

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

**REGULAR MEETING - VIRTUAL**

Participate through this Zoom link:  
<https://us02web.zoom.us/j/83535426967>

Or by calling: 1-929-205-6099

**Meeting ID: 835 3542 6967**

*(Refer to the [www.oshtemo.org](http://www.oshtemo.org) Home Page or page 3 of this packet for additional Virtual Meeting Information)*

**TUESDAY, AUGUST 25, 2020  
3:00 p.m.**

**AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Approval of Minutes: July 28<sup>th</sup>, 2020
5. **Variance: Gillespie, 798 Laurel Wood Street**  
Melvina Gillespie is requesting a 6-foot reduction of the 10-foot required rear yard setback in order to replace an existing 4' x 4' deck with a 12' x 24' deck.
6. Public Comment
7. Other Updates and Business
8. 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](mailto: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](http://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](mailto:oshtemo@oshtemo.org) and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<b><u>Supervisor</u></b>		
Libby Heiny-Cogswell	216-5220	<a href="mailto:libbyhc@oshtemo.org">libbyhc@oshtemo.org</a>
<b><u>Clerk</u></b>		
Dusty Farmer	216-5224	<a href="mailto:dfarmer@oshtemo.org">dfarmer@oshtemo.org</a>
<b><u>Treasurer</u></b>		
Grant Taylor	216-5221	<a href="mailto:gtaylor@oshtemo.org">gtaylor@oshtemo.org</a>
<b><u>Trustees</u></b>		
Cheri L. Bell	372-2275	<a href="mailto:cbell@oshtemo.org">cbell@oshtemo.org</a>
Deb Everett	375-4260	<a href="mailto:deverett@oshtemo.org">deverett@oshtemo.org</a>
Zak Ford	271-5513	<a href="mailto:zford@oshtemo.org">zford@oshtemo.org</a>
Ken Hudok	548-7002	<a href="mailto:khudok@oshtemo.org">khudok@oshtemo.org</a>

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

## 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 11-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: 835 3542 6967**

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: **835 3542 6967#**

### 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.

If you are attending the meeting by phone, to use the “Raise Hand” feature **press \*9 on your touchtone keypad.**

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

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**OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS**

**DRAFT MINUTES OF A VIRTUAL MEETING HELD JULY 28, 2020**

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**Agenda**

**SITE PLAN: ONE WAY PRODUCTS (PHASE II)**

**GLAS ASSOCIATES, ON BEHALF OF ONE WAY PRODUCTS, IS REQUESTING SITE PLAN APPROVAL FROM THE ZONING BOARD OF APPEALS TO CONSTRUCT A 29,250 SQUARE FOOT ADDITION TO THEIR EXISTING 25,586 SQUARE FOOT FACILITY LOCATED AT 5933 WEST KL AVENUE.**

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

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

ABSENT: Cheri Bell

Also present were Iris Lubbert, Planning Director, Josh Owens, Assistant to the Supervisor, and Martha Coash, Meeting Transcriptionist.

Guests present were Adam Harvey, applicant, and Isaac Hinkle, Property Owner.

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Chairperson Sikora called the meeting to order and invited those present to join in reciting the "Pledge of Allegiance."

**APPROVAL OF AGENDA**

Chairperson asked if anyone objected to approval of the agenda. Hearing no objections, he asked for a motion.

Mr. Gould **made a motion** to approve the agenda as presented. Ms. Maxwell **seconded the motion. The motion was approved unanimously.**

## **PUBLIC COMMENT ON NON-AGENDA ITEMS**

Chairperson Sikora determined there were no comments on non-agenda items.

## **APPROVAL OF THE MINUTES OF MAY 26, 2020**

The Chair asked if there were any additions, deletions, or corrections to the Minutes of May 26, 2020.

Ms. Smith noted that on page one “Member” should have read “Members” for those who were absent at the May 26 meeting; that “Attorney” should be added after James Porter’s name under those listed as “also present” and that “Tower” should read “Power” on page four of the minutes.

Chairperson Sikora asked if there were any objections. Hearing none, he asked for a motion to approve the minutes as presented with the three corrections noted.

Ms. Smith **made a motion** to approve the Minutes of May 26, 2020 as presented, with the three corrections noted. Ms. Maxwell **seconded the motion**. **The motion was approved unanimously.**

Chairperson Sikora moved to the next agenda item and asked Ms. Lubbert for her presentation.

## **SITE PLAN: ONE WAY PRODUCTS (PHASE II)** **GLAS ASSOCIATES, ON BEHALF OF ONE WAY PRODUCTS, IS REQUESTING** **SITE PLAN APPROVAL FROM THE ZONING BOARD OF APPEALS TO** **CONSTRUCT A 29,250 SQUARE FOOT ADDITION TO THEIR EXISTING 25,586** **SQUARE FOOT FACILITY LOCATED AT 5933 WEST KL AVENUE.**

Ms. Lubbert said Glas Associates, on behalf of One Way Products, was requesting Site Plan approval to expand on the One Way Products existing facility located at 5933 W. KL Ave. The property is on the South side of W. KL Avenue, west of Drake Road.

This request is made as the Township’s code states that any expansion of a permitted use, over 2,000 square feet, requires the review and approval of the Zoning Board of Appeals.

She said she would touch on the highlights of the proposal with a note that a more thorough analysis for the site plan could be found in the staff report in the Zoning Board of Appeals packet, starting on page 15.

She said the property in question is located entirely in the I -1, Industrial Zoning district. One Way Products manufactures environmentally friendly soaps and

detergents, and distributes cleaning supplies and cleaning tools. Their existing 25,586 square foot facility at 5933 W. KL Avenue includes space for manufacturing, offices, distribution, and storage – permitted uses within the I -1 district. The proposal would expand the existing facility to the east and south to create a 29,250 square foot addition to be used solely as a warehouse to provide additional storage onsite.

Ms. Lubbert said the proposed addition meets all general zoning requirements, including setbacks and I -1 district requirements.

The site currently has 28 parking spaces. An addition of this size would require that the entire site's parking increase to 62 spaces in total. The applicant showed the additionally required 34 spaces on their site plan. However, the applicant requested deferment of these spaces. The reasoning behind this request is that One Way Products currently has 15 employees and an average of 5 visitors per day – their current use requiring approximately 20 parking spaces. They do not believe that additional parking is necessary at this time as the newly proposed space is purely for storage. The Zoning Board of Appeals is authorized by the code to grant parking deferment requests, provided such can be done safely, and that the deferred parking can still be installed at a later date—within ordinance requirements—should the Township deem it necessary at any point in the future. Staff felt this request was appropriate and is satisfied with the applicant's reasoning.

She noted the proposed site plan was reviewed by the Township's engineering consultant. In terms of lighting and storm water, all requirements have been met.

Ms. Lubbert explained there were two areas that need a little more work and coordination with the site plan regarding landscaping and site circulation. For landscaping, there are some minor issues and concerns from staff regarding the proposed landscaping along the east property line and the proposed access aisle on the east side of the property. This drive needs to be shifted outside of the required 10' landscaping buffer. This same access aisle is the second item that needs further review, in terms of site circulation. Overall the site's access will remain the same for patrons and staff. The existing curb cut and drive to W. KL Avenue located on the western portion of the site will continue to be utilized. The existing aisle to the back of the building will be extended to access the proposed addition's truck docks. However, in order to access the east side of the building for fire safety and access to the existing sanitary sewer line, a new 24 foot wide gravel drive is required along the easternmost part of the site. The applicant is proposing access to this drive from W. KL Avenue with a new curb cut – which will require approval from the Road Commission. If that curb cut is not approved by the Kalamazoo County Road Commission, another route of access to the east side of the building will need to be provided.

Again, she said overall the proposed site plan is in good standing.

Ms. Lubbert said the proposed addition will utilize metal siding similar to the existing building in color and profile. She provided two excerpts from the applicant's

submittal showing the elevations of what the proposal would like from the front, the view from W. KL Avenue, and what it would look like to the right, if someone was standing on the west side of the building heading to the truck docks in back. She said staff had no concerns with the proposed design.

Overall, she said the proposal meets the requirements of the Township Code and recommended the proposed site plan for One Way Products (Phase II) addition be approved with the following conditions:

1. The Zoning Board of Appeals approve the requested deferment of 34 parking spaces, as illustrated on the project site plan.
2. The 24-foot-wide gravel drive to the east side of the building be relocated out of the landscape buffer. Applicant will continue to coordinate with the Planning, Fire, and Engineering departments regarding the 24' wide access drive. Final plans will need to be submitted and approved prior to building permit issuance.
3. An updated landscaping plan is submitted prior to building permit issuance. In addition, prior to the Certificate of Occupancy, a staff review of landscaping will occur. If landscaping materials are lost during construction to the point of noncompliance with the Zoning Ordinance, additional landscape materials will be required.

She noted both the applicant and the property owner were present to answer questions.

Chairperson Sikora confirmed with Ms. Lubbert that the existing 28 parking spots would remain and that the additional 34 required spots would be deferred under this recommendation.

Hearing no further questions, the Chair asked whether the applicant wished to speak.

Mr. Adam Harvey, applicant, said they are waiting for action by the Road Commission to address their request for an additional curb cut at the eastern property line. When that is approved there will be more coming in the process. He said the materials used for the new building will be similar in appearance to the existing building. All they are looking for is more space.

Mr. Isaac Hinkle, property owner, added that he wants to provide beautiful green space rather than to add paved parking that is not needed.

Ms. Maxwell agreed with that sentiment.

Chairperson Sikora determined there were no members of the public present wishing to make a comment and moved to Board Deliberation.



Ms. Maxwell said she saw no reason not to approve the request. Mr. Gould agreed and said it made sense to leave green area rather than require unneeded parking spaces.

Mr. Sikora also agreed with the deferment request. He asked how the area would be maintained and how deferment would be addressed if more parking spots were needed in the future.

Ms. Lubbert said currently there is grass that is maintained and the deferred area would be the same. She said if need is demonstrated for more parking spaces in the future, the Township could trigger their installation utilizing the site plan.

Hearing no further discussion, and there being no objections, Chairperson Sikora asked for a motion.

Ms. Maxwell **made a motion** to approve the proposed site plan for One Way Products (Phase II) addition with the following conditions:

1. The Zoning Board of Appeals approves the requested deferment of 34 parking spaces, as illustrated on the project site plan.
2. The 24-foot-wide gravel drive to the east side of the building will be relocated out of the landscape buffer. Applicant will continue to coordinate with the Planning, Fire, and Engineering departments regarding the 24' wide access drive. Final plans will need to be submitted and approved prior to building permit issuance.
3. An updated landscaping plan is submitted prior to building permit issuance. In addition, prior to the Certificate of Occupancy, a staff review of landscaping will occur. If landscaping materials are lost during construction to the point of noncompliance with the Zoning Ordinance, additional landscape materials will be required.

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

Mr. Gould expressed his thanks to One Way that their proposed expansion will be located in Oshtemo Township.

### **Other Updates and Business**

Ms. Lubbert reported there will be an August meeting to consider a variance request.

She also said virtual meetings will be held at least through August, as the Governor extended the amended Open Meetings Act. It is anticipated that combination virtual/in person meetings may be held beginning in September.

**Adjournment**

Chairperson Sikora noted the Zoning Board of Appeals had exhausted its Agenda. There being no other business, he adjourned the meeting at approximately 3:26 p.m.

Minutes prepared:  
July 29, 2020

Minutes approved:  
\_\_\_\_\_, 2020

DRAFT

August 19<sup>th</sup>, 2020

**Mtg Date:** August 25<sup>th</sup>, 2020

**To:** Zoning Board of Appeals

**From:** Iris Lubbert, AICP, Planning Director

**Applicant:** Melvina Gillespie  
**Owner:** Melvina Gillespie

**Property:** 798 Laurel Wood Street, parcel number 05-23-207-045

**Zoning:** R2: Residence District

**Request:** A variance to permit a deck expansion which will protrude 6 feet into the required 10-foot rear yard setback

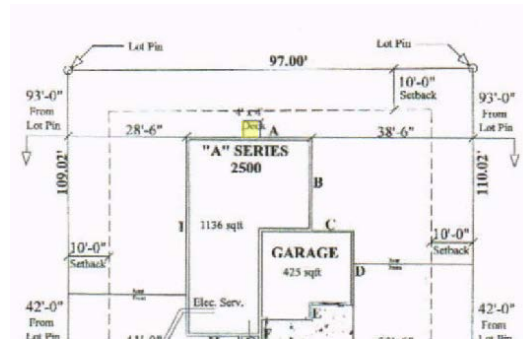
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**OVERVIEW:**

The applicant is requesting relief from Section 50.60 of the Zoning Ordinance which governs setbacks for structures in residential zoning districts in order to construct a 12' x 24' deck in place of the existing 4' x 4' deck off the back of the house.

Section 50.60 of the Zoning Ordinance requires that all primary structures located within the R-2 district have a 15-foot rear yard setback. It should be noted that in this case Buckham Highlands, the development in which the home is located, was designed and approved under a previous version of the Ordinance which required a 10-foot rear yard setback. Following standard zoning practice the setback that was originally approved with the development is followed.

798 Laurel Wood Street is on a 0.24-acre lot that is 97 feet wide by 109 feet long. The house was built 16 feet from the back-property line, leaving 6 feet of buildable area outside of the required 10-foot setback. Currently there is a 4' x 4' deck off the back of the house, highlighted in yellow in the site plan excerpt on the top right. The door leading to this 4' x 4' deck is the only rear exit to the home and is elevated approximately 8 feet off the ground with no stairs, see photograph on the bottom right.



The configuration of Buckham Highlands places 798 Laurel Wood Street on the western side of the development abutting approximately 110 feet of open space, acting as a buffer between the development

and 9<sup>th</sup> Street, which is owned by Buckham Highlands Condominium Association. Lots to the north and south of this site have been developed. An aerial view is provided below, 798 Laurel Wood Street is outlined in yellow.



The applicant has provided the following rational for this variance request:

- “Strict compliance would unreasonably restrict me from ever using the back door or use the deck. The biggest concern is for the safety for me and my family as an escape route in the event such as a fire.
- This would be substantial justice to allow me the opportunity to utilize the deck for living and safety purposes as well as for resale.
- The placement of my back door prevents me from placing my deck anywhere else and it is a raised deck; therefore, I am unable to exit the house from the rear without stairs leading from the deck.
- The Allen Edwin Homes builders did not consider the setback requirements for the owners eventually building a usable deck and exit. This was not self-created by the applicant/owner.
- Relief from strict compliance will not interfere with the safety and welfare of the public or my neighbor’s safety and welfare. It will however increase the safety and welfare of my family and me by providing a usable exit in the event of an emergency. It will also add to the value and aesthetics of the home and neighborhood.”

#### 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:** The topography around this site is fairly flat. 798 Laurel Wood is built closer to the rear property line than some of the neighboring homes leaving comparatively less space, in this case 16 feet, for a rear yard. Currently the only rear exit to the property leads to the existing elevated 4' x 4' deck. There is approximately 110 feet of open space behind this property. There does not appear to be any unique physical limitations that prevents compliance.

*Standard: Conformance Unnecessarily Burdensome*

*Are reasonable options for compliance available?*

*Does reasonable use of the property exist with denial of the variance?*

**Comment:** Per building code a stairway is required to be at least 36 inches (3 feet) wide. There are 6 feet between the back of the building and the 10-foot rear yard setback. A deck, though smaller than what the applicant has requested, could be built with stairs within compliance of the code. Conformance with the code is not unnecessarily burdensome.

*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 setback relief for a primary structure from rear yard setbacks, Planning Department staff was only able to identify one comparable case, as follows:

1. Salbenblatt, 6473 Buckham Wood Drive, 9/26/2006: The applicant sought relief from the Zoning Board of Appeals to allow for the construction of a 12' x 14' all-season room in place of the existing 11'8" x 11'8" deck. The existing wooden deck, part of the original construction, protruded 4' into the 10' rear setback. The variance was requested to allow a 5'6" rear yard setback. A unique feature that was discussed was that this site's rear yard abutted 30 feet of open space owned by Buckham Highlands Condominium Association, which separated Buckham Highlands from the property to the south. In this case the neighborhood association wished to remain neutral. The Zoning Board of Appeals approved the variance request based on the following reasons: the existing deck already encroaches into the recognized setback area and was not causing problems, the 30 feet of open space in effect acts as additional setback/separation, and the request would not negatively impact surrounding properties.

*Standard: Self-Created Hardship*

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

Comment: 798 Laurel Wood Street was built close to the rear lot line. That lot line and setbacks for the property have not changed since its construction. There is room on the back of the property to build a deck with stairs within zoning regulations. It is the applicant's desire for a larger deck that has triggered this variance request. A deck is not a required nor necessary amenity.

#### 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 the staff analysis, the following findings of fact are presented:

- Support of variance approval
  - A variance was approved for a similar request in 2006. It should be noted the comparable variance case is within the same development as 798 Laurel Wood Street.
- Support of variance denial
  - Without relief, the property can still accommodate a single-family home, as allowed per the Zoning Ordinance. A deck is not a required nor a necessary amenity.
  - This variance request for this 12' x 24' deck is a self-created hardship, as a smaller deck with stairs could be built within regulation standards.
  - Conformance is not unnecessarily burdensome.
  - There does not appear to be any unique physical limitations that prevents compliance.

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

1. Applicant's Request

Based on past precedence presented in this memo, motion to approve the variance request, allowing the applicant to construct a 12' x 24' deck with a 4-foot rear yard setback.

If the Zoning Board of Appeals 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 variance based on the findings of fact presented under 'Support of variance denial' in this memo.

Attachments: Application and Applicant's statement



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

**PLEASE PRINT**

**PROJECT NAME & ADDRESS** Replacement/New Deck; 798 Laurel Wood Street

**PLANNING & ZONING APPLICATION**

Applicant Name : Melvina Gillespie  
Company \_\_\_\_\_  
Address 798 Laurel Wood Street  
Kalamazoo, MI 49009  
E-mail mgillespie@mea.org  
Telephone 269-779-5622 Fax \_\_\_\_\_  
Interest in Property owner

THIS  
SPACE  
FOR  
TOWNSHIP  
USE  
ONLY

**OWNER\*:**

Name same as above  
Address \_\_\_\_\_  
Email \_\_\_\_\_  
Phone & Fax \_\_\_\_\_

Fee Amount \_\_\_\_\_  
Escrow Amount \_\_\_\_\_

**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 checked="" 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): See attached.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**LEGAL DESCRIPTION OF PROPERTY** *(Use Attachments if Necessary):*

Lot 44, Buckham Highlands Condominiums

**PARCEL NUMBER:** 3905-

**ADDRESS OF PROPERTY:** 798 Laurel Wood Street, Kalamazoo, 49009

**PRESENT USE OF THE PROPERTY:** residence

**PRESENT ZONING** \_\_\_\_\_ **SIZE OF PROPERTY** 109.02' x 94.66'

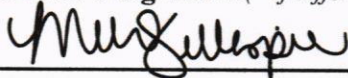
**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS  
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)	Address(es)
N/A	

**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)



\_\_\_\_\_  
**Date**

July 14, 2020

\_\_\_\_\_  
**Applicant's Signature**

\_\_\_\_\_  
**Date**

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

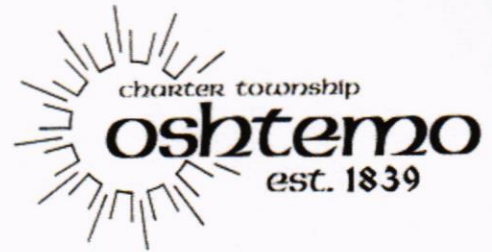
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**PLEASE ATTACH ALL REQUIRED DOCUMENTS**



Melvina Gillespie  
Variance Request for Deck

I am requesting a use variance to allow construction of a 12'x24' deck to replace a 4'x4' deck. The original deck was meant to be temporary for the newly proposed deck. The 4x4 deck was required for inspection and to assume occupancy of the newly constructed home. The only rear door to the house leads to the deck, but it does not have stairs in case of fire. The deck is a raised deck about eight feet from the base of the back door. The deck is old and needs to be replaced. The current setback requirement is 10 feet. I am requesting a four-foot setback instead of the required 10 feet in order to build a useable deck with stairs.



## ZONING BOARD OF APPEALS - VARIANCE REQUEST REVIEW FORM

The Board is required by law to consider the following, and only the following, criteria when deciding on an application for a nonuse variance. When making a motion on a variance, each of the following criteria must be clearly addressed in order to document how the Board's decision was made. Please fill in the lines below and verbally state how these criteria are, or are not, met.

Case: \_\_\_\_\_

Date: July 14, 2020

### Criteria 1: Conformance Unnecessarily Burdensome

*Are reasonable options for compliance available? Please note that economic hardship cannot be considered.*

Yes: \_\_\_\_\_

**No:** Strict compliance would unreasonably restrict me from ever using the back door or use the deck. The biggest concern is for the safety for me and my family as an escape route in the event of an emergency such as a fire.

### Criteria 2: Substantial Justice

*Is the decision consistent with past decisions of the ZBA (precedence)?*

**Yes:** This would be substantial justice to allow me the opportunity to utilize the deck for living and safety purposes as well as for resale.

No: \_\_\_\_\_

### Criteria 3: Unique Physical Circumstances

*Are there unique physical limitations or conditions which prevent compliance?*

**Yes:** The placement of my back door prevents me from placing my deck anywhere else and it is raised deck; therefore, I am unable to exit the house from the rear without stairs leading from the deck.

No: \_\_\_\_\_

### Criteria 4: Self-Created Hardship

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

Yes: \_\_\_\_\_

**No:** The Allen Edwin Homes builders did not consider the setback requirements for the owners eventually building a useable deck and exit. This was not self-created by the applicant/owner.

### Criteria 5: Public Safety and Welfare

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

**Yes:** Relief from strict compliance will not interfere with the safety and welfare of the public or my neighbors' safety and welfare. It will however increase the safety of my family and me by providing a useable exit in the event of an emergency. It will also add to the value and aesthetics of the home and neighborhood.

No: \_\_\_\_\_

Based on the review of the criteria listed above the Zoning Board of Appeals rules to Approve / Deny the variance request.

**HOUSE DIMENSIONS:**

- A = 30'-0"
- B = 22'-4"
- C = 10'-0"
- D = 18'-0"
- E = 3'-8"
- F = 7'-0"
- G = 4'-2"
- H = 12'-6"
- I = 48'-0"

**GARAGE FRONT:**

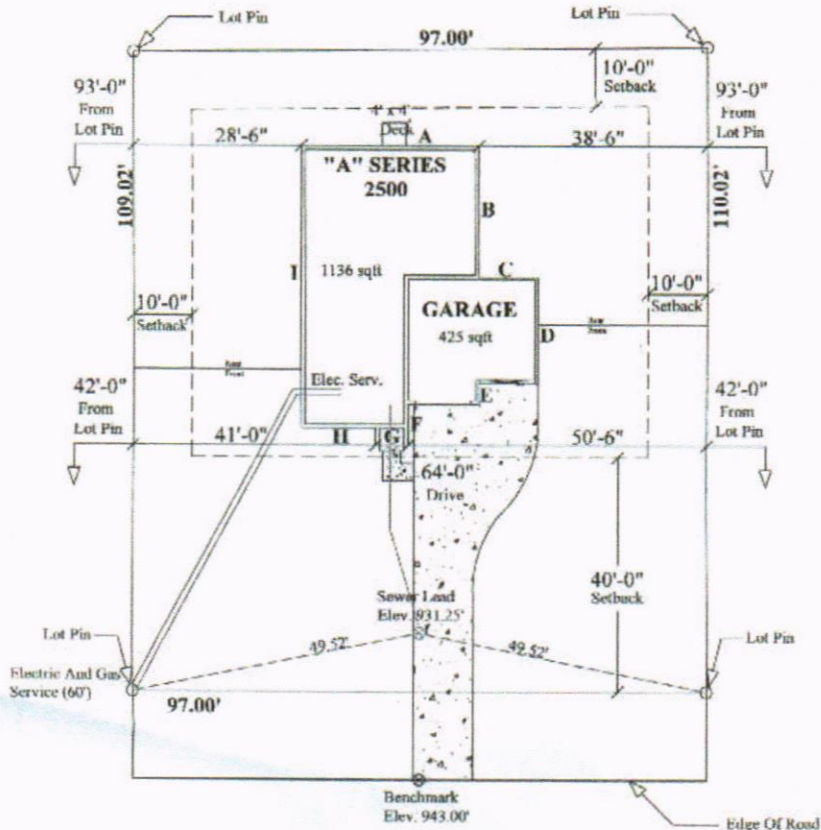
12'-0"

**SECOND STALL:**

10'-0"

**PORCH PIERS:**

3'-0"



**NOTE:**  
Top of wall to be set 0'-0"  
above curb at benchmark.  
Elev. 0.00'

Version 3.2

Scale: 1" = 20'-0"  
Date: March 12, 2007  
Front Yard: 5900 sqft  
Rear Yard: 3800 sqft  
Lot Coverage: 14.9%

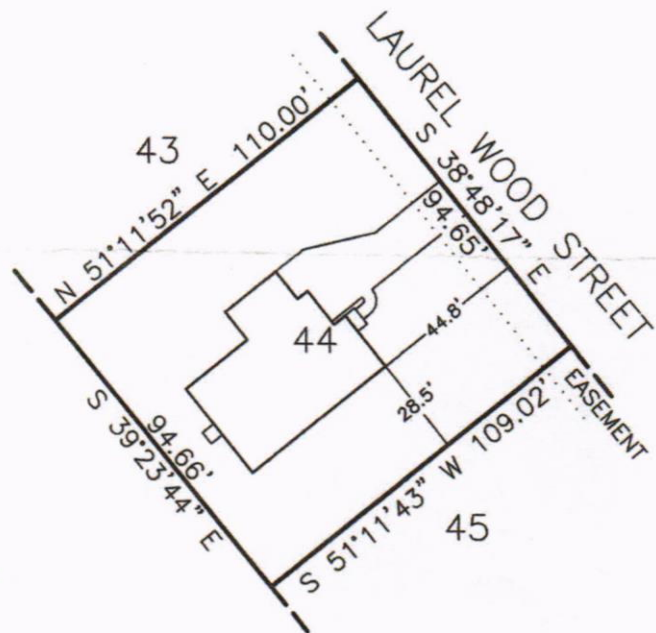
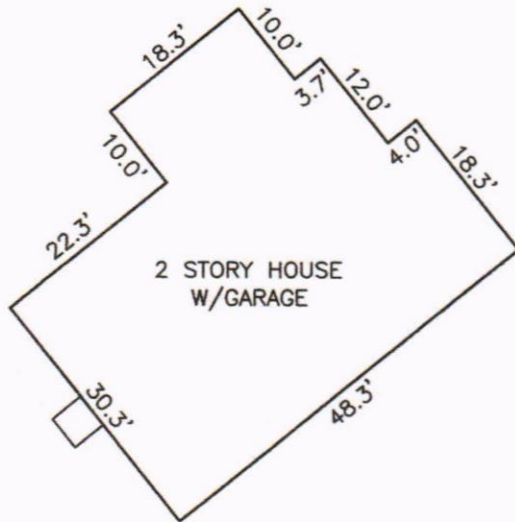
**SITE PLAN**  
LOT # 44 BUCKHAM HIGHLANDS  
798 LAUREL WOOD STREET

**ALLEN EDWIN HOMES**  
2186 EAST CENTRE  
PORTAGE, MI 49002



# MORTGAGEE'S INSPECTION

DETAIL  
(NO SCALE)



**LEGAL DESCRIPTION:**

THE LAND REFERRED TO IN THIS COMMITMENT, SITUATED IN THE COUNTY OF KALAMAZOO, TOWNSHIP OF OSHTEMO, STATE OF MICHIGAN, IS DESCRIBED AS FOLLOWS:

UNIT 44 OF BUCKHAM HIGHLANDS, A CONDOMINIUM ACCORDING TO THE MASTER DEED THEREOF RECORDED DECEMBER 13, 1999 IN INSTRUMENT NO. 1999-056245 OF KALAMAZOO COUNTY RECORDS, AND DESIGNATED AS KALAMAZOO COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 113, AND ANY AMENDMENTS THERETO, TOGETHER WITH AN UNDIVIDED INTEREST IN THE COMMON ELEMENTS OF SAID CONDOMINIUM AS SET FORTH IN SAID MASTER DEED, AND ANY AMENDMENTS THERETO AND AS DESCRIBED IN ACT 59 OF THE PUBLIC ACTS OF MI OF 1978, AS AMENDED.

**NOTE:**

THE EXTENT OF ENCROACHMENTS THAT MAY OR MAY NOT APPEAR ON THIS SURVEY CAN NOT BE ACCURATELY DETERMINED WITHOUT THE BENEFIT OF A BOUNDARY SURVEY.

PROPERTY ADDRESS: 798 LAUREL WOOD STREET

I HEREBY CERTIFY TO ALLEN EDWIN HOMES AND/OR ITS SUCCESSORS AND ASSIGNS AS THEIR INTERESTS MAY APPEAR THAT I HAVE EXAMINED THE PREMISES DESCRIBED WITHIN AND THAT THE EXISTING BUILDINGS ARE LOCATED AS SHOWN HEREON. THAT THIS EXAMINATION WAS PREPARED FOR THE MORTGAGEE IN CONNECTION WITH A NEW MORTGAGE AND IS NOT INTENDED OR REPRESENTED TO BE A LAND OR PROPERTY LINE SURVEY; THAT NO PROPERTY CORNERS WERE SET; THAT IT IS NOT TO BE USED, OR RELIED UPON FOR THE ESTABLISHMENT OF ANY FENCE, BUILDING, OR OTHER IMPROVEMENT LINES, NO RESPONSIBILITY IS EXTENDED HEREWITH TO THE PRESENT OR FUTURE LAND OWNER OR OCCUPANT.

*Mark S. Evans PS 7-13-07*  
MARK S. EVANS, PS MI# 45497



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