of Drake Road and West Main Street, will soon accommodate Ashley Homestore. Along with this change in tenancy, the property owner is seeking Township approval to construct a 3,110 square foot addition to the back of the existing structure for added product display space, storage, and a few small offices. Per section 18.40.A of the Zoning Ordinance, the primary use of the property—retail sales and service—is permitted by right, but the size of the addition warrants approval from the Zoning Board of Appeals.

She indicated the proposed placement complies with all zoning requirements not otherwise mentioned in her report. The use is permitted by right, and the proposed location of the addition is well within compliance with applicable setbacks. The increase in building footprint requires that any nearby existing landscaping deficiencies be addressed to some extent, and as part of this project the applicant will add one deciduous tree and two shrubs to a parking lot peninsula west of the project site; their placement appears to need adjustment from what is shown on the site plan. Some building-mounted lights will be added, and Township staff confirmed the proposed fixtures and their placement comply with Zoning Ordinance regulations.

Although no new site access is proposed, staff evaluated site circulation impacts and found the addition and associated truck dock will have no material impact on motorists, emergency vehicles, etc. Minimum circulation aisle widths are being maintained. The applicant has provided information affirming the property already has sufficient parking to accommodate the addition, in compliance with the Zoning Ordinance.

Ms. Lubbert said the proposed project location fits within the footprint of the former West Main Mall that once existed on the site, and the underlying surface is composed of that facilities impervious materials. As such, no new impervious surface will be added to the property with this addition, and Prein & Newhof, the Township's engineering representative, has verified the existing stormwater management facilities serving the property will not have to accept any additional runoff.

No additional stormwater facilities are needed currently, but staff is concerned the proposed water inlet at the truck bay floor could allow some amount of petrochemicals, such as motor oil and fuel that may drip from trucks, into the stormwater system. Staff will continue to evaluate this concern as a part of the project; some kind of pre-treatment device or other means of pollution mitigation may be necessary.

She explained the existing stormwater network that serves this property has been in place for a number of years and eventually drains off-site, as opposed to infiltrating on the property in accordance with current Township standards. The Township Engineer would like a better understanding of how the extant system works in general, and to that end staff will work further with the applicant. It is possible that the concern regarding chemical runoff will be addressed as part of a forthcoming larger-scale study.

Ms. Lubbert noted the Township Fire Marshal reviewed the site plan and has no concerns with the project as proposed.

Ms. Lubbert said based on the findings, staff recommended approval of the proposed site plan to the Zoning Board of Appeals, and asked that the following conditions be attached:

1. Placement of the deciduous tree and two shrubs on the site plan shall be adjusted accordingly so that they are correctly located within or near the parking lot peninsula. This correction shall be reflected on a revised site plan, submitted for administrative approval prior to issuance of a building permit.

2. If deemed necessary by Township staff, a stormwater pre-treatment device or other means of pollution mitigation shall be installed to ensure that additional pollutants do not enter the runoff network. Such shall be illustrated on a revised site plan, submitted to Township staff prior to issuance of a building permit.

Chairperson Sikora thanked Ms. Lubbert for her review and determined there were no questions from board members. He asked if the applicant wished to speak.

Ms. Shannon Orr, of Meyer C. Weiner Co., 700 Mall Drive, Portage MI, said they were excited to have a tenant for this property, which has been vacant for some time. She indicated the addition will be relatively small and it will not be noticeable. Their intent is to address the issues raised by staff and she hoped for Zoning Board approval.

Hearing no further comments, the Chair moved to Board deliberations.

Mr. Antosz said it was important to him to ensure that no pollution will enter the storm sewer and added that staff's recommended condition to address this concern be included in any motion for this item going forward.

Chairperson Sikora asked for a motion on the recommendation.

Mr. Antosz made a motion to approve the site plan as proposed with the inclusion of the following two conditions recommended by staff:

1. Placement of the deciduous tree and two shrubs on the site plan shall be adjusted accordingly so that they are correctly located within or near the parking lot peninsula. This correction shall be reflected on a revised site plan, submitted for administrative approval prior to issuance of a building permit.
2. If deemed necessary by Township staff, a stormwater pre-treatment device or other means of pollution mitigation shall be installed to ensure that additional pollutants do not enter the runoff network. Such shall be illustrated on a revised site plan, submitted to Township staff prior to issuance of a building permit.

Mr. Gould seconded the motion. The motion was approved unanimously.

Any Other Business

Ms. Lubbert introduced and welcomed new board member Ollie Chambers, thanking him for his time and service.

Mr. Chambers noted he was a long time Oshtemo Township resident, has served two terms on the Township's Planning Commission, and looks forward to serving on the Zoning Board of Appeals and widening his understanding of zoning ordinance.

Ms. Lubbert indicated that for members who were interested she had educational tool kits from the Michigan Planning Association that cover the responsibilities/roles of the Zoning Board of Appeals

ZBA Member Comments

Ms. Maxwell asked whether under the new scheme proposed for site plan review, tonight's site plan review might have been done administratively rather than coming before the board.

Ms. Lubbert said that would likely be the case. She reported the Planning Commission discussed her request for potential change to the site plan review process to allow administrative review in some cases, and that they were on board with it. The next step is to take it to the Township Board in February for consideration.

Ms. Smith asked whether more precise site plan maps might be included in future materials provided to the Board; Ms. Lubbert said that could be done.

Ms. Smith asked whether ZBA members should attend the public session regarding sewer development later in the day.

Attorney Porter said it was a policy related meeting, held to allow the Township Board to explain sewer development to the public and that there was no need for ZBA members to attend, though they would be welcome.

Ms. Lubbert said there may be an item making it necessary to hold a February ZBA meeting, but it is more likely the meeting will be cancelled.

Adjournment

Chairperson Sterenberg noted the Zoning Board of Appeals had exhausted its Agenda. There being no other business, he adjourned the meeting at approximately 3:18 p.m.

Minutes prepared:
January 29, 2020

Minutes approved:
_____, 2020

Meeting Date: April 28th, 2020

To: Oshtemo Township Zoning Board of Appeals

From: Ben Clark, Zoning Administrator

Applicant: Matt Vernon, The Vernon Group

Owner: TG Nulty—KAL Stadium LLC

Property: 5532 Stadium Dr, 2276 S 11th St, and 2240 S 11th St; parcel numbers 05-25-190-140, 05-25-190-150, and 05-25-190-111

Zoning: C: Local Business District

Request: Site plan review for a new 18,500 square foot medical office building.

Section(s): 18.20: Permitted Uses in the C: Local Business District Zoning Classification

Project Name: Stadium & 11th Medical Office Building

OVERVIEW

The applicant is requesting site plan approval for a new 18,500 square foot medical office building at the northwest corner of Stadium Drive and South 11th Street. The project site is made up of three commercially-zoned parcels, with a combined area of just over 2.5 acres. Currently accommodating three single-family homes, the extant land use for the constituent parcels is legal non-conforming, and construction of a medical office building—a use permitted by right—will eliminate this legacy zoning issue.

On the project site plan, the proposed office building will be oriented towards the intersection with the parking area located northwest of the structure. Although the properties to the north are also zoned for commercial use, one of the parcels still accommodates a single-family home, and the office building's location close to the intersection should mitigate any visual impact for the dwelling on the adjacent property. The applicant is further protecting this property from disturbance by erecting a privacy fence along the project site's north property line, adjacent to the parking lot.

GENERAL ZONING COMPLIANCE

The proposed use for the property—medical office—is permitted by right in the C: Local Business District zoning classification, but site plan approval from the Zoning Board of Appeals is required. Aside from any concerns explicitly noted in this report, the project site plan complies with all relevant requirements of the Township Zoning Ordinance. This includes observance of a minimum 50-foot setback from the north property line where the subject site abuts an existing residential use. The following items need to be corrected:

- Light limits from the building mounted fixtures illuminating the building entrance exceed the permissible six foot-candle limit. Photometric modeling in the affected area indicates readings as high seven foot-candles.
- The proposed pole height for the parking lot lighting needs to be annotated on the plan.
- The property address characters need to be relocated from the proposed freestanding signs onto the building itself.
- The three parcels that comprise the project site need to be combined.

SITE ACCESS AND CIRCULATION

Each of the three constituent parcels has a residential curb cut—two on S 11th St and one on Stadium Dr. The applicant will be closing all existing driveways and reestablishing an appropriately-designed non-residential curb cut on S 11th St, near the project site’s north property line. On site, the parking layout is composed of a simple circuit, properly designed and dimensioned to accommodate two-way vehicle movement and emergency vehicle access. The number of proposed parking spaces complies with the Zoning Ordinance.

Per the Township’s non-motorized plan, the applicant will be installing a six-foot wide pedestrian path along the project site’s S 11th St frontage. From this facility an ADA-compliant pedestrian connection to the building’s entrance will be constructed. An improved concrete pad for the bus stop on S 11th St is also being installed by the applicant. The project’s design engineer is coordinating this improvement with Kalamazoo County Metro Transit. Concurrent with this development project, the Township is installing a companion pedestrian path along Stadium Dr, and the two facilities will connect at the corner of Stadium Dr and S 11th St. Furthermore, the applicant will be installing bicycle racks near the building entrance.

LANDSCAPING

The landscape plan has been reviewed by Township staff and has been found to in compliance with the Zoning Ordinance. No modifications to the plan are required.

ENGINEERING

The Township’s engineering representative, Prein & Newhof, has reviewed the project site plan for ADA compliance, appropriate stormwater management, and proper utility layout and design. Any initial deficiencies have been corrected and no further changes are needed.

FIRE DEPARTMENT

The Township Fire Marshal has reviewed the site plan and requests that the FDC be relocated adjacent to the on-site hydrant. He also notes that the Oshtemo Township Fire Department prefers that the Stadium Dr driveway stay open, but this preference is not supported by Township ordinance or Road Commission of Kalamazoo County regulations. In this situation the latter two determinations prevail and the curb cut will be closed.

RECOMMENDATION

The remaining items to be corrected noted herein pose no threat to public health, safety, and welfare, and the project site plan is substantially complete. Oshtemo Township Planning Department staff recommend approval of the site plan, but do ask that the Zoning Board of Appeals attach the following conditions, to be resolved prior to the issuance of a building permit for the office building:

1. A Land Combination Application, unifying the three constituent parcels, shall be submitted to and approved by the Township.
2. An updated photometric plan shall be submitted to the Township for administrative review, annotating parking lot light pole heights and indicating that the identified foot-candle coverage has been corrected.
3. Updated building elevation illustrations showing relocation of the property address to the exterior of the building shall be submitted to the Township for administrative review.
4. An amended site plan shall be submitted to the Township, indicating that the FDC has been relocated adjacent to the on-site hydrant.

Respectfully Submitted,



Ben Clark
Zoning Administrator

Attachments:

Application
Site Plan Excerpt
Map



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS Stadium and Eleventh - 2240 S. 11th Street

PLANNING & ZONING APPLICATION

Applicant Name : Matt Vernon
Company The Vernon Group
Address 5937 West Main Street
Kalamazoo, MI 49009
E-mail matt@vernongrp.com
Telephone 269-353-1681 Fax 269-353-3132
Interest in Property Developer / Owner's Representative

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

OWNER*:

Name TG Nulty - KAL Stadium LLC
Address 456 Monroe Blvd Fee Amount _____
South Haven, MI 49090 Escrow Amount _____
Email tnulty@nulty.com
Phone & Fax 269-372-9200

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- | | |
|---|---|
| <input type="checkbox"/> Planning Escrow-1042 | <input type="checkbox"/> Land Division-1090 |
| <input checked="" type="checkbox"/> Site Plan Review-1088 | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input type="checkbox"/> Administrative Site Plan Review-1086 | <input type="checkbox"/> Rezoning-1091 |
| <input type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082 |
| <input type="checkbox"/> Zoning Variance-1092 | <input type="checkbox"/> Text Amendment-1081 |
| <input type="checkbox"/> Site Condominium-1084 | <input type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Accessory Building Review-1083 | <input type="checkbox"/> Other: _____ |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): _____

Site Plan Approval of proposed commercial office/clinic development on northwest corner of Stadium Drive and South 11th Street in Oshtemo Township.

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

See attached site plan documents.

PARCEL NUMBER: 3905- 05-25-190-140, 05-25-190-150, 05-25-190-111

ADDRESS OF PROPERTY: 5532 Stadium Drive, 2276 S. 11th Street, 2240 S. 11th Street

PRESENT USE OF THE PROPERTY: Residential

PRESENT ZONING C (Local Business) **SIZE OF PROPERTY** 108,053 SFT / 2.48 acres

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)	MEMBER	Address(es)
<u>DANIEL G. NULTY - KAL-STADIUM LLC</u>		<u>456 MONROE BLVD SOUTH HAVEN, MI 49090</u>
<u>J.G. Nulty - Kal-Stadium LLC</u>		<u>568 Aqueduct Dr. Kalamazoo, MI 49009</u>

SIGNATURES

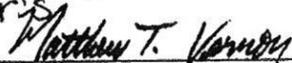
I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.


Owner's Signature (* If different from Applicant)

3-3-2020
Date


~~Applicant's Signature~~

3-3-2020
Date


Applicant's Signature ****

03/04/2020
Date

- Copies to:
- Planning -1
- Applicant -1
- Clerk -1
- Deputy Clerk -1
- Attorney -1
- Assessor -1
- Planning Secretary - Original

PLEASE ATTACH ALL REQUIRED DOCUMENTS

ZONING REQUIREMENTS

ZONING: MEDICAL OFFICE/CLINIC
 THE SITE IS ZONED C (LOCAL BUSINESS)
 BUILDING SETBACKS: 120' FROM ROW CENTERLINE
 11TH STREET 70' FROM ROAD ROW
 REAR - 20' / 50' ADJUTING RESIDENTIAL

PROPOSED USE

MEDICAL OFFICE/CLINIC

BUILDING INFORMATION

100,000 SFT
 2,200 SFT CLINIC AREA
 10,000 SFT OFFICE AREA
 TOTAL NET (USABLE) FLOOR AREA = 12,333 SFT

PARKING

PARKING SPACES REQUIRED
 CLINIC = 1 PER 150 SFT OF NET FLOOR AREA = 73
 OFFICE = 1 PER 150 SFT OF NET FLOOR AREA = 10
 TOTAL = 83

PREPARED BY: HURLEY & STEWART
 DATE: 3/17/20

DRIVE ASLE WIDTHS = 24'

PARKING SPACE DIMENSIONS = 10'x20'

LOT COVERAGE = 100.00%

TOTAL SITE AREA = 11.74

PAVEMENT/SIDEWALK AREA = 35,179 SFT / 32.4%

PERVIOUS AREA = 54,374 SFT / 50.3%

GENERAL NOTES

1. THE CONTRACTOR SHALL LOCATE ALL ACTIVE UNDERGROUND UTILITIES IN A MANNER AS TO ENSURE THAT THOSE UTILITIES NOT REQUIRING RELOCATION WILL NOT BE DISTURBED.
2. ALL REQUIRED FILL FOR THIS PROJECT SHALL BE SELECTED GRANULAR OR CLASS GRANULAR MATERIAL FROM BORROW AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
3. EXCEPT WHERE OTHERWISE INDICATED ON THESE PLANS, ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, 2012 EDITION, AND THE SPECIFICATIONS OF KALAMAZOO COUNTY REQUIREMENTS AND SPECIFICATIONS.
4. ALL WORK SHALL CONFORM TO ALL LOCAL, STATE AND FEDERAL LAWS, RULES AND REGULATIONS IN FORCE AT THE TIME OF CONSTRUCTION.
5. FOR PROTECTION OF UNDERGROUND UTILITIES, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING SATISFACTORY RESULTS PRIOR TO ANY EXCAVATION WORK. EXCAVATION SHALL BE STOPPED IMMEDIATELY UPON ENCOUNTERING ANY UNDERGROUND UTILITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE UTILITY OWNER OF ANY DAMAGE TO ANY UNDERGROUND UTILITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND FOR THE PROTECTION OF ALL UTILITIES.
6. ANY BIRMINGHAM OR CONCRETE PAVEMENT SANITARY SEWER, SANITARY SEWER SERVICE LEADS, OR STORM SEWER, WHICH IS DAMAGED BY THE CONTRACTOR DURING HIS OPERATIONS, SHALL BE REPAIRED TO THE CONTRACTOR'S SATISFACTION AND AT THE CONTRACTOR'S EXPENSE.
7. IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER IMMEDIATELY UPON DISCOVERY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING CLARIFICATION OR REVISION MAY OCCUR.
8. ALL EXTERIOR CONCRETE SHALL BE MOOT GRADE 3% (500PSF), AIR ENTRAINED, LIMESTONE AGGREGATE, BROOM FINISHED, CURING SEAL.
9. SITE CONTRACTOR SHALL REMOVE AND STOCKPILE ALL TOPSOIL AND BLACK ORGANIC SOILS ON-SITE TO BE USED IN THE RE-GRADING OF THE PROPERTY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ANY EXCESS SOIL OFF-SITE SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
10. THE CONTRACTOR SHALL BE RESPONSIBLE TO REMOVE ALL EXISTING UNDERGROUND UTILITIES AND TO PROVIDE FOR ALL NECESSARY CONSTRUCTION IMPROVEMENTS.
11. ALL GRANULAR FILL UNDER THE INFLUENCE OF THE ROADWAY AND PROCTOR DENSITY.
12. ALL COMPACTON SHALL BE ACCOMPLISHED BY PLACING THE FILL IN LAYERS NOT EXCEEDING 4" IN THICKNESS. FIELD DENSITY TESTS SHALL BE PERFORMED ON EACH LIFT AS NECESSARY TO ENSURE THAT ALL MATERIALS MEET THE SPECIFIED CONDITIONS AND DENSITY ARE ACHIEVED.
13. REMOVE AND REPLACE WITH CONTROLLED FILL ANY AREAS THAT HAVE BEEN SOFTENED BY RAIN, FREEZING, CONSTRUCTION EQUIPMENT, ETC.
14. ALL CURB RADI AND DIMENSIONS ARE TO EDGE OF METAL.
15. ALL CONSTRUCTION WORKING TO BE IN ACCORDANCE WITH THE REGULATORY SIGNAGE (IF SPECIFIED) SHALL BE PER THE MOOT.
16. THE CONTRACTOR SHALL INSTALL PEDESTRIAN FENCE AROUND ALL EXCAVATIONS TO BE LEFT OPEN OVERNIGHT AS REQUIRED.
17. ALL WORK SHALL COMPLY WITH THE PROVISIONS OF PART 91 OF THE EROSION AND SEDIMENTATION CONTROL ACT OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT OF 1994, AS AMENDED, AND AS ADMINISTERED BY THE KALAMAZOO COUNTY DRAIN COMMISSIONER.
18. PAVEMENT MARKINGS AND SIGNAGE SHALL CONFORM TO THE KALAMAZOO COUNTY DRAIN COMMISSIONER'S STANDARD SPECIFICATIONS FOR TRAFFIC CONTROL DEVICES AND SIGNAGE AND BARRIER FREE CODE.
19. MATCH EXISTING CURBS & GUTTER SECTIONS WHEN CONNECTING TO EXISTING PAVEMENT. APPROXIMATE CENTERLINE OF STADIUM DRIVE ROW

SITE LEGEND

- (C1) HMA PAVEMENT
- (C2) C4 CURB AND GUTTER
- (C3) CONCRETE SIDEWALK
- (C4) CONCRETE WALK
- (C5) DUMPSTER ENCLOSURE
- (C6) PARKING STRIPING (10'x20')
- (C7) MONUMENT SIGN
- (C8) MONUMENT SIGN
- (C9) MONUMENT SIGN
- (C10) MONUMENT SIGN
- (C11) MONUMENT SIGN
- (C12) MONUMENT SIGN
- (C13) KALAMAZOO METRO TRANSIT BUS STOP (SEE DETAIL)

LEGEND

- LIGHT DUTY HMA PAVEMENT
- HEAVY DUTY HMA PAVEMENT
- HEAVY DUTY CONCRETE PAVEMENT
- CONCRETE SIDEWALK
- CONCRETE CURB AND GUTTER
- TYPE VARIES

BENCHMARKS

REVISIONS OF THIS SURVEY ARE BASED ON NAVD 83 AS DERIVED FROM GPS SURVEYS CONDUCTED BY HURLEY & STEWART, LLC. THE POINTS ARE CONSIDERED TO BE A NORTH-EAST BOUND OF LIGHT POLE, CONSIDERED TO BE A NORTH-EAST BOUND OF STADIUM DRIVE AND 11TH STREET.

BM 1 ELEVATION = 47.26
 BM 2 ELEVATION = 47.26
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CLIENT: KALAMAZOO METRO TRANSIT BUS STOP (SEE DETAIL)

PROJECT: STADIUM AND ELEVENTH

SHEET TITLE: SITE LAYOUT PLAN

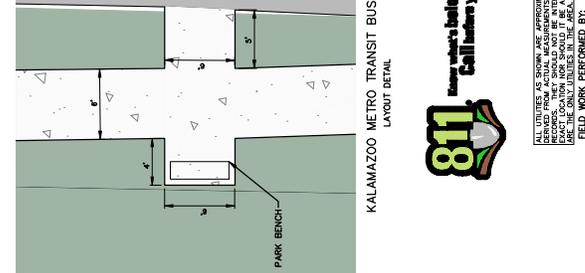
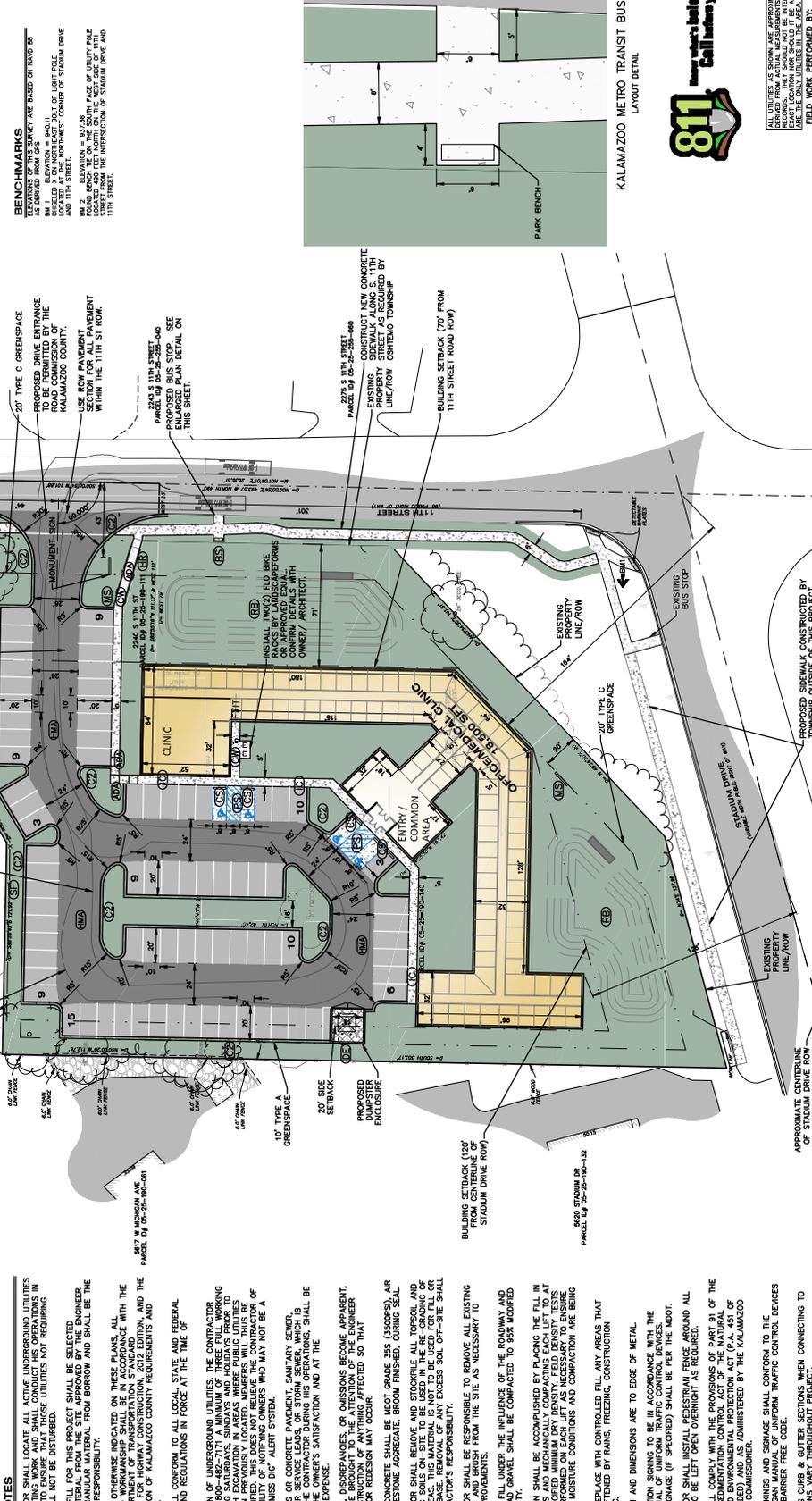
SHEET NO.: 3/17/20

DATE: 3/17/20

SCALE: 1" = 30' FL

PROJECT LOCATION: 2800 S 11th Street, Kalamazoo, Michigan 49009

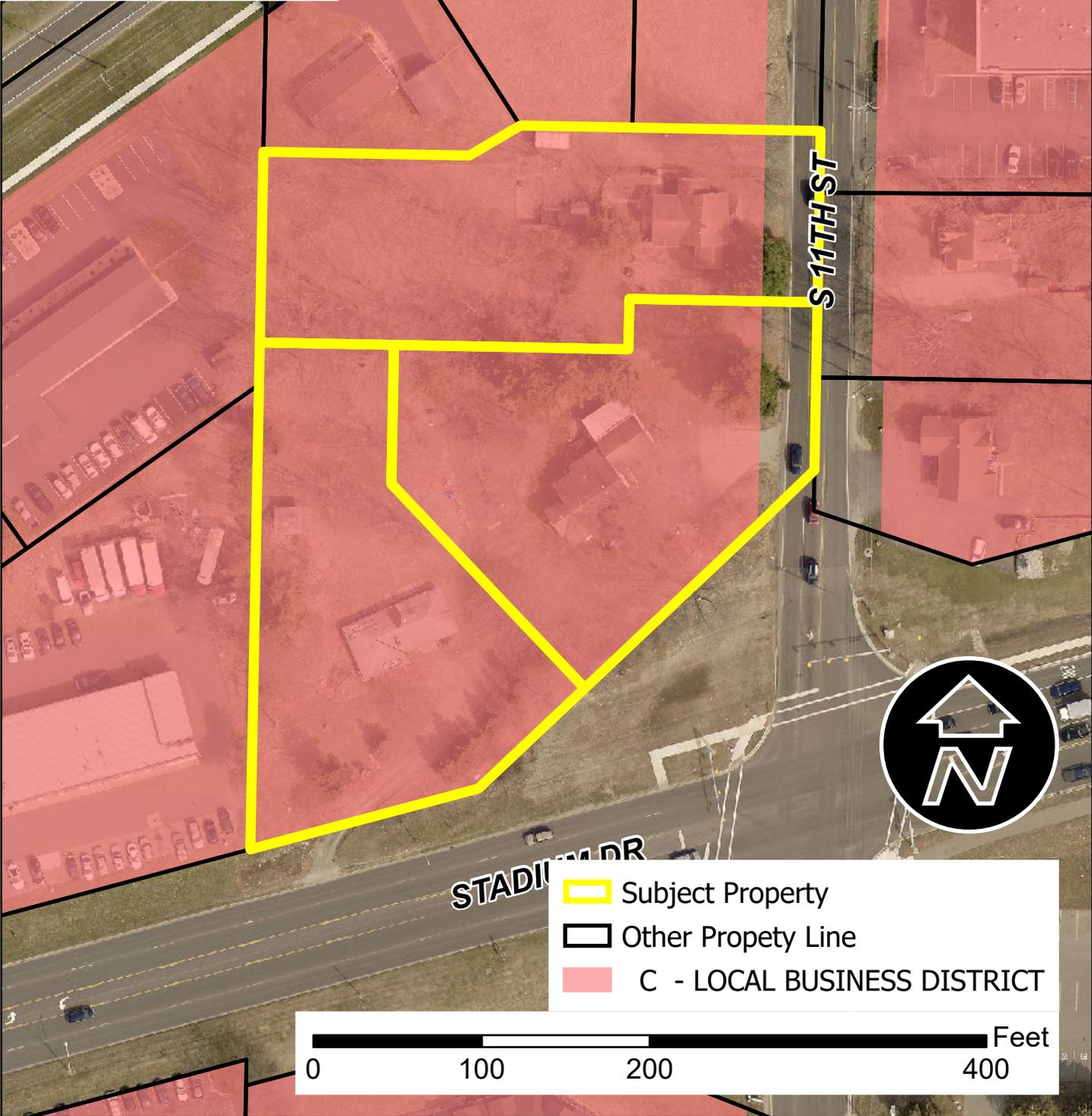
CONTACT: HURLEY & STEWART, LLC
 289 522-4900
 www.hurleyandstewart.com



811
 Call before you dig.
 CALL BEFORE YOU DIG

ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM PUBLIC RECORDS AND FIELD SURVEY. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES BEFORE ANY EXCAVATION WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND FOR THE PROTECTION OF ALL UTILITIES.

FIELD WORK PERFORMED BY:
 HURLEY & STEWART



-  Subject Property
-  Other Property Line
-  C - LOCAL BUSINESS DISTRICT

0 100 200 400 Feet

April 20th, 2020

To: Zoning Board of Appeals
From: Ben Clark, Zoning Administrator
Mtg Date: April 28th, 2020
Applicant: Logan Wingard
Owner: Logan Wingard
Property: 3274 S 6th Street, parcel number 05-33-402-290
Zoning: RR: Rural Residential

APPLICATION OVERVIEW

The applicant is requesting relief from Section 50.60 of the Zoning Ordinance which governs setbacks for structures in residential zoning districts. On the subject property, the applicant replaced an existing carport located approximately 40 feet from the public right-of-way with a similar structure in the same location but did not complete the necessary building permit application and zoning review process. Front setbacks along S 6th Street, that roadway being one of the Township's Designated Highways, is 70 feet from the right-of-way rather than the customary 30 feet.

In order to keep the new carport in its current location, the applicant asks the Zoning Board of Appeals (ZBA) for a variance to allow a 40-foot front setback from the public right-of-way instead of 70 feet. This decreased distance is where the home is located, as are numerous other legal non-conforming structures along this portion of S 6th Street. As well as improving the property in a way that matches its previous layout, the applicant also attests that there are numerous site restrictions that make placing the carport in compliance with the 70-foot setback unreasonably burdensome. Following are the applicant's rationale for requesting the variance:

- Without a carport in this location, reasonable use of the driveway will be compromised due to nearby trees that occasionally drop branches that may lead to vehicle damage.
- Immediately west of the carport location there is a marked upslope and continuing the driveway up this grade would require significant regrading of the land.
- Allowing the carport in this location will not compromise public health, safety, and welfare.
- The old, legal non-conforming carport was dilapidated and had to be replaced.
- Placement of a carport in compliance with the extant 70-foot setback is further complicated due to the location of the septic system and a pole barn in the back yard. Much of the back yard also experiences periods of standing water and is composed of unstable soil. Additional earth

changes and possibly engineering may be required to adequately prepare another vehicle parking area.

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.

Staff has analyzed the request against these principles and offer the following information 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: As illustrated in the aerial map and Google Streetview image attached to this staff report, the subject property's topography does have some significant slopes, one of which begins right behind the carport location—Township resources show an eight foot rise between the driveway and the back yard. While regrading can be done to establish a usable driveway to the back yard, earth works could affect the house and septic system. New soils may also need to be brought in to provide a suitable base on which to park cars and appropriately anchor the carport.

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

Comment: Given the amount of earth changes that could be required to soften the grade at the end of the existing driveway, mitigate impacts on the septic system, and establish a suitable surface to relocate the carport to, it could be interpreted that conformance is unnecessarily burdensome. Although the property modifications needed to accommodate a new carport in accordance with current setbacks may be burdensome, such an accessory structure is discretionary, and overall reasonable use of the property does remain without such.

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

Comment: In researching past Zoning Board of Appeals decisions regarding setback relief for accessory and other residential buildings, Planning Department staff identified the following cases that may help the ZBA consider past precedence:

1. Noora, 10540 W J Ave, 3/28/2017: The applicant wished to demolish an existing accessory building on their property and construct a new one in the same location. The building site however was too close to the side property line than currently allowed—only eight feet from the east parcel boundary than the necessary 16 feet. Considering site limitations including property size; locations of facilities such as the septic system, the well, and the home’s propane tank; and a considerable ground elevation change in the back yard, the ZBA determined that granting relief from the side setback requirements was warranted.
2. Basse, 2433 N 5th St, 1/24/2017: The ZBA determined that dense tree cover, drastic topography, and the presence of an electrical transmission line (under which no structures could be placed) warranted relief from the necessary 17-foot side setback for a new accessory building to replace a dilapidated structure, allowing a three-foot setback instead.
3. Schaap, 1640 S 4th St, 8/23/2016: Citing drastic topography changes as well as the existing single-family home’s location approximately 30 feet from the S 4th Street right-of-way, the Zoning Board of Appeals approved the applicant’s variance request to build an accessory building with a 30-foot front setback, relief of 40 feet from the standard 70-foot front setback for many designated highways in the Township such as S 4th Street.
4. Pulver, 3336 Northfield Trl, 8/27/2013: As part of a subdivision development, the H Avenue right-of-way adjacent to the subject property was modified and expanded an additional 17 feet into the subject property from its former boundary, pushing the front setback further onto the property the same amount as a result. Since the preexisting home was built prior to the right-of-way expansion, the Zoning Board of Appeals allowed the previous setback boundary to be used, allowing the owner to add onto the front of their home.

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

Comment: Ultimately, construction of a carport is discretionary, and vehicles can be parked in the driveway but when the home and original carport were constructed, the front setback affecting this parcel was different and now extends onto the property 30 feet further. Also, the applicant did not create the site conditions noted herein, so it is reasonable to say that the hardship is not self-created.

Standard: *Public Safety and Welfare*
If granted, will the spirit of the ordinance be observed, and public safety and welfare secured?

Many of the existing structures along this stretch of S 6th Street, including the single-family home and the old carport on the subject property, were constructed to previous setbacks that allowed building much closer the road than current regulations do. In allowing a new carport to replace the demolished legal non-conforming structure will not compromise public health, safety, and welfare.

POSSIBLE ACTIONS

The Zoning Board of Appeals may take the following possible actions:

- Motion to approve as requested (conditions may be attached)
- Motion to approve with an alternate variance relief (conditions may be attached)
- Motion to deny

The chosen motion should include the findings of fact relevant to the requested variance. Based on staff analysis, the following findings of fact are presented:

- Support of variance approval
 - The property experiences unique, challenging topography, with a marked eight-foot change in elevation between the driveway in the front yard and the grade of the back yard—the only area the carport can be moved to in order to comply with the minimum front setback.
 - Further obstructions to relocating the carport in compliance with the 70-foot front setback include the locations of the septic system and a preexisting pole barn further back on the property.
 - Past ZBA decisions granting variances in similar situations has established precedence.
- Support of variance denial
 - Without relief, the property can still accommodate a single-family home, as allowed per the Zoning Ordinance
 - A carport is discretionary, the applicant can still park their cars in the driveway.

Possible motions for the Zoning Board of Appeals to consider include:

1. Applicant's Request

Based on the findings of fact discussed in this memo, including the presence of challenging topography, existing property features in the back yard, and past precedence, motion to approve the variance request, allowing the applicant to locate a new carport 40 feet from the S 6th Street right-of-way; a setback reduction of 30 feet.

If the ZBA chooses this motion, staff request that a condition be attached requiring the property owner to complete the building permit process via the Southwest Michigan Building Authority.

2. Motion to deny the requested variances because reasonable use of the property is possible under the RR: Rural Residential zoning district allowances for a single-family home.

Respectfully Submitted,



Ben Clark, Zoning Administrator

Attachments: Application and applicant's statement
Aerial map with setbacks
Streetview image of the subject property



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS Carpport at 3274 S. 6th St 49009

PLANNING & ZONING APPLICATION

Applicant Name : LOGAN R WINGARD

Company _____

Address 3274 S. 6th St
Kalamazoo 49009

E-mail loganwing@gmail.com

Telephone 2695479008 Fax _____

Interest in Property OWNER

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

OWNER*:

Name SAME ↑

Address _____

Email _____

Phone & Fax _____

Fee Amount _____

Escrow Amount _____

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- Planning Escrow-1042
- Site Plan Review-1088
- Administrative Site Plan Review-1086
- Special Exception Use-1085
- Zoning Variance-1092
- Site Condominium-1084
- Accessory Building Review-1083
- Land Division-1090
- Subdivision Plat Review-1089
- Rezoning-1091
- Interpretation-1082
- Text Amendment-1081
- Sign Deviation-1080
- Other: _____

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary):

To allow
variance on new setbacks to replace an old
carport that is beyond repair with a new
steel carport in the same location previously
permitted

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

Plat of Frie & Gibbs The E 16 R of Lot 27 Blk 3

PARCEL NUMBER: 3905- 05 - 33 - 402 - 290

ADDRESS OF PROPERTY: 3274 S. 6th St

PRESENT USE OF THE PROPERTY: Residential

PRESENT ZONING Residential SIZE OF PROPERTY 1 acre

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

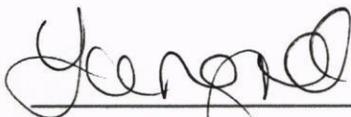
Name(s)

Address(es)

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate.

I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.


Owner's Signature (* If different from Applicant)

3/10/20
Date

Applicant's Signature

Date

- Copies to:
- Planning -1
- Applicant -1
- Clerk -1
- Deputy Clerk -1
- Attorney-1
- Assessor -1
- Planning Secretary - Original

PLEASE ATTACH ALL REQUIRED DOCUMENTS

Thank you for your consideration, I am requesting a variance in new setback restrictions

I am requesting to own a new steel carport to replace an old wooden carport in the same location

The carport location is setback farther than my front deck

There was a lawfully constructed wooden carport in same location for over 12 years

The wooden carport had aged beyond repair, becoming unstable and requiring replacement

A carport is a necessity on this property due to over hanging trees, limbs and branches often fall and will cause extensive damage to vehicles (see attached photo)

The current placement of the carport is the only appropriate location due to proximity to entrance to house, grade of land, length of driveway, retaining wall location, septic tank location, and large existing trees

1. Compliance with the strict letter of the law would unreasonably prevent me from using my driveway for the permitted purpose of allowing safe, protected parking of vehicles and preventing damage to vehicles. Conformity would be unnecessarily burdensome because a carport in this location is the only place to park safely.
2. A grant for relaxation would do substantial justice and relief so I can continue to safely park under a carport in my driveway.
3. This is a problem specific to my property due to the fact that the lay of the land only allows the carport to be placed in setback area.
4. This relief will not negatively impact public safety or welfare, it will in turn positively impact the safety of myself and my personal property.
5. This problem was not self created, the setback was changed after the purchase of the property and was unknown to me. I would have never thought that I could not replace a carport that was lawfully constructed in the exact same place. In actuality my house is now in the setback area so I will be unable to do upgrades or additions without a variance.



2010

A Fallen branch punctured carport even,
would have caused extensive damage to car



The information included on this map is for illustrative purposes only. No warranty on behalf of Oshtemo Charter Township, expressed or implied, is made regarding accuracy, adequacy, completeness, legality, reliability or usefulness of any information.



April 22nd, 2020

To: Zoning Board of Appeals
From: Iris Lubbert, Planning Director
Mtg Date: April 28th, 2020
Applicant: Universal Sign, Inc
Owner: Consumers Credit Union
Property: 6699 W Main Street, parcel number 05-14-330-012
Zoning: C: Local Business District

Application Overview

The applicant is requesting relief from Section 55.80 of the Zoning Ordinance, which governs the area, type, height, and numbers of signs allowed for a commercial or office use, in order to replace an existing 20 foot tall, 60 square foot Consumers Credit Union pylon sign along West Main Street with a 19 foot tall, 80 square foot pylon sign. Section 55.80 of the Zoning Ordinance allows individual commercial establishments to have a maximum pole sign area of 60 square feet and height of 20 feet. The applicant is requesting this variance for an additional 20 square feet in sign area and argues that a variance is warranted because of the following three existing conditions unique to this site:

- the MDOT clear vision triangle at the corner of West Main and N 9th Street;
- the Consumers Energy easement in which no signs or other structures are allowed which forces this sign to be set back further than the Township's minimum requirement;
- the drastic elevation changes from the road.

In their submitted letter of intent, attached to this staff report, the applicant reasons that: "by allowing the sign to be 80 square feet it will allow the sign to appear similar in size to neighboring signs that are smaller but are set closer to the road. The larger pylon size will offset the inequality that the larger set back creates as the sign is forced to set back further from the road. The current sign is obscured from view when travelling west by neighboring vegetation and the Walgreens pylon which is located much closer to the road".

Standards of Review

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.
- If granted, the spirit of the ordinance is observed, and public safety and welfare secured.

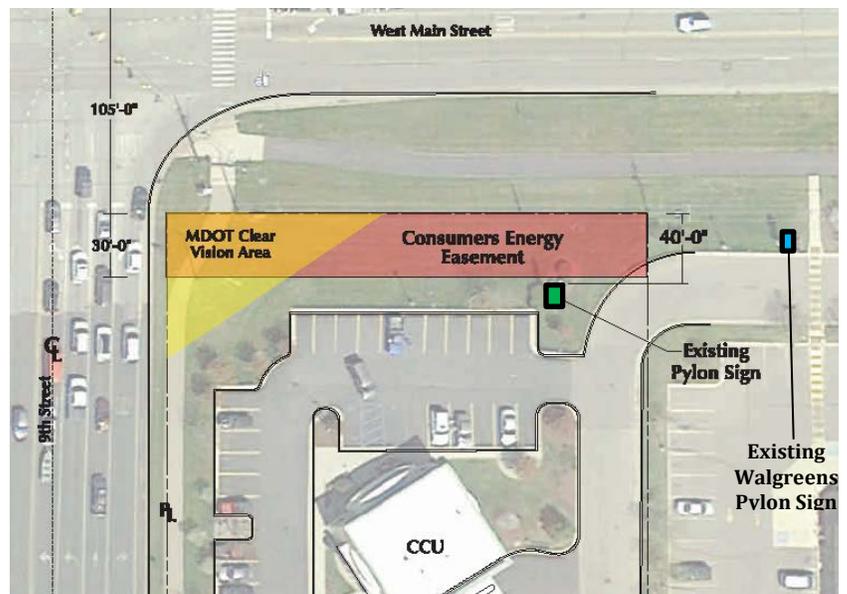
Staff Analysis

The Zoning Board Appeals (ZBA) is required by law to consider the five criteria, and only the five criteria, outlined by the Michigan Courts when deciding on an application for a nonuse variance. For the Board’s use and reference please see staff’s analysis below of the proposal against these criteria.

Criteria: Unique Physical Circumstances

Are there unique physical limitations or conditions which prevent compliance?

As illustrated in the overhead map to the right, the property under consideration does have the two placement restrictions noted by the applicant: the MDOT clear vision triangle (highlighted in yellow) and the Consumers Energy Easement (highlighted in red). Both of these restrictions force the placement of a sign further back creating a visual disadvantage for signage for this lot compared to neighboring properties. For example, the existing Walgreens pylon sign, noted in blue, is located about 18 feet closer to the road than the Consumer Credit Union’s sign, noted in green.



The applicant also notes that there are elevation changes at this location that present a unique challenge for the site. Google images, see below, does show a small dip in elevation, according to Township resources there is about a three foot difference between the elevation of the center of the road and the base of the sign, circled.



Criteria: Conformance Unnecessarily Burdensome

Are reasonable options for compliance available? Does reasonable use of the property exist with denial of the variance?

Consumers Credit Union currently has a freestanding sign at this location that meets the Ordinance requirements. The existing sign size is the same as other existing signs in the area. It can be argued that conformance is not unnecessarily burdensome, and denial of the variance would not take away from the reasonable use of the property.

Criteria: 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).

In researching past Zoning Board of Appeals decisions regarding sign size relief for commercial uses, Planning Department staff identified the following two cases that may help the ZBA consider past precedence:

1. West Main Mall, Parcel # 3905-13-430-036, 4/09/2004: The applicant requested a sign deviation to allow an increase in the sign area and height for a free-standing sign on West Main Street to service a multi-tenant commercial center. The applicant requested to increase the total height of the existing sign from 25 feet to 30 feet, and to expand the sign area by an additional 67 square feet. Based on variances approved in the late 1990's for West Century Center and Maple Hill Mall, the Zoning Board of Appeals approved the request to allow the applicant the same larger sign square footage that was permitted to his competitors. The property's limited visibility from West Main Street was also considered a reason for approval.
2. Value Place Hotel, 1647 South 11th Street, 10/24/2006: The applicant requested a sign deviation to allow the proposed freestanding and wall signs to exceed the Ordinance's height and sign area limitations. The code permitted a 60 square foot free-standing sign with a height of 20 feet for a hotel/motel. The applicant's request was for a 250 square foot and 30 foot tall freestanding sign. Recognizing that larger signs in the area outdated the Ordinance and the property's elevation in relation to the interstate, the Zoning Board of Appeals did not grant the request as made but approved to allow an increase to 105 square feet so the sign could be more compatible with existing signs in the area. The request to allow an increase in the freestanding sign's height was denied as well as the request to increase the size of the wall signs.

Criteria: Self-Created Hardship

Are the conditions or circumstances which resulted in the variance request created by actions of the applicant?

The Consumers Credit Union at 6699 W Main Street was built in 2005. The Consumers Energy Easement was acquired by the Consumers Tower Company in 1929 according to the County Clerk's records. The applicant did not create the site condition, so it is reasonable to say that the hardship is not self-created.

Criteria: Public Safety and Welfare

If granted, will the spirit of the ordinance be observed, and public safety and welfare secured?

Article 55, Signs And Billboards of the Zoning Ordinance was adopted to regulate the type, number, physical dimensions, erection, placement, and maintenance of signs within the Township. Section 55.10 outlines the various intents that these requirements were established around:

- A. Promote the public peace, health, and safety of residents and visitors;
- B. Protect the natural beauty and distinctive character of Oshtemo Charter Township;
- C. Protect commercial districts from visual chaos and clutter;
- D. Provide an environment which fosters growth and development of business;
- E. Protect property values;
- F. Eliminate distractions which are hazardous to motorists and pedestrians;
- G. Protect the public's ability to identify establishments and premises;
- H. Protect the public's interest in public buildings, streets, roads and highways and open spaces; and
- I. Balance the individual rights of property owners to communicate their message with the public's right to be free of unreasonable distractions and aesthetic intrusions.

Through reviewing the outlined intentions of the code and considering the request at hand, it can be argued that approving this request would be in keeping with the intent of the Ordinance. Due to a unique easement created in 1929, the signage for this property is forced to be set back further than other similar signs in the Township. In the spirit of promoting development, keeping a balance in allowing property owners to advertise and the public to identify establishments, permitting a slightly larger sign to help offset the locational disadvantage could be deemed reasonable. Approving this request would not compromise public health, safety, or welfare.

Possible Actions

The Zoning Board of Appeals may take the following possible actions:

- Motion to approve as requested (conditions may be attached)
- Motion to approve with an alternate variance relief (conditions may be attached)
- Motion to deny

The motion should include the findings of fact relevant to the requested variance. Based on staff analysis, the following findings of fact are presented:

- Support of variance approval:
 - The property under consideration has a unique easement that forces any signage or structures to be placed further back from the road than other similar properties within the Township. This is not a self-created hardship.
 - There is precedence that variances have been granted to allow for increased signage area to permit a business to compete fairly with other businesses in the area.
 - Approving this request would not compromise public health, safety, or welfare.
- Support of variance denial:
 - Without relief, the property can continue to advertise its use as it has in the past. Conformance with the Zoning Ordinance is not unnecessarily burdensome.

Possible motions for the Zoning Board of Appeals to consider include:

1. Approve the applicant's request based on the findings of fact discussed in this memo, **motion to approve the variance request**, allowing the applicant to increase the square footage of the sign to 80 square feet; a sign deviation increase of 20 square feet.

If the ZBA chooses this motion, staff request that a condition be attached requiring the property owner to complete the building permit process via the Southwest Michigan Building Authority and the sign permit process via the Township Planning & Zoning Department.

2. **Motion to deny the variance request** because reasonable use of the property is possible under the current Ordinance standards.

Thank you.

Attachments: Application and Applicant's statement
Aerial maps
Images of proposed sign size in relation to surroundings (*please note that these images are meant to show size and not a final representation of sign design*).



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS Consumers Credit Union - 6699 W. Main St.

PLANNING & ZONING APPLICATION

Applicant Name : Jack Vos
Company Universal Sign, Inc.
Address 5001 FalconView Ave., SE
Grand Rapids, MI 49512
E-mail jackv@universalsignsystems.com
Telephone (616)540-1166 Fax (616)554-9922
Interest in Property Sign Contractor

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

Fee Amount _____
Escrow Amount _____

OWNER*:

Name Consumers Credit Union
Address PO Box 525
Oshtemo, MI 49077
Email _____
Phone & Fax _____

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- | | |
|---|---|
| <input type="checkbox"/> Planning Escrow-1042 | <input type="checkbox"/> Land Division-1090 |
| <input type="checkbox"/> Site Plan Review-1088 | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input type="checkbox"/> Administrative Site Plan Review-1086 | <input type="checkbox"/> Rezoning-1091 |
| <input type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082 |
| <input type="checkbox"/> Zoning Variance-1092 | <input type="checkbox"/> Text Amendment-1081 |
| <input type="checkbox"/> Site Condominium-1084 | <input checked="" type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Accessory Building Review-1083 | <input type="checkbox"/> Other: _____ |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): _____

Consumers Credit Union is requesting a variance to allow a larger pylon sign.

April 24, 2020

Oshtemo Charter Township
Zoning Board of Appeals
7275 West Main Street
Kalamazoo, MI 49009-9334

RE: Consumers Credit Union
6699 West Main Street

Dear Board of Appeals Member:

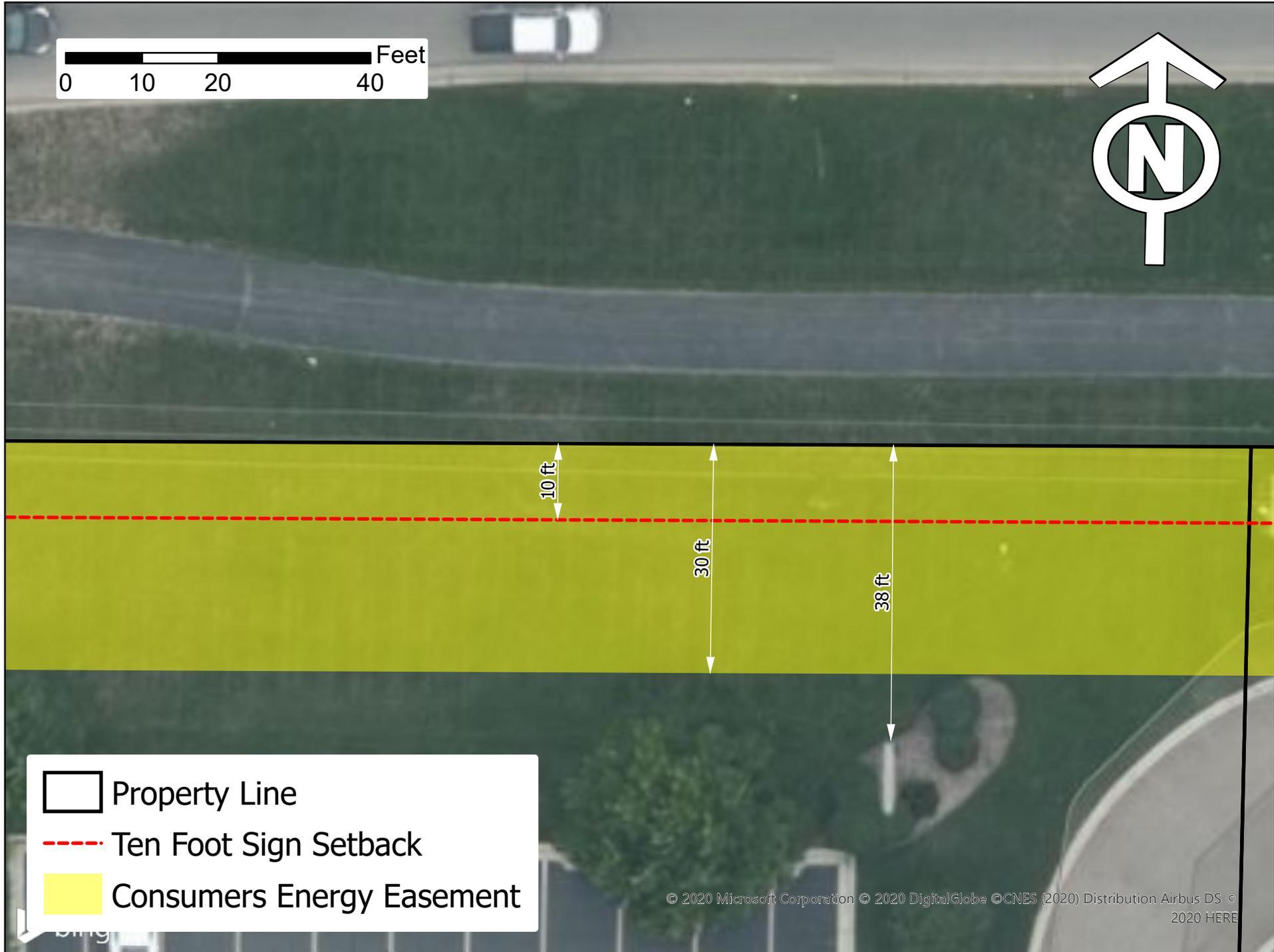
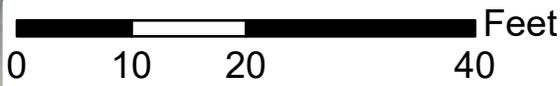
Consumers Credit Union is requesting a variance to allow a larger pylon sign. The ordinance would allow a 60 square foot sign, at 20' tall. Due to three unique existing conditions, they are requesting a 80 square foot pylon, at 19' tall. The existing conditions unique to this site are the drastic elevation changes from the road, the existing MDOT ROW on the corner, and the Consumers Energy easement which forces this sign to be set back further than any of the other neighboring signs. This variance will do substantial justice to Consumers Credit Union, by allowing the sign to be 80 square feet it will allow the sign to appear similar in size to neighboring signs that are smaller but are set closer to the road. The larger pylon size will offset the inequality that the larger set back creates as the sign is forced to set back further from the road. The current sign is obscured from view when travelling west by neighboring vegetation and the Walgreens pylon which is located much closer to the road.

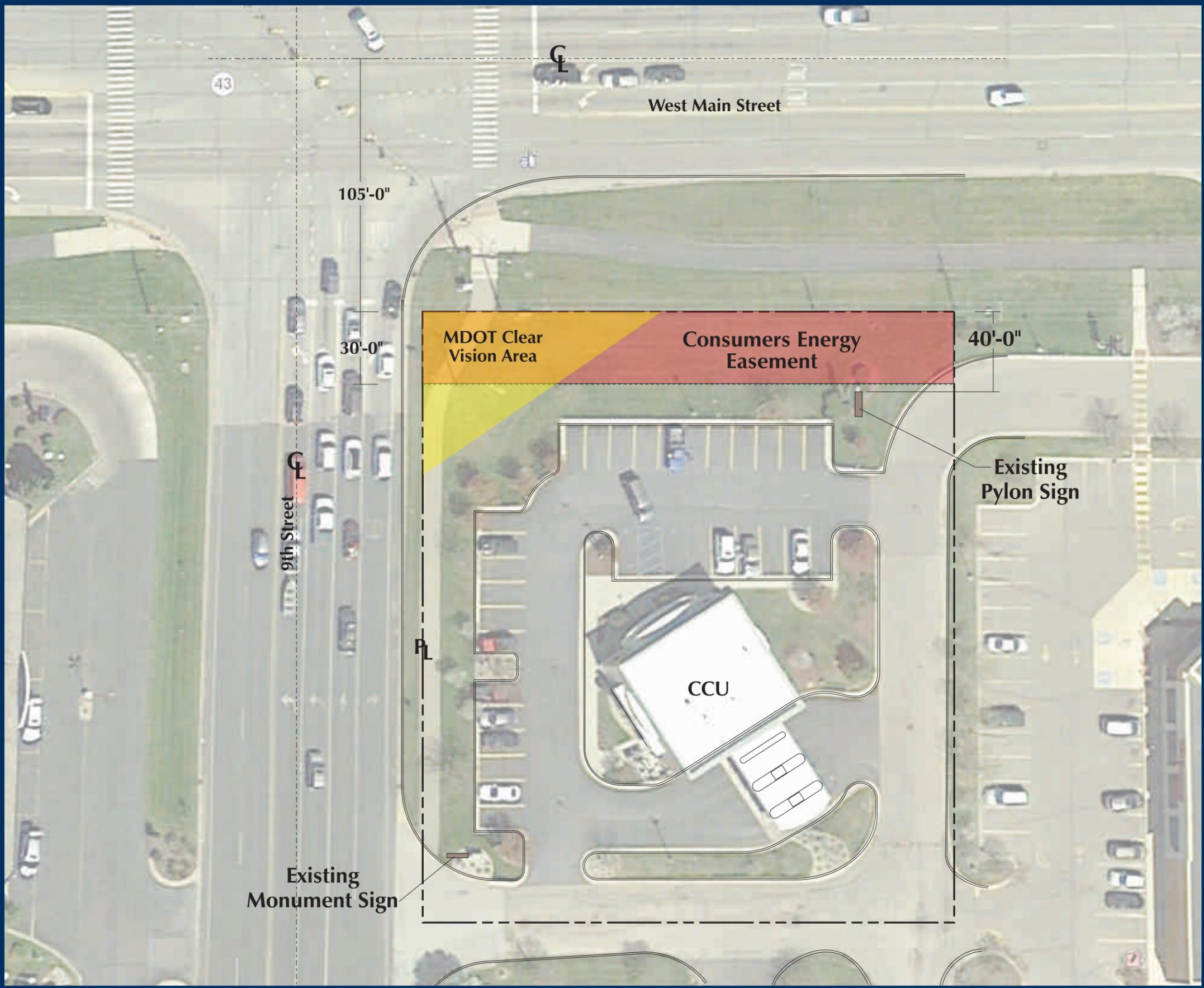
The need to make the sign larger so it appears similar in size to the neighboring signs is not self-created but is unique to the properties (3) unique conditions; elevation from road, MDOT ROW and Consumers Energy easement. The granting of this variance to allow the sign to be larger will allow Consumers Credit Union to be properly identified to assure that the branch can be easily identified and egressed safely.

Thank you for your consideration on this matter.

Kind Regards,

Jack Vos





Consumers Credit Union — 6699 W. Main St., Kalamazoo, MI 49009

Project:

Location:

Date: **3.5.20 B**

Revision:

A

B

C

D

E

F

G

H

Approval:

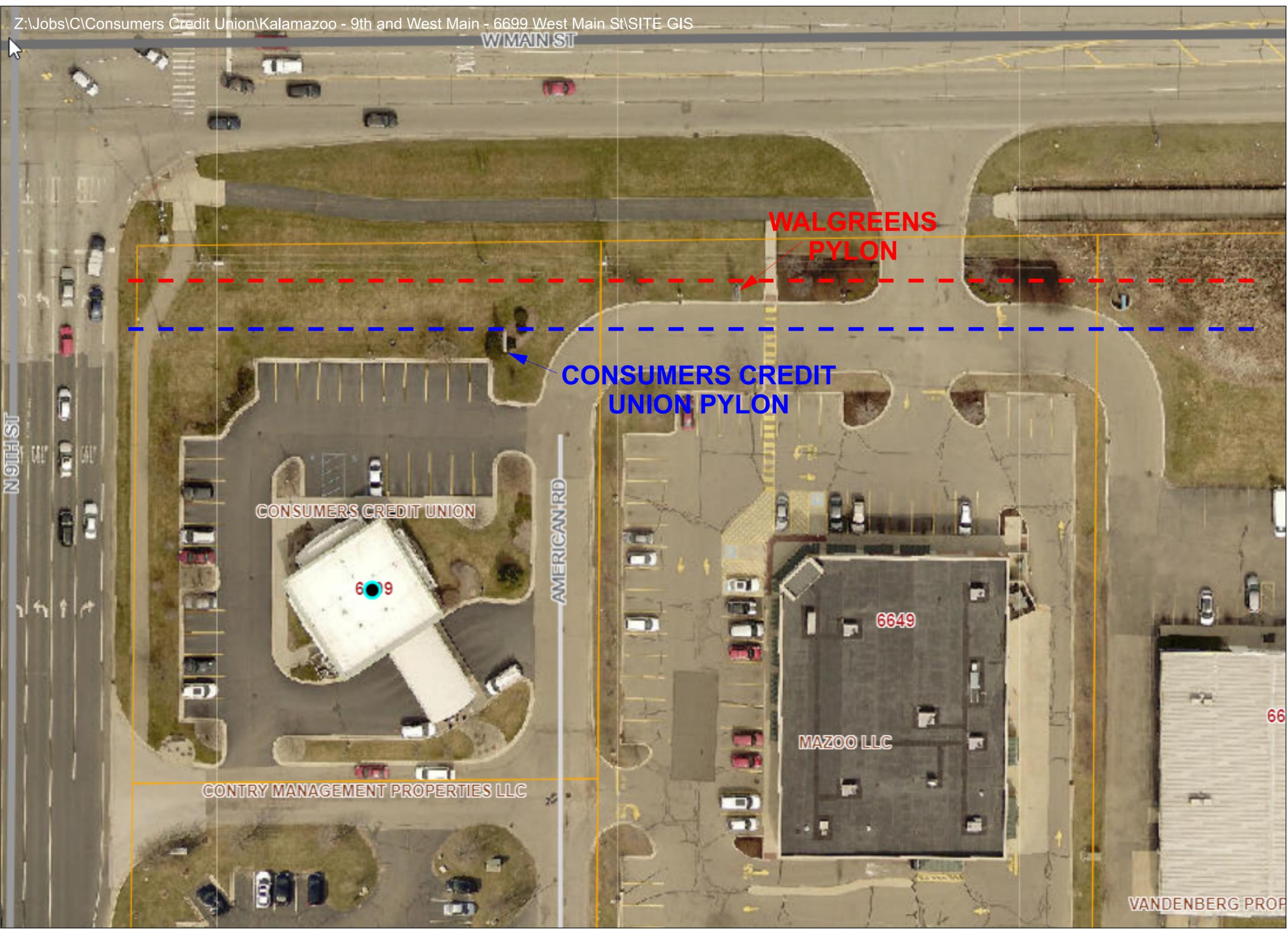
Name: _____

Sales: **JV**

USS Logo Yes No

Notes:





Project:

Location:

Date: 3.5.20 B

- Revision: A
- B
- C
- D
- E
- F
- G
- H

Approval:

Name:

Sales: JV

USS Logo Yes No

Notes:

NEW SIGN IN SAME LOCATION DUE TO CONSUMERS EASMENT. SIGN SET-BACK PLACES SIGN BACK FARTHER BEHIND OTHER SIGNS.



9th and West Main - 6699 West Main St

Project: _____
Location: _____

Date: 3.5.20 B
Revision:
A _____
B _____
C _____
D _____
E _____
F _____
G _____
H _____

Approval: _____
Name: _____
Sales: **JV**
USS Logo Yes No

Notes:

NEW SIGN IN SAME LOCATION DUE TO CONSUMERS EASMENT. SIGN SET-BACK PLACES SIGN BACK FARTHER BEHIND OTHER SIGNS.



9th and West Main - 6699 West Main St

Project: _____

Location: _____

Date: 3.5.20 B

Revision:

A _____

B _____

C _____

D _____

E _____

F _____

G _____

H _____

Approval:

Name: _____

Sales: **JV**

USS Logo Yes No

Notes:
