

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

**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
Zoning Board of Appeals**

**Tuesday,  
July 24, 2018  
3:00 p.m.**

**AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Public Comment on Non-Agenda Items
4. Approval of Minutes: June 26, 2018
5. **Public Hearing: Sign Variance Request – TABLED from June 26, 2018**  
A variance has been requested by The Vernon Group, from Section 76.420.C of the Township Zoning Ordinance, to erect a freestanding sign with zero setback from the West Main Street right-of-way when ten feet is typically required. The subject property is located at 5945 West Main Street, Kalamazoo, MI 49009, within the C: Local Business District. Parcel No. 3905-14-435-011.
6. **Site Plan Review: Drake Farmstead Carriage Barn**  
Oshtemo Township Park's Department is requesting site plan approval for a 1,200 square foot Carriage Barn, as well as a picnic shelter, within the Drake Farmstead Park located at 927 North Drake Road, parcel number 3905-13-230-031.
7. Any Other Business
8. ZBA Member Comments
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 to respond at a later date.
- 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.

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; it is not required unless the speaker wishes to have their comment recorded in the minutes.

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 or Citizen Comment on 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 is in contravention of any of the principles and procedures set forth herein.

(adopted 5/9/2000)  
(revised 5/14/2013)

**Policy for Public Comment**  
**6:00 p.m. "Public Comment"/Portion of Township Board Meetings**

At the commencement of the meeting, the Supervisor shall poll the members of the public who are present to determine how many persons wish to make comments. The Supervisor shall allocate maximum comment time among persons so identified based upon the total number of persons indicating their wish to make public comments, but no longer than ten (10) minutes per person. Special permission to extend the maximum comment time may be granted in advance by the Supervisor based upon the topic of discussion.

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 to respond at a later date.

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; it is not required unless the speaker wishes to have their comment recorded in the minutes.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.

(adopted 2/27/2001)  
(revised 5/14/2013)

**OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS**

**MINUTES OF A MEETING HELD JUNE 26, 2018**

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**Agenda**

**PUBLIC HEARING: SIGN VARIANCE REQUEST**

**A VARIANCE HAS BEEN REQUESTED BY THE VERNON GROUP, FROM SECTION 76.420.C OF THE TOWNSHIP ZONING ORDINANCE, TO ERECT A FREESTANDING SIGN WITH ZERO SETBACK FROM THE WEST MAIN STREET RIGHT-OF-WAY WHEN TEN FEET IS TYPICALLY REQUIRED. THE SUBJECT PROPERTY IS LOCATED AT 5945 WEST MAIN STREET, KALAMAZOO, MI 49009, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-14-435-011.**

**PUBLIC HEARING: SIGN VARIANCE REQUEST**

**A VARIANCE HAS BEEN REQUESTED BY ALLIED SIGNS, INC., ON BEHALF OF OSHTEMO HOTELS, LLC, FROM SECTION 76.170 OF THE TOWNSHIP ZONING ORDINANCE, TO PLACE THE TOP OF A WALL SIGN APPROXIMATELY 43 FEET ABOVE GRADE WHEN ONLY 30 FEET IS ALLOWED. THE SUBJECT PROPERTY IS LOCATED AT 5724 WEST MAIN STREET, KALAMAZOO, MI 49009, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-13-130-030.**

**SITE PLAN REVIEW: HURLEY & STEWART OFFICE ADDITION**

**HURLEY & STEWART, LLC IS REQUESTING SITE PLAN APPROVAL FOR A 2,227 SQUARE FOOT ADDITION TO THEIR EXISTING OFFICE BUILDING AT 2800 SOUTH 11<sup>TH</sup> STREET, PARCEL NO. 3905-25-153-140.**

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A meeting of the Oshtemo Charter Township Zoning Board was held Tuesday, June 26, 2018 at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

**MEMBERS PRESENT:** James Sterenberg, Chair  
Bob Anderson  
Neil Sikora, Vice Chair  
Anita Smith  
Bruce VanderWeele

**MEMBER ABSENT:** Nancy Culp

Also present were Julie Johnston, Planning Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. Seven other persons were in attendance.

## **Call to Order and Pledge of Allegiance**

Chairperson Sterenberg 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 May 22, 2018**

Chairperson Sterenberg asked if there were any additions, deletions or corrections to the minutes of May 22, 2018. Hearing none, he asked for a motion of approval.

Mr. VanderWeele made a motion to approve the Minutes of May 22, 2018 as presented. Mr. Anderson supported the motion. The motion was approved unanimously.

## **PUBLIC HEARING: SIGN VARIANCE REQUEST**

**A VARIANCE WAS REQUESTED BY THE VERNON GROUP, FROM SECTION 76.420.C OF THE TOWNSHIP ZONING ORDINANCE, TO ERECT A FREESTANDING SIGN WITH ZERO SETBACK FROM THE WEST MAIN STREET RIGHT-OF-WAY WHEN TEN FEET IS TYPICALLY REQUIRED. THE SUBJECT PROPERTY IS LOCATED AT 5945 WEST MAIN STREET, KALAMAZOO, MI 49009, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-14-435-011.**

Chairperson Sterenberg moved to the next item on the agenda and asked Ms. Johnston for her presentation.

Ms. Johnston explained that currently, the property is serviced by two freestanding signs along West Main Street, which are both located within the public right-of-way, which has occupied its current area since 1970. The “Walnut Woods Office Centre” sign was permitted in October of 1987. The existing Zoning Ordinance does not allow for such placement, and it is unclear whether or not the permit for this sign was appropriately issued in 1987. The second device is a real estate sign advertising available tenant space. Per section 76.190, Schedule D—Temporary Signs, no permit is required for such real estate signs, so it was likely erected without Township review. Should the ZBA grant the requested variance, removal of these two signs should be required prior to issuance of any new sign permit. The real estate sign, assuming units are available for lease, may be put back up, but not within the right-of-way.

She said the Zoning Enabling Act of Michigan outlines that when considering a variance request, the Zoning Board of Appeals must ensure that the “spirit of the ordinance is observed, public safety secured, and substantial justice done.” The Michigan courts have added that variances should only be granted in the case of a practical difficulty for a nonuse (dimensional) variance. In addition, applicants must

demonstrate that their plight is due to the unique circumstances particular to that property and that the problem is not self-created.

Ms. Johnston said the request by the applicant is a nonuse variance and reviewed the standards the ZBA needed to in considering the variance request and how the request meets those standards.

Standards of Approval of a Nonuse Variance (practical difficulty):

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

*Comment:* Without requiring alterations to the property—i.e. removing paving and losing at least one parking space—the applicant has no reasonable way to place an appropriately sized sign along the subject property’s West Main Street frontage. Currently, the most suitable place for a sign is only 13 feet wide between the edge of the parking lot and the right-of-way, meaning that a sign placed in compliance could only be three feet wide. Any newly developed property with the necessary 20-foot wide landscape buffer would have at least ten feet of space in which to locate a sign.

*Standard: 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:* Reviewing past variance requests, Township staff have identified one such instance with similar circumstances where a sign setback, so there is some precedent for approval.

Consumers Credit Union, 5018 West Main Street, 2/22/1999:

- The applicant sought, and was granted, relief from the required sign setback on the subject property due to existing site development, as well as visibility issues related to off-site vegetation. In its final decision, the ZBA found that site development-induced restraints, as well as the Township’s desire to offer reasonable options for signage display, warranted the setback variance.

Speedway Gas Station, 1250 South Drake Road, 5/5/1997

- Citing the existing parking lot paving and prevalent traffic patterns, the ZBA granted the applicant relief from the minimum sign setback requirements in order for a pole sign to be erected in the available greenspace adjacent to Drake Road.

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

**Comment:** The subject property's legal non-conforming perimeter landscape buffers meant that no reasonably sized signage can be installed along West Main Street and still be in compliance with the minimum ten-foot setback, save for the one area near US-131. This portion of the property is obscured by off-site vegetation, however, and is not suitable for a sign location.

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

**Comment:** Developed in accordance with the Zoning Ordinance at the time of site plan approval in 1987, Township staff do not view the hardships affecting the subject property as self-made.

*Standard: Will the spirit of the Ordinance be observed, the public health, safety, and welfare secured, and substantial justice done if the variance is granted?*

**Comment:** The ten-foot minimum sign setback is intended to not only preserve certain Township aesthetics, but also to ensure that no signs are placed so near the road as to cause visibility issues for the road going public. Aside from US-131, West Main Street has the widest right-of-way in the Township—around 160 feet in the area of the subject property. A sign located on the applicant's parcel in compliance with the ten-foot setback would place it approximately 37 feet south of the edge of pavement. For comparison, if the applicant were to place a freestanding sign along their Lodge Lane frontage, where the right-of-way is the more standard 66 feet wide, the sign could be placed around 23 feet from the paved portion of the road. Additionally, West Main Street is an exceptionally wide road, and the speed limit is 50 miles per hour along this stretch—two more factors that arguably compromise sign visibility and legibility.

Allowing a sign to be placed with a zero-foot setback to the West Main right-of-way will in no way compromise public health, safety, and welfare, as ample spacing will remain between the display device and any adjacent public travel ways. As discussed elsewhere in this report, the ZBA has in the past acknowledged that limiting site constraints do warrant relief, so substantial justice would be done by granting this variance.

When evaluating this variance request, Township staff reached out to MDOT to discuss the date of right-of-way acquisition. It was during this conversation that MDOT staff stressed the importance of not allowing any

part of a new sign, including footings, to intrude into the public right-of-way.

Given the following findings, Staff recommended the Zoning Board of Appeals grant the request for a zero-foot sign setback from the West Main Street right-of-way:

1. There are no reasonable options for compliance.
2. Past ZBA decisions support this request.
3. Changes in Township-mandated development standards have imposed a physical limitation on the property.
4. The hardship is not self-created.
5. Public health, safety, and welfare will not be compromised.

In addition, she said, If the ZBA granted the requested variance, Staff suggested the following conditions be attached:

1. The two existing signs along the West Main frontage shall be removed prior to the issuance of a new sign permit. Any future signs shall be erected in full compliance with section 76.000—Signs and Billboards of the Oshtemo Township Zoning Ordinance.
2. Per MDOT’s request, if a zero-foot setback is granted to the applicant, no part of any new sign, including subterranean footings, shall encroach into the public right-of-way.

In response to questions from Board members, Ms. Johnston explained the change in sign location to “0” setback would not cause any parking spaces to be lost, that another location may require removal of vegetation, that if the variance were approved the sign would be located on West Main Street, that the new sign was needed to provide more information regarding building users, that approval could include the condition that both current signs are removed, that the sign would be a little further to the east of the current sign location and that past precedent was to not ask applicants to remove parking in order to locate signage within Ordinance.

Chairperson Sterenberg determined the applicant was not in attendance and asked whether members of the public wished to speak.

Mr. Barbara Hughey, 587 Lodge Lane pointed out the area being discussed is next to a residential area and asked what sign size is allowed by Ordinance.

Ms. Johnston indicated the applicant has not indicated the size ground sign they wish to install, but they will have to conform with the maximum allowed by Ordinance, which is 60 square feet.

Hearing no further comments, the Chair closed the public hearing and moved to Board Discussion.

There was discussion about whether there might be a viable alternative for sign location that could be accomplished within the Ordinance and without granting a variance request that would be acceptable to all involved. It was felt more information was needed prior to a vote to be able to evaluate the situation effectively.

Hearing no further discussion, Chairperson Sterenberg asked for a motion.

Mr. Sikora made a motion to table the variance request from the minimum 10-foot sign setback from the West Main right-of-way down to zero feet by the Vernon Group to the next Zoning Board Authority meeting on July 24, 2018, in order to explore other possible options prior to making a decision on the request. Mr. VanderWeele supported the motion. The motion was approved unanimously.

**PUBLIC HEARING: SIGN VARIANCE REQUEST**  
**A VARIANCE HAS BEEN REQUESTED BY ALLIED SIGNS, INC., ON BEHALF OF OSHTEMO HOTELS, LLC, FROM SECTION 76.170 OF THE TOWNSHIP ZONING ORDINANCE, TO PLACE THE TOP OF A WALL SIGN APPROXIMATELY 43 FEET ABOVE GRADE WHEN ONLY 30 FEET IS ALLOWED. THE SUBJECT PROPERTY IS LOCATED AT 5724 WEST MAIN STREET, KALAMAZOO, MI 49009, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-13-130-030.**

Chairperson Sterenberg asked Ms. Johnston for her review of this application.

Ms. Johnston said the building in question was the Holiday Inn Express and Suites currently under construction within the Westgate Planned Unit Development (PUD) located at the northeast corner of US131 and West Main Street and consists of approximately two acres. The Westgate PUD is zoned C: Local Business District with a PUD overlay. Per the requirements of Section 76.170 of the Signs and Billboard Ordinance, wall signs for hotels are restricted to a maximum height of 30 feet.

The applicant was seeking a variance from Section 76.170 to allow the placement of two wall signs located near the top of the Holiday Inn Express and Suites building, which has a maximum height of 45 feet 4 inches. Both the west and south facing signs would have a maximum wall sign height of approximately 39 feet 11 inches, 9 feet 11 inches above the maximum allowed placement for a sign.

The applicant indicated the variance is needed due to the setback of the building. They state on their application that due to the setback of the building, the sign needs to



be installed towards the top of the building for maximum visibility. The application goes on to state the requested change is for the sides of the building that face US-131 and West Main Street.

She said Staff believes the applicant was not referring to the actual zoning ordinance required setback for the building, which is from their property line. Instead, they believe the applicant was referring to the distance of the buildings from US-131 and West Main Street, which is approximately 375 feet from the pavement of US-131 and 1,700 from the pavement of West Main Street.

The Zoning Enabling Act of Michigan outlines when considering a variance request the Zoning Board of Appeals must ensure the “spirit of the ordinance is observed, public safety secured, and substantial justice done.” Michigan courts added that variances should only be granted in the case of a practical difficulty for a nonuse (dimensional) variance. In addition, applicants must demonstrate their plight is due to the unique circumstances particular to the property and the problem is not self-created.

Ms. Johnston said the request by the applicant is a nonuse variance and that the ZBA should review the following standards in considering the variance request:

Standards of Approval of a Nonuse Variance (practical difficulty):

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

**Comment:** The requested variance to alter the height of the proposed wall sign does not impact the reasonable use of the property. The development of the hotel may still proceed without the approval of the sign variance. In addition, conformance to the maximum required height for the wall sign can still be met. Based on the application provided there are no building issues that would stop the sign from being placed at the 30-foot maximum height requirement.

*Standard: 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:** The requirements of Section 76.170 of the Sign Ordinance apply to all commercial and office developments within the Township.

Staff was able to find two past instances where hotels located near US131 requested similar variances from the Zoning Board of Appeals. Both applications were for hotels located on 11<sup>th</sup> Street. Following is a brief summary of these cases:

- Best Western; 2575 South 11<sup>th</sup> Street; March 17, 2009:  
Best Western requested a variance to both increase the height and size of their east and west facing wall signs. The applicant indicated the request was to help increase visibility from US131 even though the hotel did not directly abut the highway. The ZBA granted the variance for increase height and size for the sign facing US 131 but not the west facing sign.
- Value Place Hotel; 1647 South 11<sup>th</sup> Street; October 24, 2006:  
Value Place Hotel requested a variance to increase the height and size of their wall signs to allow for better visibility from US131. The ZBA indicated that they did not see any basis for a variance to either the height or size of the signs and denied the request.

One application was approved while the earlier application was denied. Similar to the current application, the request from the hotel without direct frontage on US131 was the application that received approval.

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

*Comment:* While not an existing physical hardship found on the property in question, an argument could be made that the utility corridor represents a unique condition in this area. A 145-foot utility easement sits between the Westgate PUD property boundary and the right-of-way for US131. Without this dedicated utility corridor, the Westgate PUD and the hotel would have more direct frontage on US131. This added distance is the setback staff believes the applicant is referring to in their request. However, because it is a utility corridor, visual encumbrances like tall trees do not obstruct views to the hotel.

The request for the additional sign height for the south facing wall sign does not have a unique physical circumstance related to the request. The location of West Main Street and its distance from the hotel was known when Oshtemo Hotels, LLC purchased the property for development.

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

*Comment:* Technically, the height of the sign could be placed in compliance with Ordinance standards. But, the applicant has no ability to alter the utility corridor adjacent to their development.

*Standard: Will the spirit of the Ordinance be observed, the public health, safety, and welfare secured, and substantial justice done if the variance is granted?*

**Comment:** Raising the sign height should have little to no effect on public health, safety, and welfare.

The difficulty with this request is the disparity in the Ordinance between heights of buildings and placement of signs. Building height in Oshtemo Township is based solely on the ability to meet setbacks. The Ordinance states the minimum setback distance between any nonresidential building and any rear or interior property line shall be 20 feet or the height of the building at its heights point, whichever is greater. If a development had the ability to accommodate 100-foot setbacks from all sides, the building could technically be 100 feet tall.

The Sign Ordinance, on the other hand, limits height to 30-feet. This disparity does not allow signs to develop at a proportional height to the stature of the building. This can be clearly seen with this application. The property in question was of a large enough size to allow setbacks that would accommodate the approximate 46-foot-tall structure. Placing the signs at the 30-foot height would locate them more at the third-floor level of the structure than the top floor, where it is more expected and generally the industry standard.

Based on this assessment, Ms. Johnston said Staff would recommend the ZBA request the Planning Commission consider reviewing the Sign Ordinance for possible text changes. Having a height requirement that is proportional to the building height might be a consideration, eliminating the need for future variances to this section of the code. If an ordinance change was contemplated, any variance considered by the ZBA for this application might allow this request to become compliant in the future.

Ms. Johnston summarized by saying Staff was presenting the following relevant information for the Zoning Board of Appeals to consider:

1. If you find that substantial justice can be achieved due to the height variance provided to the Best Western Hotel in 2009 than a variance could also be warranted for this request.
2. If you find that the unique condition of a utility corridor found adjacent to the project site supports a practical hardship, which is not experienced by other commercially zoned properties in the area, then the variance for the west facing sign is supported.
3. If you find that the requested variance does not meet one or more of the criteria for approval noted above and that compliance with the Ordinance is not unnecessarily burdensome, then the application should not be supported.

She said given the above findings, the variance request before the Zoning Board of Appeals would require careful deliberation. Staff presented the Board with three possible courses of action:

1. Deny the variance, based on the fact that the practical hardship in this case does not make compliance with the ordinance unnecessarily burdensome.
2. Approve the variance for the west facing sign, acknowledging that there is a unique circumstance with the location of the utility easement, but deny the request for the south facing sign.
3. Approve the variance for both wall signs, indicating substantial justice based on the 2009 Best Western Hotel precedence and the unique condition of the utility easement.

Ms. Johnston indicated a fourth possible course of action:

4. Because the project is located in a PUD, that Ordinance allows the Planning Commission to grant dimensional departures from the code if they make sense in the overall design of the PUD. Past sign requests that were outside current ordinance standards but were located within a PUD, similar to the applicants request, have been presented to the Planning Commission for consideration. The ZBA could consider referring this application to the Planning Commission.

Ms. Johnston said regardless of the final deliberation, staff would suggest the Zoning Board of Appeals request the Planning Commission consider Sign Ordinance amendments related to maximum sign heights in relation to the height of the structure.

Chairperson Sterenberg asked whether Board Members had any questions.

In answer to questions, Ms. Johnston said the sign would be measured from grade up to the top of the sign. The applicant cites hardship due to the setback distance from the right-of-way for visibility from US-131. In addition, a utility corridor between the highway and the hotel also impacts visibility. Visibility hardship from West Main is more difficult to argue. A variance would improve visibility from both US-131 and West Main.

The Chair noted the property curves to the east because of the US-131 ramp and that the area is full of electrical structures. Hearing no further questions from Board Members, he asked whether the applicant wished to speak.

Mr. Patrick Stieber, Allied Signs, 33650 Giftos, Clinton Township, MI, said the variance is asking for relief which he did not feel was excessive and would allow greater visibility which is impeded by the utility easement. The signs meet all other requirements. He pointed out you don't ever see hotels with low signs; he felt that was overlooked about when the Ordinance was written. It is imperative to raise the signs so they can be seen.

Mr. VanderWeele asked whether there would be directional signs closer to West Main Street.

Mr. Curt Ardema, AVB, 4200 W. Centre Street, explained the entire parcel encompasses 86 acres to accommodate with signage. Multi-tenant signs are being explored. Multiple retailers and restaurants will have advertising signs on the buildings themselves. The intent is to utilize some directional signage for the hotel, but the main signs will be the wall signs that are intended to draw in regional traffic.

Mr. Phil Sarkissian, representing the AmeriLodge Group, 8988 Royce Drive, Sterling Heights, referenced many hotels operated by this group and that they are very responsible corporate citizens who look forward to working in the community. He noted they are spending millions of dollars in this project which will be a state of the art "Formula Blue" hotel and will stimulate the area, adding new jobs in increasing tax revenue. He indicated they have the support of Westgate AVB and reiterated the need for visibility particularly with the US-131 easement. He said this is the first but not the last project in which sign visibility will be a problem, referred to the precedent of the Best Western Hotel in 2009 and asked the Board to be forward thinking.

In answer to questions from Mr. Sikora, Mr. Sarkissian said although their hotels normally have signs on three sides of the building, they are asking for only two where they will be most effective; the signs will not be mounted any higher than the top of the roof line, and signs are built to corporate standards with no deviations allowed.

Ms. Samantha Bell, 529 Newman Rd., Lake Orion MI and a lobbyist, said the sign and location of the sign are according to corporate standards and that to recreate the sign dimensions for installation lower on the building would make them different from any of their other hotels and would result in delays.

Mr. Stieber agreed that the signs and location as described in the variance request are the corporate standard required by Holiday Inn. To move them lower on the building would necessitate redesign for a smaller sign and for wiring which would be burdensome. He said they have never had to ask for a sign height variance from a Board before, that the sign fits within the design of the building.

At this point Chairperson Sterenberg moved to public comment.

Mr. Ardema emphasized AVB's support for this request and said the setback from US-131 is a key corridor for the hotel. The height of the building is fully approved, the sign fits aesthetically, yet the sign Ordinance language does not consider the fit with the height of the building. The intention is a first class mix of tenants; many more signs will need to be accommodated. It has been determined the most traffic comes from the south, northbound on the highway, and it is critical to place signs for maximum visibility.

Hearing no further public comment, the Chair moved to Board Deliberations.

There was discussion supporting the higher sign variance request, but a general acknowledgment of the fact that a variance could be avoided if addressed through the PUD ordinance by the Planning Commission; it might be more appropriate for them to consider this request within the PUD rather than a variance through ZBA.

Ms. Johnston pointed out that another hotel is under construction and they will probably want the same consideration. The Planning Commission might be able to look at the situation holistically through the PUD.

Mr. Sterenberg indicated he was inclined to approve the variance request because two conditions, 1) the unique circumstances of the power line easement and 2) in the spirit of the Ordinance have been met.

Mr. VanderWeele expressed concern about more variance requests in the future.

Mr. Sterenberg said by the time they are received, hopefully the Planning Commission will have reviewed the Sign Ordinance.

Ms. Smith agreed the Ordinance should be revisited by the Planning Commission to avoid similar problems in the future.

Mr. Sikora thought at least half of the five criteria should be met for the ZBA to approve the request.

Mr. Sterenberg felt there was enough substantial justice to approve the variance.

Hearing no further comments, the Chair asked for a motion.

Mr. VanderWeele made a motion to refer the applicant's request to the Planning Commission for review through PUD provisions. Mr. Sikora supported the motion. A Roll Call Vote was taken. The motion was approved 3 – 2.  
Yes: Mr. Sikora, Ms. Smith, Mr. VanderWeele. No: Mr. Anderson, Mr. Sterenberg

Ms. Johnston agreed she will inform the Planning Commission of the ZBA's request for them to consider reviewing the Sign Ordinance for text changes, possibly to provide a height requirement that is proportional to building height.

**SITE PLAN REVIEW: HURLEY & STEWART OFFICE ADDITION**  
**HURLEY & STEWART, LLC REQUESTED SITE PLAN APPROVAL FOR A 2,227**  
**SQUARE FOOT ADDITION TO THEIR EXISTING OFFICE BUILDING AT 2800**  
**SOUTH 11<sup>TH</sup> STREET, PARCEL NO. 3905-25-153-140.**

Chairperson Sterenberg asked Ms. Johnston for her review of the application.

Ms. Johnston said the applicant was requesting site plan review for a 2,227 square foot addition to their existing office building located at 2800 South 11<sup>th</sup> Street. The subject property is approximately two acres in size and is the office location for the Hurley & Stewart civil engineering firm.

Located in the R-3: Residence District, she explained the proposed addition is a permitted by right under Section 23.202: Conversion of residence for office uses. This site was initially a residential home, which was converted to an office use in 2007, when the applicant purchased the property. In that same year, the Zoning Board of Appeals approved an addition to the building within the front yard. Their future plans at that time were to continue expanding in the front yard when the growth of their business warranted the construction. In 2014, they submitted a site plan for an expansion of their parking lot, which included eight deferred spaces.

Ms. Johnston said based on previous approvals and the current site plan, all requirements of the ordinance related to conversion of single-family homes have been met. The east facing façade continues to have a residential appearance, residential lighting is used on site, parking lot requirements and setbacks have been met, and all landscaping meets the requirements of Section 75.

She noted onsite vehicle parking will be located in the north side yard and rear yard. Staff calculated a minimum of 26 parking spaces required onsite, per Section 68.000: Off Street Parking Ordinance. The site plan provides 22 spaces, requesting four spaces continue to be deferred.

Ms. Johnston recommended approval of the building addition as requested, with the continued deferment of four parking spaces on site, saying Staff was satisfied the project site plan meets all ordinance requirements and the applicant complied with requests from the Fire Marshall.

Chairperson Sterenberg asked if Board members had questions.

In answer to a question from Mr. VanderWeele, Ms. Johnston explained the option to defer spaces over what is required by Ordinance can be granted by the reviewing body. In this case, previously, eight spaces were deferred; the applicant now wishes to continue to defer four of those eight spaces to accommodate future employees.

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

Ms. Laurie Davis, 2800 S. 11<sup>th</sup> Street, said she prepared the plans for the proposed addition and noted they have been in Oshtemo since 2007, have continued to grow and feels the addition will allow them to grow further.

Chairperson Sterenberg determined there were no public comments and moved to Board Discussion.

In answer to a question from Ms. Smith, Ms. Johnston explained that if the ZBA allows the parking deferment for four parking spaces and they are included on the site plan, they can be built at any time without returning to the Board for approval.

Chairperson Sterenberg asked for a motion.

Mr. Sikora made a motion to approve the site plan from Hurley & Stewart, LLC as recommended by Staff with inclusion of the four deferred parking spaces on site. Mr. Anderson supported the motion. The motion was approved unanimously.

### **Any Other Business**

Chairperson Sterenberg noted the Board is in need of an alternate member and encouraged applications.

### **ZBA Member Comments**

The Chair thanked Richland Township for a beneficial recent workshop.

Ms. Johnston said there may be an additional item for the July Board Meeting in addition to the tabled item.

### **Adjournment**

Chairperson Sterenberg noted the Zoning Board of Appeals had exhausted its Agenda. There being no other business, he adjourned the meeting at approximately 4:25 p.m.

Minutes prepared:  
June 27, 2018

Minutes approved:  
\_\_\_\_\_, 2018



July 16, 2018



**Mtg Date:** July 24, 2018  
**To:** Zoning Board of Appeals  
**From:** Julie Johnston, AICP  
**Subject:** Walnut Woods Sign Variance

At the June Zoning Board of Appeals meeting, staff presented the sign variance requested by The Vernon Group to allow a zero-foot setback on West Main Street where a 10-foot setback is required. The Board requested additional information from staff, tabling the application until the July meeting.

The Board questioned whether the applicant could remove some of the parking spaces along West Main Street to allow the sign to be setback the required distance from the right-of-way. Staff pulled the latest site plan for the Walnut Woods development, which was submitted in 2016 for administrative review after a fire damaged one of the office buildings. The site plan is provided as an attachment.

According to the site plan, 141 standard parking spaces and 9 accessible spaces are existing. The office buildings, including the new structure that connects two of the buildings, has a total net floor area of approximately 16,800 square feet. Based on one parking space for every 150 square feet of net floor space required by Section 68.400, only 112 spaces are necessary to meet code. The removal of three to five parking spaces to accommodate a new sign would not violate ordinance requirements.

The Board also requested staff review the minimum variance necessary under the sites current configuration. The distance between the West Main Street right-of-way and the edge of the parking lot varies from zero to 20 feet at the widest location. However, the location with the widest available depth is at the most eastern corner of the frontage along West Main Street and the tree coverage to the east, found in the US131 right-of-way, significantly blocks visibility for westbound traffic.

The applicant wishes to place the sign at about the midpoint of their West Main Street frontage where the depth between the right-of-way line and the parking lot is approximately 14 feet. The sign mock-up illustration provided by SignWriter has a total width of 12 feet. The 10-foot variance request could be reduced to 8 or 9 feet, depending on placement location.

In addition, the sign has two 2-foot columns on either side of the sign face. While providing aesthetic appeal, they are not necessary to the development of the sign. Removing and/or reducing the width of these columns could reduce the size of the needed variance.

Based on the information provided above, staff believes there are three possible options:

1. Deny the variance indicating setback compliance can be reach by removing parking spaces from the site.
2. Approve the variance, based on the conclusions outlined in the staff report dated June 13, 2018,

but reduce the needed variance from the requested zero-setback to something that would fit the space available between the right-of-way and the parking lot. For example, a sign with a width of 10 feet could reduce the variance needed to between 4 and 6 feet depending on placement of the sign within the requested location.

3. Approve the requested zero-foot setback siting the conclusions provided in the June 13<sup>th</sup> staff report.

Thank you.

Attachments: Location of 10-Foot Sign Setback Aerial  
Requested Sign Location  
Sign Illustration  
2016 Site Plan  
June 13, 2018 Staff Report

- Ten Foot Setback
- Public Right-of-Way
- Subject Property
- Other Property Line



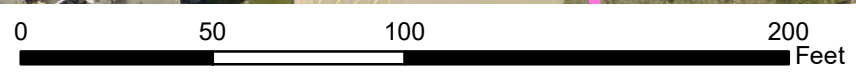
**W MAIN ST**

**LODGE LN**

**MAIN TO S US 131 RAMP**

**5945 W MAIN ST 5937**

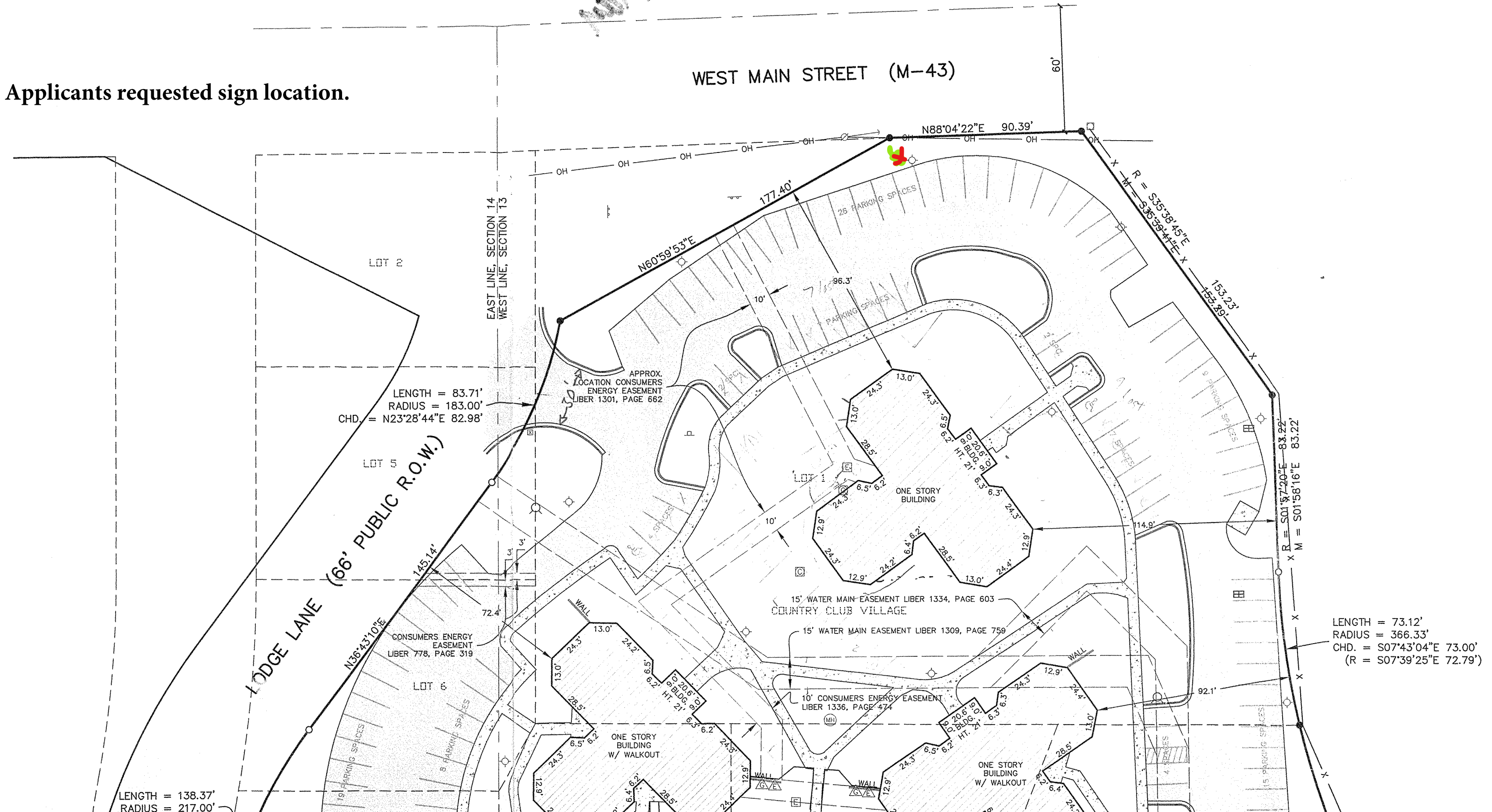
1 inch = 50 feet



10/4/2012

Applicants requested sign location.

WEST MAIN STREET (M-43)



LENGTH = 83.71'  
RADIUS = 183.00'  
CHD. = N23°28'44"E 82.98'

LENGTH = 73.12'  
RADIUS = 366.33'  
CHD. = S07°43'04"E 73.00'  
(R = S07°39'25"E 72.79')

LENGTH = 138.37'  
RADIUS = 217.00'

3x8' Walnut Woods panel  
2x8' LED space panel  
20" x 5' side pillars  
2.25" tall ledges  
2'x8' base



6' man

# CONSTRUCTION DOCUMENTS

## EXISTING OFFICE BUILDING REPLACEMENT AND NEW ADDITION WALNUT WOODS OFFICE CENTRE

MR. MATT VERNON  
THE VERNON GROUP  
5945 WEST MAIN STREET  
KALAMAZOO, MICHIGAN 49009  
OCTOBER 17, 2016

### PROJECT GENERAL NOTES

- THE INTENT OF THESE DOCUMENTS IS TO PROVIDE FOR THE CONSTRUCTION OF THIS PROJECT, COMPLETE AND FUNCTIONAL IN ALL RESPECTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THIS RESULT. THE OMISSION OF EXPRESS REFERENCE TO WORK NECESSARY AND REASONABLY INCIDENTAL FOR THE COMPLETE CONSTRUCTION OF THE PROJECT SHALL NOT BE CONSTRUED AS RELINQUISHING THE CONTRACTOR FROM HIS RESPONSIBILITIES.
- THE CONTRACTOR SHALL VERIFY ALL EXISTING DIMENSIONS, CLEARANCES AND CONDITIONS TO THE ARCHITECT PRIOR TO COMMENCEMENT OF WORK. FAILURE TO DO SO CONSTITUTES ACCEPTANCE AND RESPONSIBILITY FOR ALL EXISTING CONDITIONS. THE CONTRACTOR WILL NOT BE ALLOWED ADJUSTMENTS IN THE TIME OR MONEY REQUIRED TO RECTIFY THE SITUATION.
- DO NOT SCALE DRAWINGS. GIVEN DIMENSIONS SHALL GOVERN. LARGE SCALE DRAWINGS SHALL GOVERN OVER SMALL SCALE DRAWINGS.
- THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OF ALL PURCHASED, FABRICATED AND FINISHED ITEMS FOR REVIEW BY THE ARCHITECT UNLESS MAILED BY THE SAME.
- ALL EQUIPMENT, MATERIALS AND ARTICLES INCORPORATED INTO THE PROJECT SHALL BE NEW AND UNDAMAGED. ALL WORKMANSHIP SHALL BE WITHIN INDUSTRY STANDARDS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIR AND REPLACEMENT OF DAMAGE TO AREAS CAUSED BY HIS WORK AT NO ADDITIONAL COST TO THE OWNER.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR SAFETY CONDITIONS RELATING TO JOB CONSTRUCTION INCLUDING A SAFE ENVIRONMENT FOR OCCUPANTS OF AREAS ADJACENT TO THE WORK AREA.
- THE CONSTRUCTION MANAGER SHALL PAY ALL FEES FOR PERMITS NECESSARY FOR PROPER COMPLETION OF WORK, UNLESS NOTED OTHERWISE.
- SHOULD THE CONTRACTOR OBSERVE ERRORS, DISCREPANCIES OR OMISSIONS IN THE CONTRACT DOCUMENTS, HE SHALL PROMPTLY NOTIFY THE ARCHITECT REQUESTING CLARIFICATION. THE CONTRACTOR SHALL NOT PROCEED WITH WORK AFFECTED BY SUCH ERRORS, DISCREPANCIES OR OMISSIONS WITHOUT RECEIVING CLARIFICATIONS. ADJUSTMENTS INVOLVING SUCH CONDITIONS MADE BY THE CONTRACTOR WITHOUT PRIOR CLARIFICATION BY THE ARCHITECT SHALL BE AT THE CONTRACTOR'S OWN RISK. COMPLICATIONS ARISING FROM PROCEEDING WITHOUT CLARIFICATION SHALL BE RESOLVED AT THE CONTRACTOR'S EXPENSE. DO NOT SCALE DRAWINGS.
- ALL WORK PERFORMED ON THIS PROJECT SHALL COMPLY WITH ALL APPLICABLE LOCAL, STATE AND NATIONAL CODES, LAWS AND ORDINANCES.
- ANYTHING IN THE CONTRACT DOCUMENTS NOT WITHSTANDING, THE CONTRACTOR ACCEPTS THE RESPONSIBILITY OF CONSTRUCTING A WEATHERTIGHT, HEALTHY TIGHT PROJECT.
- CONTRACTOR SHALL PROVIDE BACKING/BLOCKING AT ALL WALL MOUNTED EQUIPMENT OR ACCESSORIES.
- ALL SIGNS, INCLUDING WINDOW SIGNS, TO BE SUBMITTED FOR REVIEW & APPROVAL UNDER SEPARATE PERMIT BY OWNER/CONTRACTOR.
- ALL ANGLES AT 45° OR 90° UNO.
- THE CONTRACTOR SHALL CALL FOR ALL INSPECTIONS PRIOR TO COVERING ANY WORK.

### PROJECT DESCRIPTION

**PROJECT ADDRESS:**  
THE VERNON GROUP  
WALNUT WOODS CENTRE  
5945 WEST MAIN STREET  
KALAMAZOO, MICHIGAN 49009

**PROJECT SCOPE:**  
THE SCOPE OF THIS PROJECT IS TO PROVIDE A NEW OFFICE BUILDING THAT WILL REPLACE THE EXISTING BUILDING THAT WAS LOST DUE TO A FIRE, ALSO TO CONNECT THE EXISTING NORTH BUILDING TO THE NEWLY CONSTRUCTED BUILDING AT THE ABOVE MENTIONED ADDRESS. THE BUILDING WILL COMPLY WITH ALL CURRENT BIFADA CODES, AND HAVE A FULL FIRE SUPPRESSION SYSTEM.

### CODE DATA

#### APPLICABLE CODES:

**JURISDICTION:** COUNTY OF KALAMAZOO, OSTHEMO TOWNSHIP, KALAMAZOO MICHIGAN 49009

CODE	TITLE	EDITION
BUILDING	MICHIGAN BUILDING CODE/INTERNATIONAL BUILDING CODE	2012
MECHANICAL	MICHIGAN MECHANICAL CODE/INTERNATIONAL MECHANICAL CODE	2012
ELECTRICAL	NATIONAL ELECTRICAL CODE	2014
PLUMBING	NATIONAL PLUMBING CODE	2012
BARRIER FREE CODES	MICHIGAN BARRIER FREE CODES	2009
ZONING/USE	CURRENTLY BUSINESS	

#### CHAPTER 3 - USE OR OCCUPANCY (MICHIGAN BUILDING CODE/IBC)

GROUP	SECTION	DESCRIPTION OF OCCUPANCY	SQ. FT.
OFFICE GROUP "B"	304.0	PROFESSIONAL SERVICES	LOWER LEVEL: 5,642 SQUARE FEET UPPER LEVEL: 5,642 SQUARE FEET CONNECTOR: 2,000 SQUARE FEET TOTAL BUILDING: 13,284 SQUARE FEET

#### CHAPTER 6 - TYPES OF CONSTRUCTION

NEW/EXISTING BUILDING	TYPE	# OF STORIES	BUILDING HEIGHT
	3-B	2	32'-0"

#### CHAPTER 10 - MEANS OF EGRESS (MICHIGAN BUILDING CODE/IBC)

EXITS REQUIRED: 2 EACH LEVEL  
EXITS PROVIDED: 3 PROVIDED AT EACH LEVEL

PARKING SPACES- SEE SITE PLAN. SPACES ARE EXISTING  
141 PARKING SPACES  
9 B.F. VAN SPACES  
TOTAL PARKING SPACES: 150 PARKING SPACES  
NET SQUARE FOOTAGE PER FLOOR, EACH LEVEL HAS APPROX. 3,000 SQUARE FEET OF NET USABLE SPACE.  
5 FLOORS X 3,000 SQ. FEET = 15,000 SQUARE FEET  
NEW ONE STORY CONNECTOR = 12,000 SQUARE FEET  
TOTAL NET SQUARE FOOTAGE = 16,800 SQUARE FEET  
PARKING SPACES = 16,800 / 150 = 112 REQUIRED PARKING SPACES.

### DRAWING INDEX

#### GENERAL

CS COVER SHEET

#### SITE

S-1 SITE PLAN

#### ARCHITECTURAL

A-0.0	FOUNDATION PLAN, (EXISTING AND NEW)
A-1.0	LOWER LEVEL PLAN
A-2.0	FIRST LEVEL PLAN
A-3.0	ROOF PLAN
A-4.0	BUILDING SECTIONS AND DETAILS
A-5.0	BUILDING SECTIONS AND DETAILS
A-6.0	BUILDING SECTIONS AND DETAILS
A-7.0	BUILDING ELEVATIONS
A-8.0	FLOOR FRAMING PLAN
A-9.0	ROOF FRAMING PLAN
1	COVER SHEET THE FOLLOWING ARE EXISTING BUILDING DRAWINGS
2	ELEVATION
3	FIRST FLOOR PLAN
4	SECOND FLOOR PLAN
5	ENLARGED CORE PLANS
6	SCHEDULES AND PLAN DETAILS
7	WALL SECTIONS
8	WALL SECTIONS
9	EXTERIOR STAIR AND BALCONY, NOT USED
10	ROOF FRAMING PLAN
51	FOUNDATION PLAN
52	SECOND FLOOR FRAMING PLAN
53	ROOF FRAMING PLAN
54	STRUCTURAL DETAILS

#### MECHANICAL, PLUMBING, ELECTRICAL

MECHANICAL, PLUMBING AND ELECTRICAL PLANS WILL BE SUBMITTED AT A LATER DATE FOR CONSTRUCTION REVIEW.

### CONSULTANTS:

#### OWNER/CONTACT

MATT VERNON  
THE VERNON GROUP  
WALNUT WOODS CENTRE  
5945 WEST MAIN STREET  
KALAMAZOO, MICHIGAN 49009  
TELEPHONE: 269-353-1681

#### ARCHITECT

HOWARD OVERBEEK, ARCHITECT  
198 EAST CENTRE  
PORTAGE, MICHIGAN 49002  
(269) 323-2422

NEW BUILDING FOR:  
THE VERNON GROUP  
WALNUT WOODS CENTRE  
5945 WEST MAIN STREET  
KALAMAZOO, MICHIGAN 49009

COVER SHEET

HOWARD L. OVERBEEK  
ARCHITECT, P.C.

198 EAST CENTRE  
PORTAGE, MICHIGAN

PHONE (269) 323-2422  
FAX (269) 323-2440

HLA

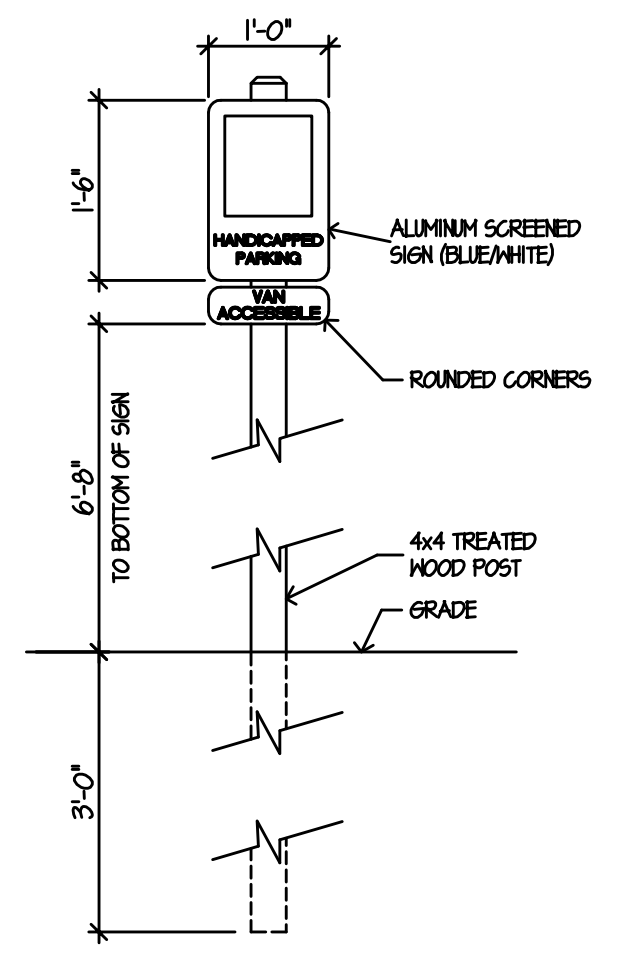
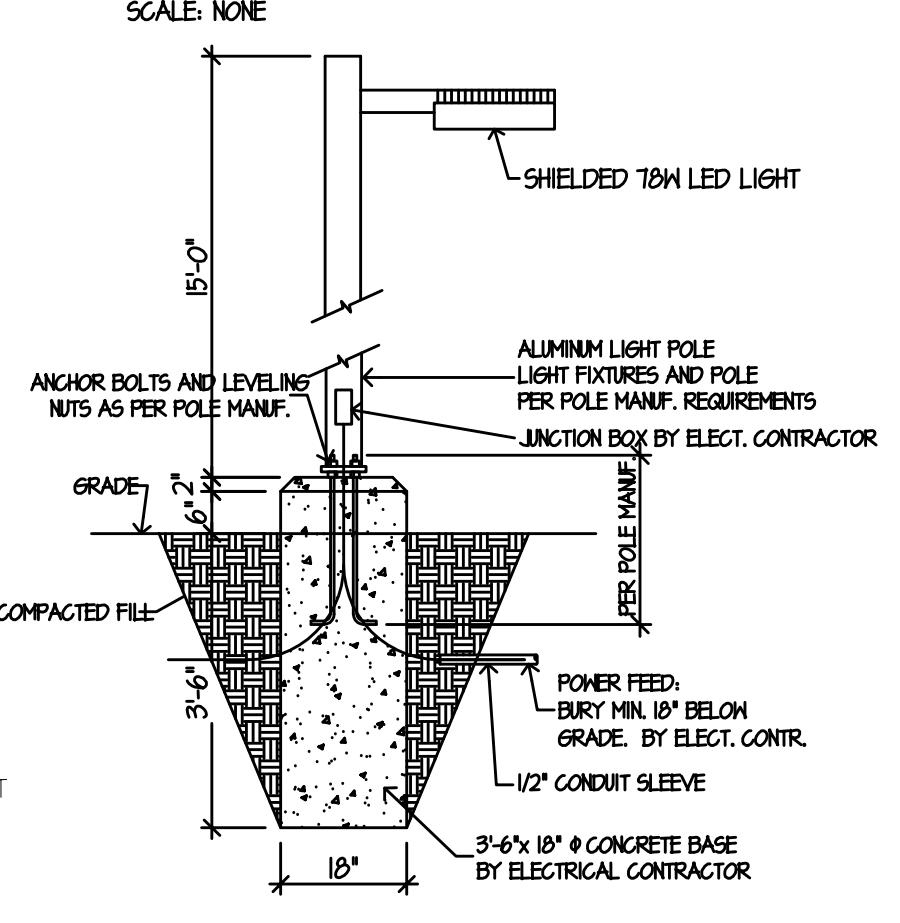
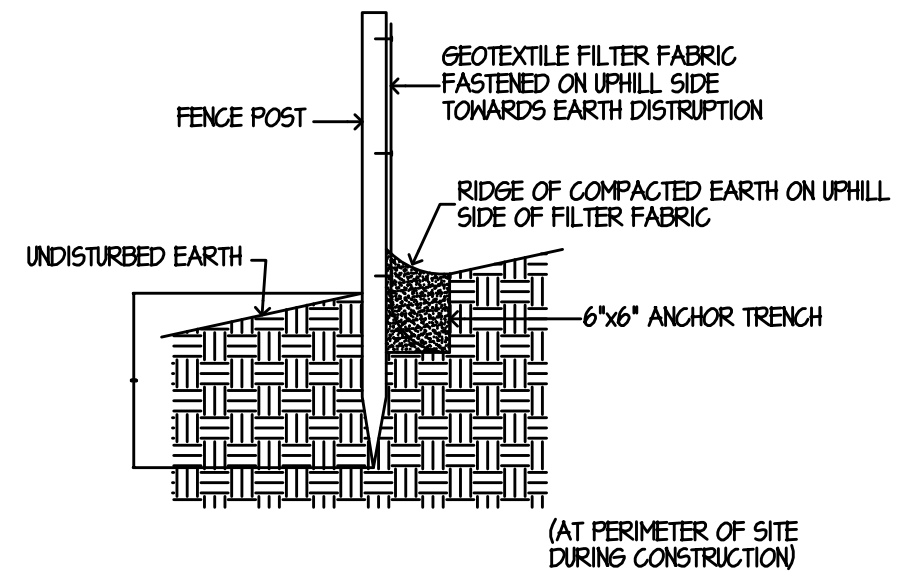
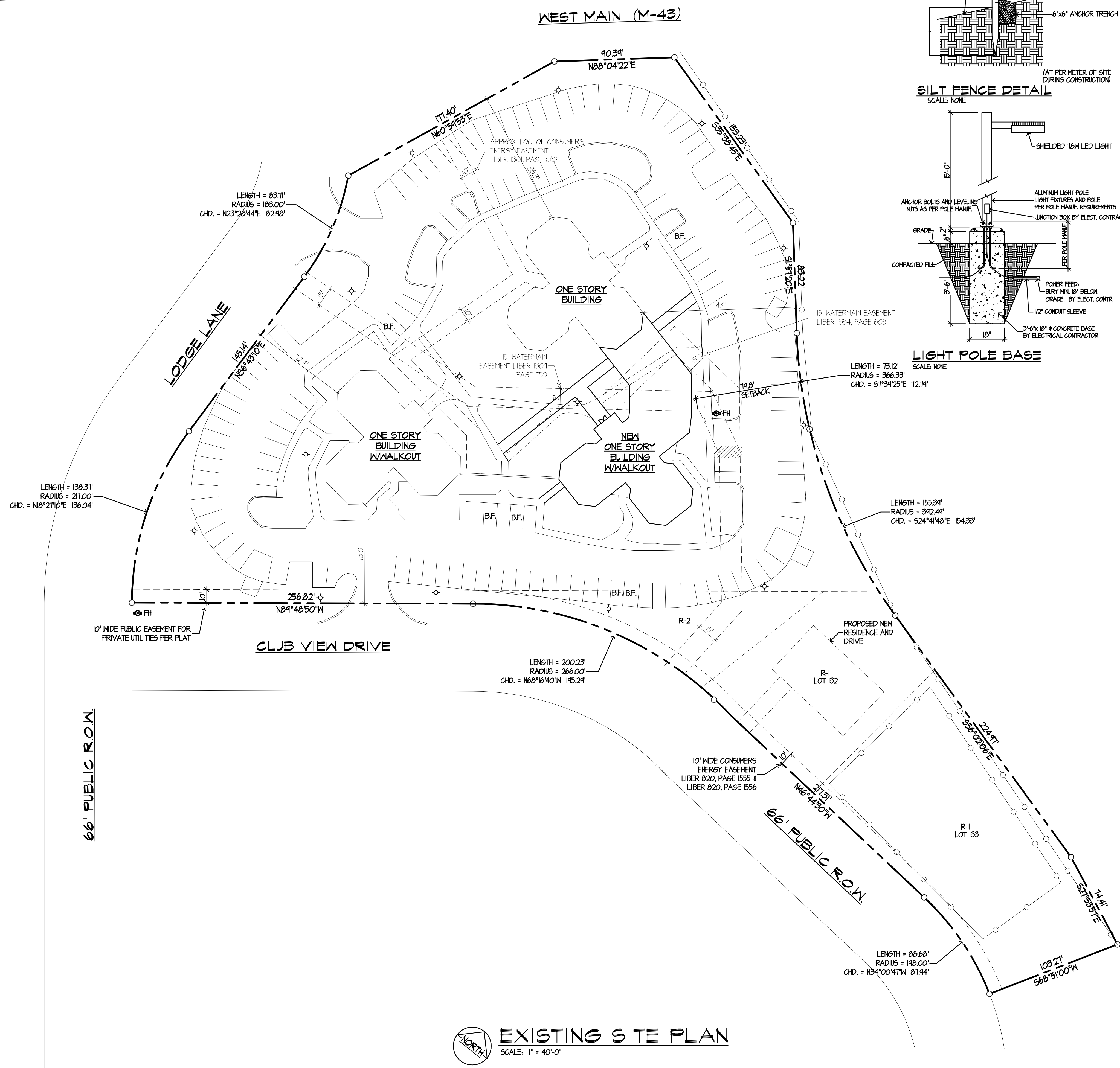
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DATE  
10/17/16

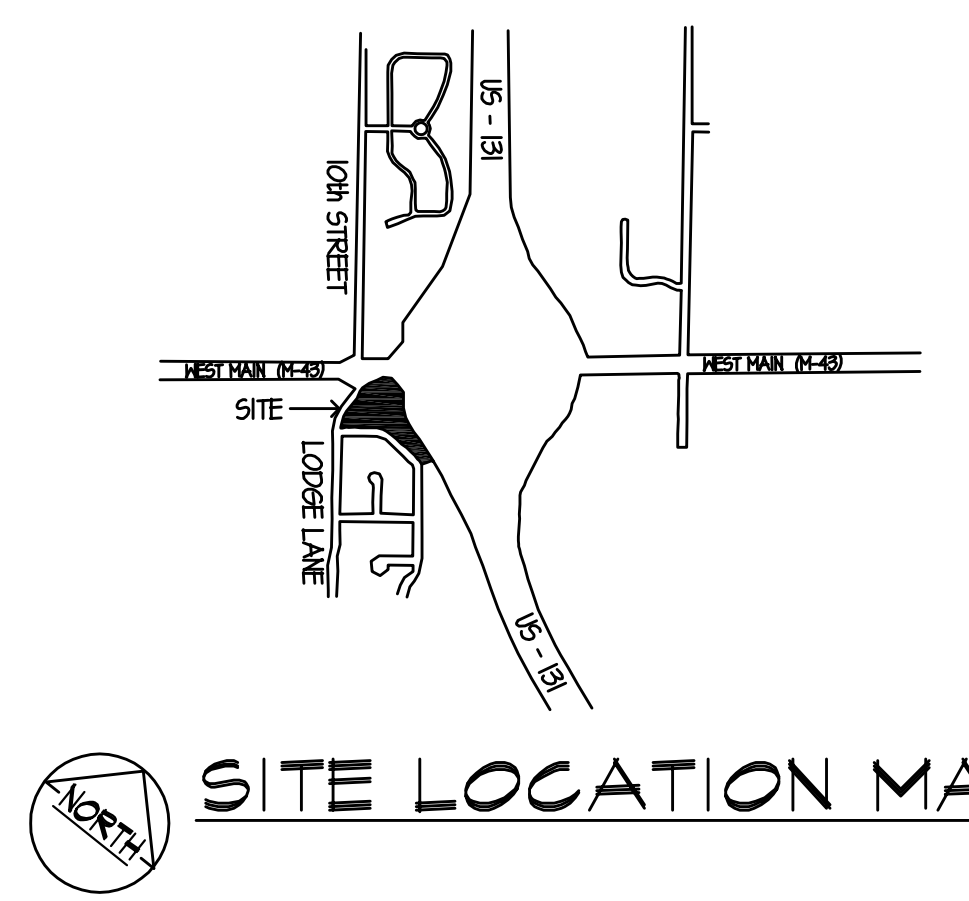
REVISION  
10/22/16

REVISION  
10/22/16, ADDED NET SQUARE FOOTAGE AND PARKING SPACES

SHEET  
CS



**EXISTING SITE PLAN**  
SCALE: 1" = 40'-0"



**LEGEND**

---	PROPERTY LINE
-E-	OVERHEAD ELECTRIC
-M-	UNDERGROUND WATER LINE
-T-	UNDERGROUND TELEPHONE
-G-	UNDERGROUND GAS LINE
-S-	UNDERGROUND SEWER LINE
○	HOVEN HIRE FENCE
▲	EXISTING SPOT GRADE
▲	PROPOSED SPOT GRADE
□	LIGHT POLE
□	POWER POLE
○	FIRE HYDRANT

NEW BUILDING FOR:  
**THE VERNON GROUP**  
**WALNUT WOODS CENTRE**  
8946 WEST MAIN STREET  
KALAMAZOO, MICHIGAN 49009

**SITE PLAN**

HOWARD L. OVERBEEK  
ARCHITECT, P.C.

198 EAST CENTRE  
PORTAGE, MICHIGAN

PHONE (269) 323-2422  
FAX (269) 323-2440

PROJECT NO.  
0000

DATE  
10/17/16

REVISION





June 13<sup>th</sup>, 2018

**Mtg Date:** June 26<sup>th</sup>, 2018

**To:** Zoning Board of Appeals

**From:** Ben Clark, Zoning Administrator

**Applicant:** Matt Vernon, the Vernon Group

**Owner:** TMV Properties, LLC

**Property:** 5945 West Main Street, Parcel Number 05-14-435-011

**Zoning:** C: Local Business District

**Request:** Relief from the minimum ten-foot sign setback from the West Main right-of-way, down to zero feet.

**Section(s):** 76.420 - Required sign setbacks for all zoning districts

**Project Name:** Vernon Group Sign Setback Variance

## OVERVIEW

Approved by the Township Zoning Board of Appeals in 1986, the Vernon Group's Walnut Woods facility offers commercially-zoned business spaces for rent to various tenants in three large structures. At the time of the property's development, the Township did not require a 20-foot wide landscape buffer between parking areas and adjacent rights-of-way, therefore paving could extend to the property line. As such, the Walnut Woods facility lacks a conforming landscape buffer along its Lodge Lane and West Main Street road frontages, in some cases down to zero feet in width. Along West Main, the only place the current dimensional standard is met is in the property's northeast quadrant, adjacent to the US-131 right-of-way, which is heavily vegetated.

Without modifying the parking area, this absence of a consistent and sufficient landscape buffer severely limits where the applicant can place a sign along West Main Street, in conformance with the Township-mandated ten-foot setback from the public right-of-way. A compliant ground or pole sign could hypothetically be located immediately adjacent to the aforementioned US-131 boundary, but such a display device would essentially be invisible to westbound motorists because of off-site vegetation. Due to this difficulty, the applicant requests



that they be allowed a zero-foot sign setback from the West Main right-of-way, which would allow them more options in which to locate a sign, abutting their north property line.

Currently, the property is serviced by two freestanding signs along West Main Street, which are both located within the public right-of-way, which has occupied its current area since 1970. The “Walnut Woods Office Centre” sign was permitted in October of 1987. The existing Zoning Ordinance does not allow for such placement, and it is unclear whether or not the permit for this sign was appropriately issued in 1987. The second device is a real estate sign advertising available tenant space. Per *section 76.190, Schedule D—Temporary Signs*, no permit is required for such real estate signs, so it was likely erected without Township review. Should the ZBA grant the requested variance, removal of these two signs should be required prior to issuance of any new sign permit. The real estate sign, assuming units area available for lease, may be put back up, but not within the right-of-way.

#### **APPROVAL CRITERIA**

The Zoning Enabling Act of Michigan outlines that when considering a variance request, the Zoning Board of Appeals must ensure that the “spirit of the ordinance is observed, public safety secured, and substantial justice done.” The Michigan courts have added that variances should only be granted in the case of a practical difficulty for a nonuse (dimensional) variance. In addition, applicants must demonstrate that their plight is due to the unique circumstances particular to that property and that the problem is not self-created.

The request by the applicant is a nonuse variance. The ZBA should review the following standards in considering the variance request:

#### Standards of Approval of a Nonuse Variance (practical difficulty):

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

**Comment:** Without requiring alterations to the property—i.e. removing paving and losing at least one parking space—the applicant has no reasonable way to place an appropriately sized sign along the subject property’s West Main Street frontage. Currently, the most suitable place for a sign is only 13 feet wide between the edge of the parking lot and the right-of-way, meaning that a sign placed in compliance could only be three feet wide. Any newly developed property with the necessary 20-foot wide landscape buffer would have at least ten feet of space in which to locate a sign.

*Standard: 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:** Reviewing past variance requests, Township staff have identified one such instance with similar circumstances where a sign setback.

Consumers Credit Union, 5018 West Main Street, 2/22/1999:

- The applicant sought, and was granted, relief from the required sign setback on the subject property due to existing site development, as well as visibility issues related to off-site vegetation. In its final decision, the ZBA found that site development-induced restraints, as well as the Township's desire to offer reasonable options for signage display, warranted the setback variance.

Speedway Gas Station, 1250 South Drake Road, 5/5/1997

- Citing the existing parking lot paving and prevalent traffic patterns, the ZBA granted the applicant relief from the minimum sign setback requirements in order for a pole sign to be erected in the available greenspace adjacent to Drake Road.

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

**Comment:** The subject property's legal non-conforming perimeter landscape buffers meant that no reasonably sized signage can be installed along West Main Street and still be in compliance with the minimum ten-foot setback, save for the one area near US-131. This portion of the property is obscured by off-site vegetation, however, and is not suitable for a sign location.

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

**Comment:** Developed in accordance with the Zoning Ordinance at the time of site plan approval in 1987, Township staff do not view the hardships affecting the subject property as self-made.

*Standard: Will the spirit of the Ordinance be observed, the public health, safety, and welfare secured, and substantial justice done if the variance is granted?*

**Comment:** The ten-foot minimum sign setback is intended to not only preserve certain Township aesthetics, but also to ensure that no signs are placed so near the road as to cause visibility issues for the roadgoing public. Aside from US-131, West Main Street has the widest right-of-way in the Township—around 160 feet in the area of the subject property. As such, a sign located on the applicant’s parcel in compliance with the ten-foot setback would place it approximately 37 feet south of the edge of pavement. For comparison, if the applicant were to place a freestanding sign along their Lodge Lane frontage, where the right-of-way is the more standard 66 feet wide, the sign could be placed around 23 feet from the paved portion of the road. Additionally, West Main Street is an exceptionally wide road, and the speed limit is 50 miles per hour along this stretch—two more factors that arguably compromise sign visibility and legibility.

Allowing a sign to be placed with a zero-foot setback to the West Main right-of-way will in no way compromise public health, safety, and welfare, as ample spacing will remain between the display device and any adjacent public travel ways. As discussed elsewhere in this report, the ZBA has in the past acknowledged that limiting site constraints do warrant relief, so substantial justice would be done by granting this variance.

When evaluating this variance request, Township staff reached out to MDOT to discuss the date of right-of-way acquisition. It was during this conversation that MDOT staff stressed the importance of not allowing any part of a new sign, including footings, to intrude into the public right-of-way.

## **RECOMMENDATION**

Given the following findings, staff recommend that the Zoning Board of Appeals grant the request for a zero-foot sign setback from the West Main Street right-of-way:

1. There are no reasonable options for compliance.
2. Past ZBA decisions support this request.
3. Changes in Township-mandated development standards have imposed a physical limitation on the property.
4. The hardship is not self-created.
5. Public health, safety, and welfare will not be compromised.

If the ZBA is inclined to grant the requested variance, staff suggests the following conditions be attached:

1. The two existing signs along the West Main frontage shall be removed prior to the issuance of a new sign permit. Any future signs shall be erected in full compliance with section 76.000—*Signs and Billboards* of the Oshtemo Township Zoning Ordinance.
2. Per MDOT's request, if a zero-foot setback is granted to the applicant, no part of any new sign, including subterranean footings, shall encroach into the public right-of-way.

Respectfully Submitted,



Ben Clark  
Zoning Administrator

Attachments:

- Application
- Aerial property map

July 17, 2018



**Meeting Date:** July 24, 2018

**To:** Oshtemo Township Zoning Board of Appeals

**Applicant:** Oshtemo Township Parks Department

**Owner:** Oshtemo Township

**Property:** 927 North Drake Road, Parcel Number 3905-13-230-031

**Zoning:** Historic Overlay District  
R-3: Residence District  
C: Local Business District

**Request:** Site plan review for a new carriage barn and picnic shelter

**Section(s):** Section 54.000 – Historic Overlay Zone  
Section 82.000—Site Plan Review

**Project Name:** Drake Farmstead Carriage Barn

## PROJECT SUMMARY

The development of the Drake Farmstead Park, a unique new 26-acre community park near the intersection of West Main Street and Drake Road, has been an ongoing project of the Townships for many years. A master plan for the park was created in 2015 and the Parks Department has been steadily working on improvements through public/private partnerships, grants, donations, and Township contributions.

The new Drake Farmstead Park is designed as an “outdoor learning center” for people to interact with nature and history, both indoors and out. The centerpiece of the new park is the historic Drake house, built in 1882 by one of the earliest families to settle in the area. The new park will offer a place to play, walk, and interact with nature; a place to bring history to life; and a place for the community to gather.

The park master plan includes walking trails, a picnic shelter and outdoor classroom, educational garden, multi-purpose building designed in the style of a carriage barn for indoor programs and events, and more. The site plan before the Zoning Board of Appeals is for the development of the following:

- A 1,200 square foot multi-purpose building (carriage barn) with 320 square foot porch for educational programs and private events, with a work area and accessible restrooms.
- Improvements to the gravel driveway, which includes a loop at the western end near the existing home and planned carriage barn. The total length of the gravel driveway is approximately 1,800 linear feet.

- The addition of a parking area, which will total approximately 23,400 square feet and will accommodate approximately 50 parking spaces.
- A picnic shelter totaling 1,200 square feet, which will hold at least four picnic tables.

## **GENERAL ZONING COMPLIANCE**

The largest majority of the Drake Farmstead Park is zoned C: Local Business District, with the frontage along Drake Road zoned R-3: Residence District for a depth of 320 feet. However, the property is also zoned with the Historic Overlay, which is the prevailing zoning district for development on the property and states the following:

*“The purpose of the Overlay Zone is to promote the preservation and rehabilitation of historical places in the Township by protecting those places against destruction or encroachment upon structures, monuments, or other features which contribute or will contribute to the cultural, social, architectural, and historical heritage of the Township.”*

Section 54.200 of the Historic Overlay Zone also indicates that any use significant to the historical purposes or characteristics of the property are permitted by right. The intent of the Drake Farmstead Park is to try and retain as much of the historical character of the property as possible considering the intended use as a park. The design of the multi-purpose carriage barn will be historically appropriate to the existing 1882 Drake house.

As stated, the carriage barn will be 1,200 square feet with a 320 square foot covered porch. The picnic shelter will also be 1,200 square feet measuring 30 feet by 40 feet in size. It is anticipated that four picnic tables, each measuring eight feet in length, will be placed under the shelter. Both the carriage barn and picnic shelter meet all setback requirements for the site as regulated by Section 64.000: Setbacks of the Zoning Ordinance. Only residential security lighting, which will be downward directed, is intended for the carriage barn so a photometric plan is not required. No lighting is planned for the picnic shelter.

The Landscaping Ordinance is more than satisfied with the existing vegetation on site. The Parks Department is working towards removing invasive species, planting native trees, developing an educational garden, and reconstructing six acres of prairie.

For this phase of the park, approximately half of the intended parking lot will be constructed. As the carriage barn increases in size during later phases of development, the parking lot will also be increased. The lot will be approximately 180 feet by 130 feet, totaling 23,400 square feet.

Section 68.300.C indicates that parking lots and associated drives are to be paved with a surface resistant to erosion. Use of permeable materials, similar to a paved surface, are encouraged. The parking lot and access drive are currently planned to be gravel, which is in keeping with the historic character of the Park. Section 54.200 of the Historic Overlay Zone states any use significant to the historical characteristics of the property is permitted. Staff would argue allowing the drive and parking lot to remain gravel meets this intent.

Section 68.300 requires parking spaces to be 200 square feet in size, which generally equates to a 10 foot by 20-foot space. There is also a requirement for a 24-foot drive aisle. Based on these regulations, the planned configuration of the lot will allow for approximately 50 parking spaces. Per Section 68.400, the following calculations were determined:

- Carriage Barn: based on one space for each three persons allowed within the maximum occupancy load.  
Floor area: 1,200 square feet  
Occupancy load: 99 persons  
Parking: 99 persons / 3 feet = 33 spaces
- Picnic Shelter: based on one space for every six feet of bench.  
Bench linear feet: Four 8-foot tables with 2 benches each = 64 linear feet  
Parking: 64 feet / 6 feet = 11 spaces

Section 68.300.K allows the maximum number of parking spaces to be 110 percent of the minimum required by Section 68.400. Based on this allowance, a total of 49 spaces are permitted. Section 68.300.K goes on to say that parking spaces may total more than 110 percent if approved by the reviewing body. When considering the other uses within the Drake Farmstead Park, for example the planned trails system and the Drake house, the addition of one parking space beyond the allowable 110 percent does not seem excessive. Staff would recommend approving the 50-space facility.

Due to the gravel nature of the parking lot, delineating layout of the spaces and drive aisles to meet ordinance standards will be difficult to achieve. Therefore, some type of space markers will be needed to ensure proper parking and drive aisle spacing. For example, concrete bumpers could be used to delineate the top of the space with smaller gravel parking spot markers utilized to outline the individual spaces. Please see the attached photos for examples of how this could be achieved in a gravel setting.

## **PUBLIC WORKS**

The Township Engineer did not have any concerns with the site plan. The size of the Park allows for storm water to be managed onsite, as required by code.

## **FIRE DEPARTMENT**

The Fire Marshall reviewed the plan with the Parks Director and indicated concern with the loop road and ensuring fire truck access. Parks staff will work with the Fire Department to confirm the loop road meets the necessary curve radii when the improvements to the road are completed.

## **RECOMMENDATION**

Staff is satisfied that the project meets all applicable ordinance requirements and recommends approval to the Zoning Board of Appeals. If amenable, this approval should include the following conditions:

1. Approval of the 50-space parking lot, which is one space more than the maximum allowable permitted by Section 68.300.K.
2. Parking space markers of some type shall be utilized within the gravel parking lot to ensure that proper drive aisle widths and parking space dimensions are achieved.

Respectfully Submitted,



Julie Johnston, AICP  
Planning Director

Attachments: Application  
Aerial map  
Site Plan  
Elevation drawings  
Parking lot photos





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

**PLEASE PRINT**

**PROJECT NAME & ADDRESS** Drake Farmstead Park

**PLANNING & ZONING APPLICATION**

Applicant Name : Elizabeth Heiny-Cogswell  
Company Oshtemo Township  
Address 7275 West Main Street  
Kalamazoo, MI 49009  
E-mail Libbyhc@oshtemo.org  
Telephone (269)216-5220 Fax (269)375-7180  
Interest in Property Owner

THIS SPACE FOR TOWNSHIP USE ONLY

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

**OWNER\*:**

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

**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): \_\_\_\_\_

Site plan review of improvements proposed at Drake Farmstead Park, including carriage barn, parking lot, picnic shelter, and driveway improvements.

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

See attached.

**PARCEL NUMBER:** 3905- 13-230-031

**ADDRESS OF PROPERTY:** 927 North Drake Road

**PRESENT USE OF THE PROPERTY:** undeveloped park land

**PRESENT ZONING** C and R-3 **SIZE OF PROPERTY** 26 acres  
with HOZ

**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 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**



**Applicant's Signature**

22 MAY 2018

**Date**

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

\*\*\*\*

**PLEASE ATTACH ALL REQUIRED DOCUMENTS**

DESCRIPTION OF PROPERTY

FOR

CHARTER TOWNSHIP OF OSHTEMO

Located in Section 13, T. 2 S., R. 12 W.  
Oshtemo Township, Kalamazoo County, Michigan

Combination of Parcels 3905-13-230-030 & 3905-13-230-040:

Commencing at the Northeast corner of Section 13, T. 2 S., R. 12 W., Oshtemo Township, Kalamazoo County, Michigan; thence South 00°-07'-50" West along the East line of the Northeast 1/4 of said Section, 347.25 feet; thence North 89°-52'-10" West, 50.00 feet for the place of beginning of the land hereinafter described; thence South 00°-07'-50" West along the Westerly right-of-way line of Drake Road, 672.16 feet; thence North 87°-47'-49" East parallel with the South line of the North 1/2 of the Northeast 1/4 of said Section, 50.04 feet to the East line of the Northeast 1/4 of said Section; thence South 00°-07'-50" West thereon, 311.40 feet to the South line of the North 1/2 of the Northeast 1/4 of said Section; thence South 87°-47'-49" West thereon, 1597.16 feet; thence North 02°-12'-11" West, 593.98 feet to the South right-of-way line of Croyden Avenue; thence along the South right-of-way line of Croyden Avenue for the next 5 courses: North 87°-30'-11" East parallel with the North line of the Northeast 1/4 of said Section, 594.94 feet; thence Northeasterly 552.38 feet along a curve to the left with a radius of 745.50 feet and a chord bearing North 66°-16'-35" East, 539.83 feet; thence North 45°-02'-59" East, 182.18 feet; thence Northeasterly 210.08 feet along a curve to the right with a radius of 267.00 feet and a chord bearing North 67°-35'-25" East, 204.70 feet; thence South 89°-52'-10" East, 164.29 feet to the place of beginning. Containing 26.26 Acres.

NOTE: The above description was prepared from available records, no field survey was performed.

March 24, 2017

Ck'd 

# Drake Farmstead Properties



~170'

CROYDEN AVE



DUNHILL TER

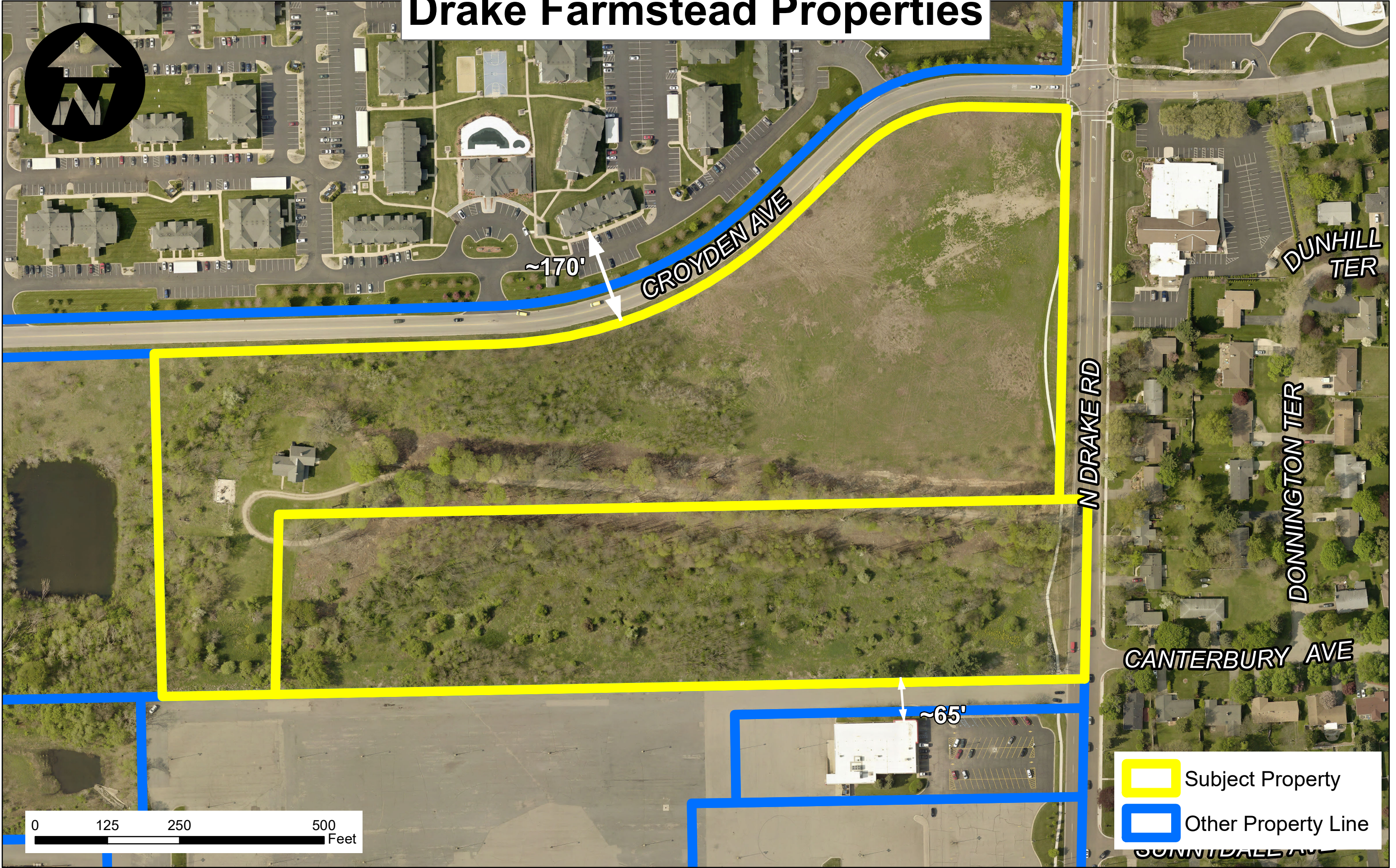
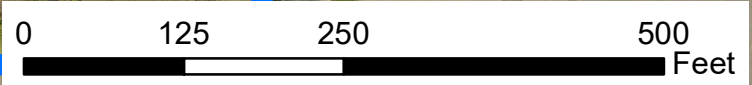
N DRAKE RD

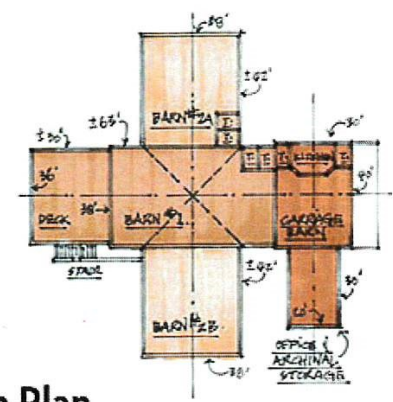
DONNINGTON TER

CANTERBURY AVE

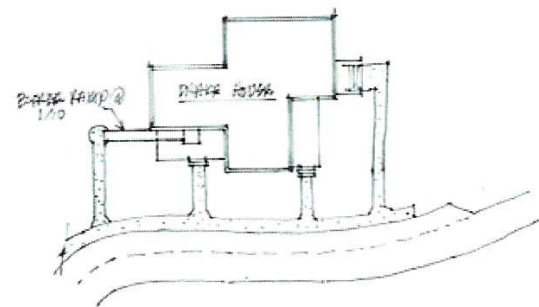
~65'

-  Subject Property
-  Other Property Line

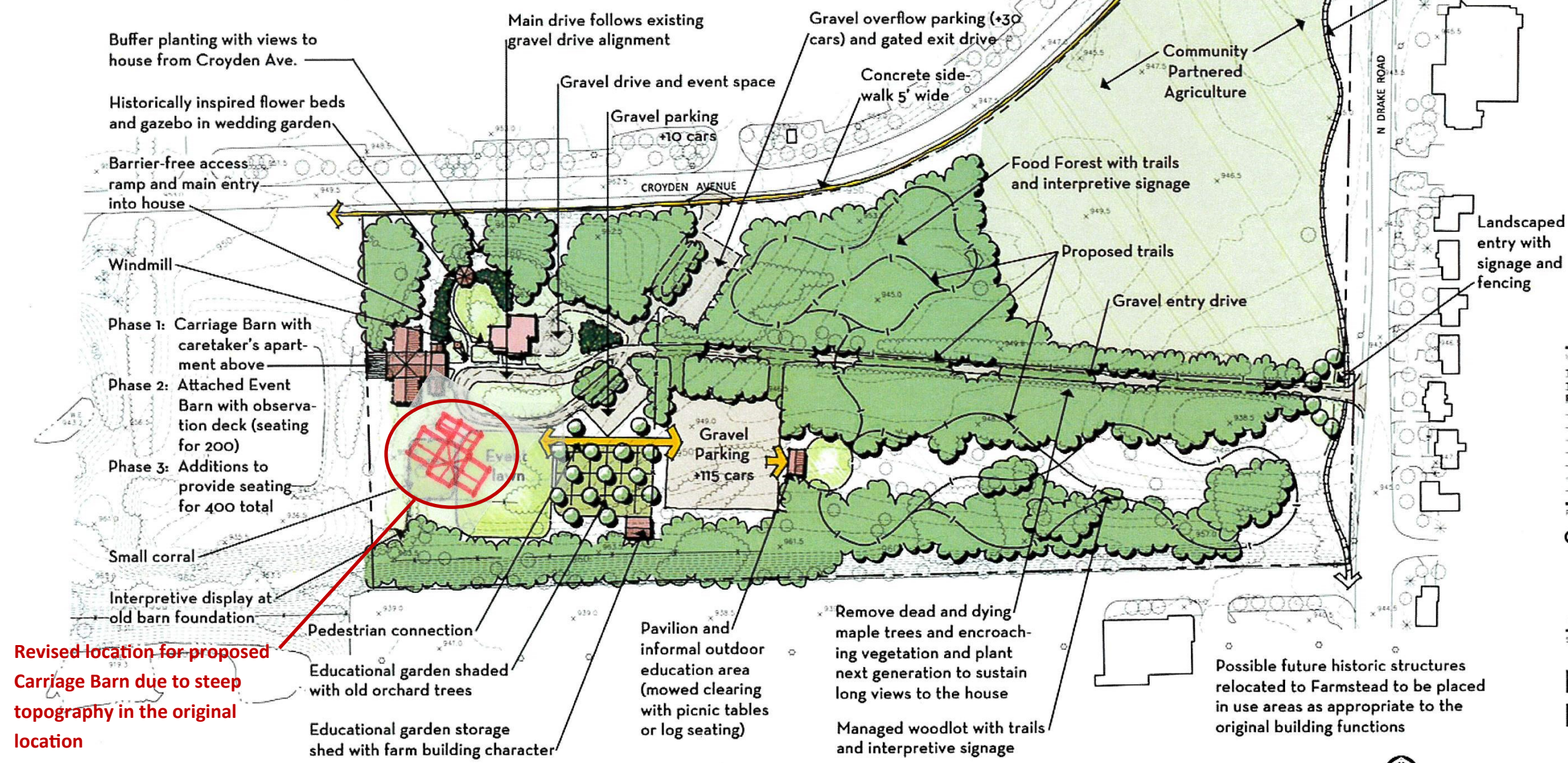




**Barn Plan**  
SCALE: 1/4" = 1'-0" 7-15-15 N.M.A./A.R.



**Ramp at House Plan**  
SCALE: 1/4" = 1'-0" 7-15-15 N.M.A./A.R.



**Revised location for proposed Carriage Barn due to steep topography in the original location**

**Site Plan**

**Revised June 2018**

Issued For:	Date
Township Review	7/17/15
Township Board	9/8/15
Final Master Plan	10/23/15

Project:  
**Oshtemo Drake Farmstead Master Plan**

**Oshtemo Township, MI**  
Sheet Title

**Master Plan**

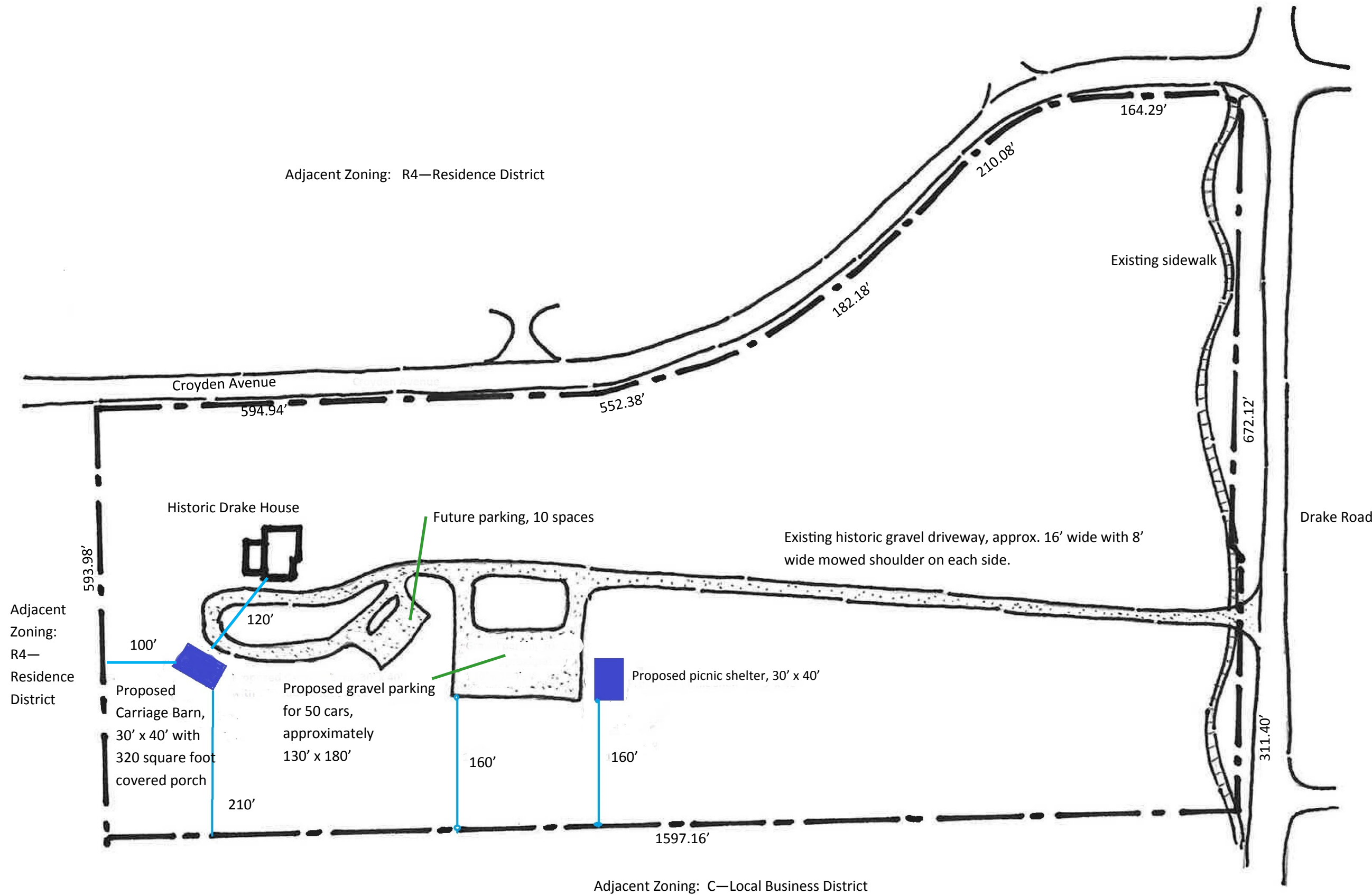
# Drake Farmstead Park

Oshtemo Charter Township  
 927 North Drake Road  
 Kalamazoo, MI 49009

## Dimensioned Site Plan

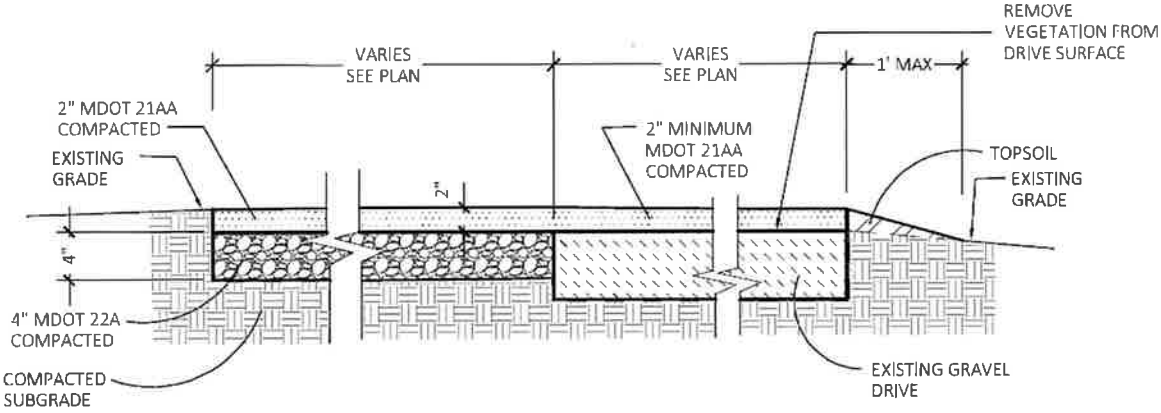
**Oshtemo Township  
 Zoning Board of Appeals**

Date: July 16, 2018  
 Prepared by: Karen High,  
 Oshtemo Township Parks Director

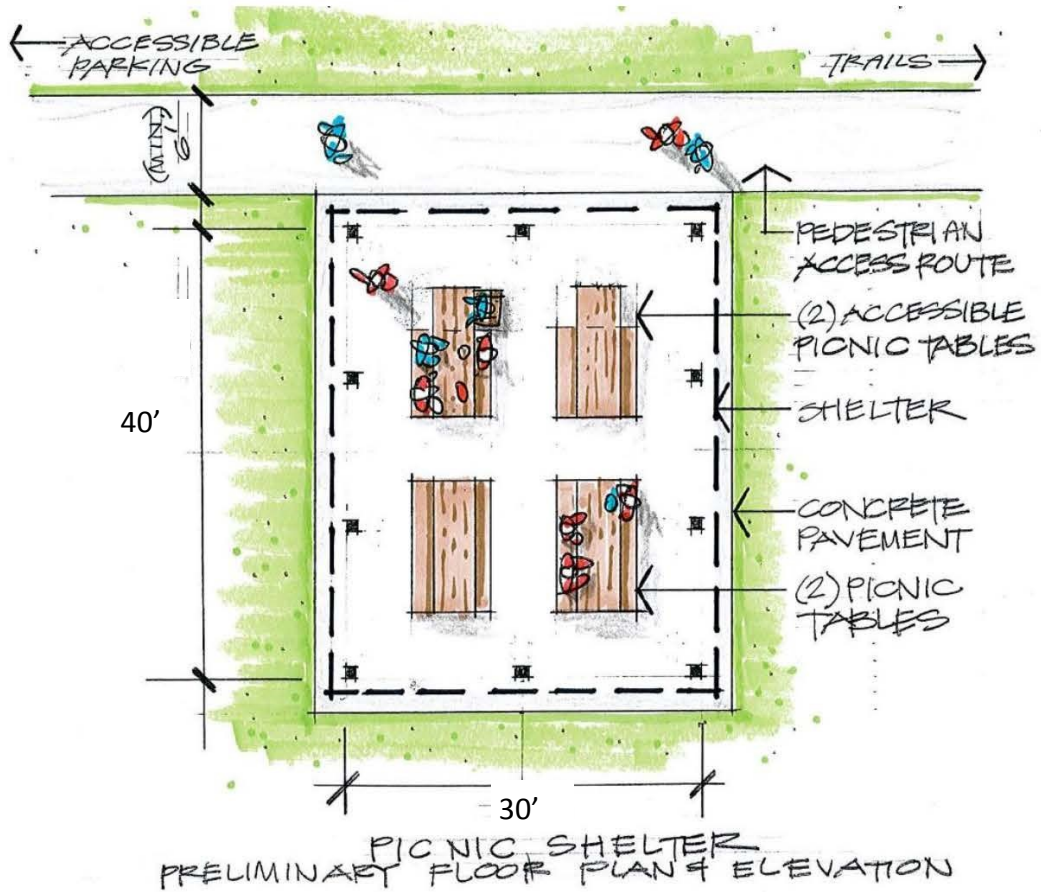


**Drake Farmstead Park  
Gravel Surfacing Detail**

**May 23, 2018**



**1 Gravel Surfacing Detail**  
Not to Scale

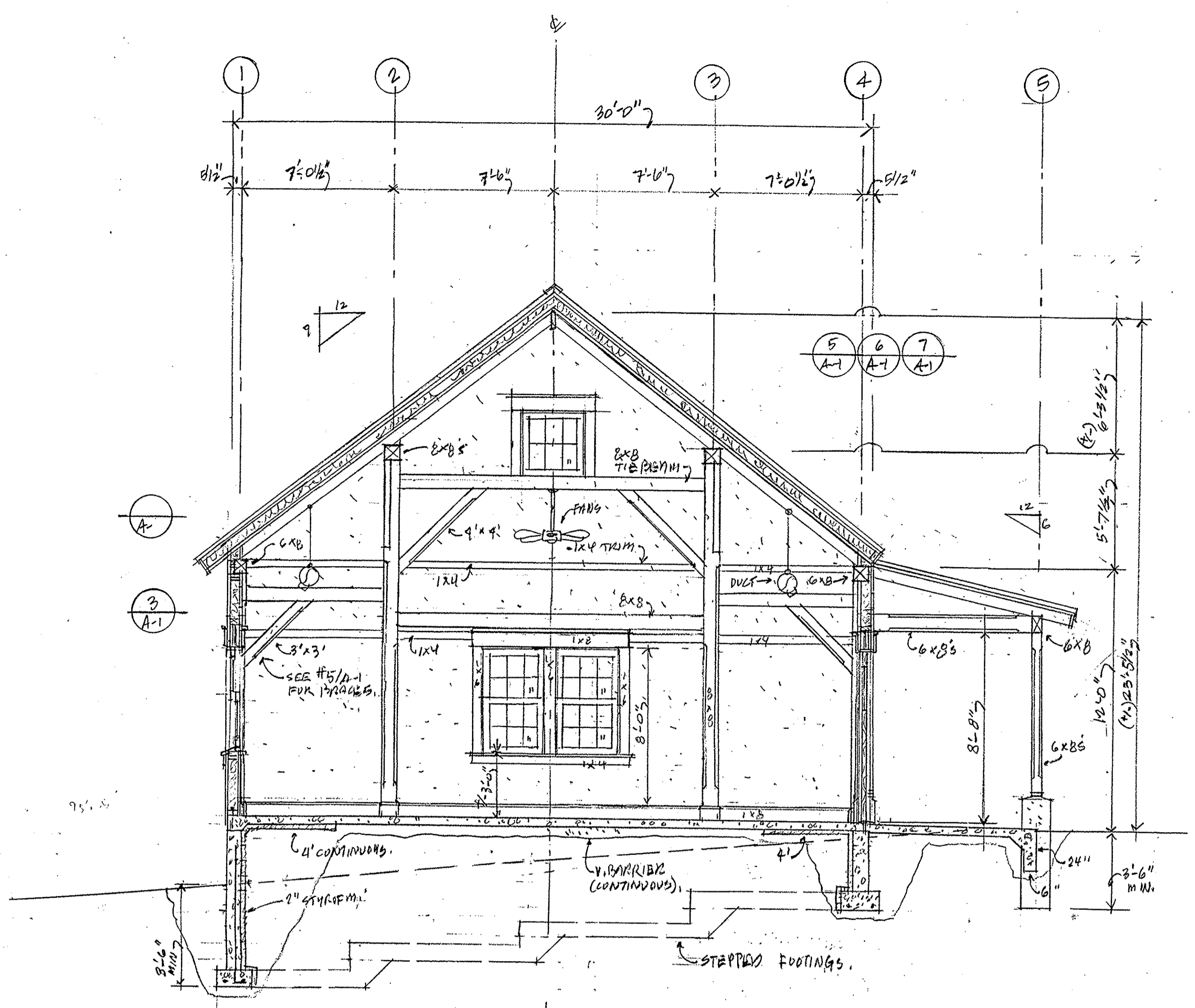


Drake Farmstead Park Picnic Shelter

Preliminary Floor Plan and Elevation

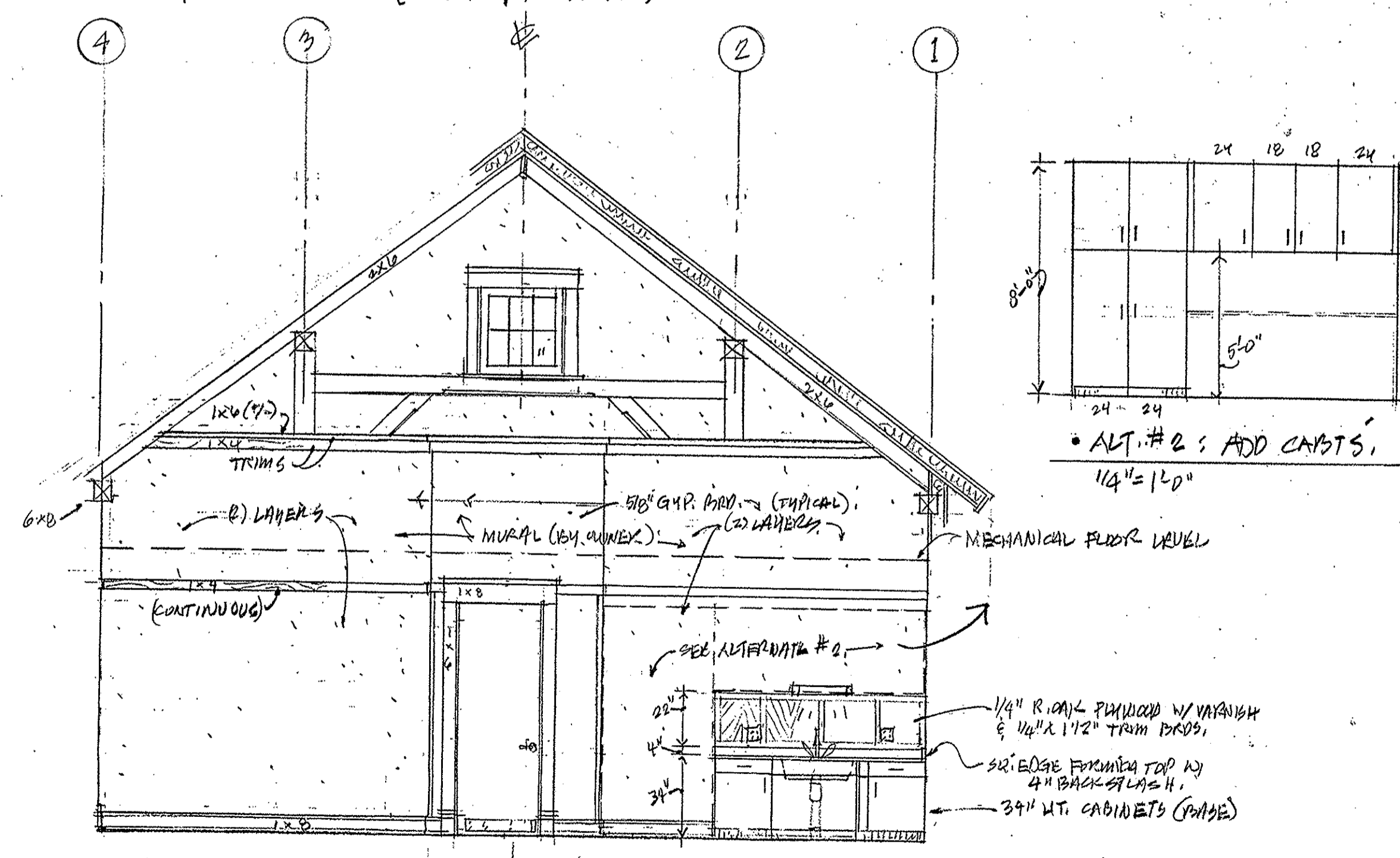


THE NEW CARRIAGE BARN  
AT THE DRAKE FARMSTEAD PARK  
927 NORTH DRAKE ROAD, OSHTIMO TOWNSHIP, MICHIGAN



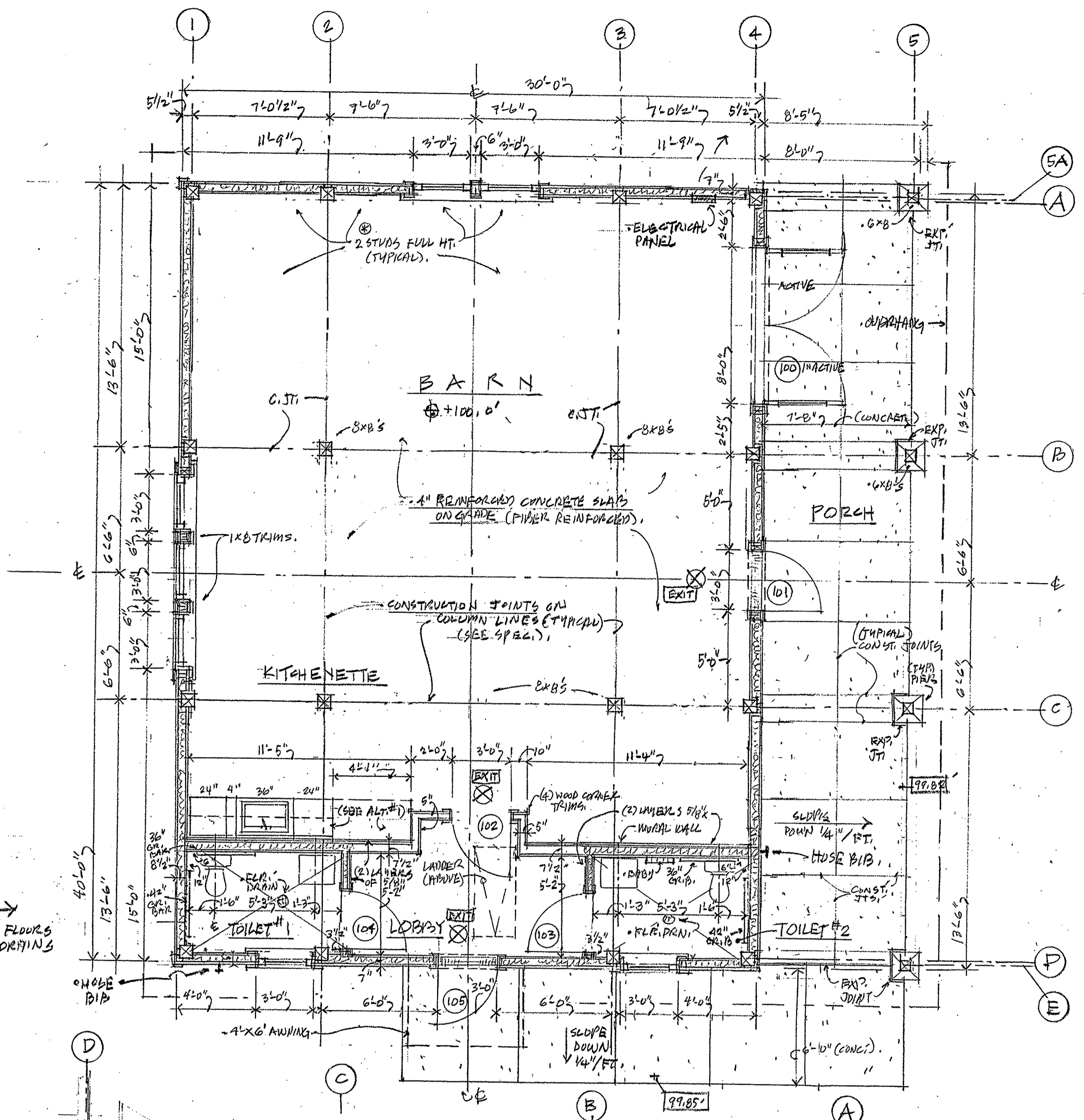
BUILDING CROSS SECTION  
1/4" = 1'-0" (LOOKING NORTH)

\*NOTE:  
SLOP TOILET R/M, FLOORS  
DOWN TO FLOOR DRAIN

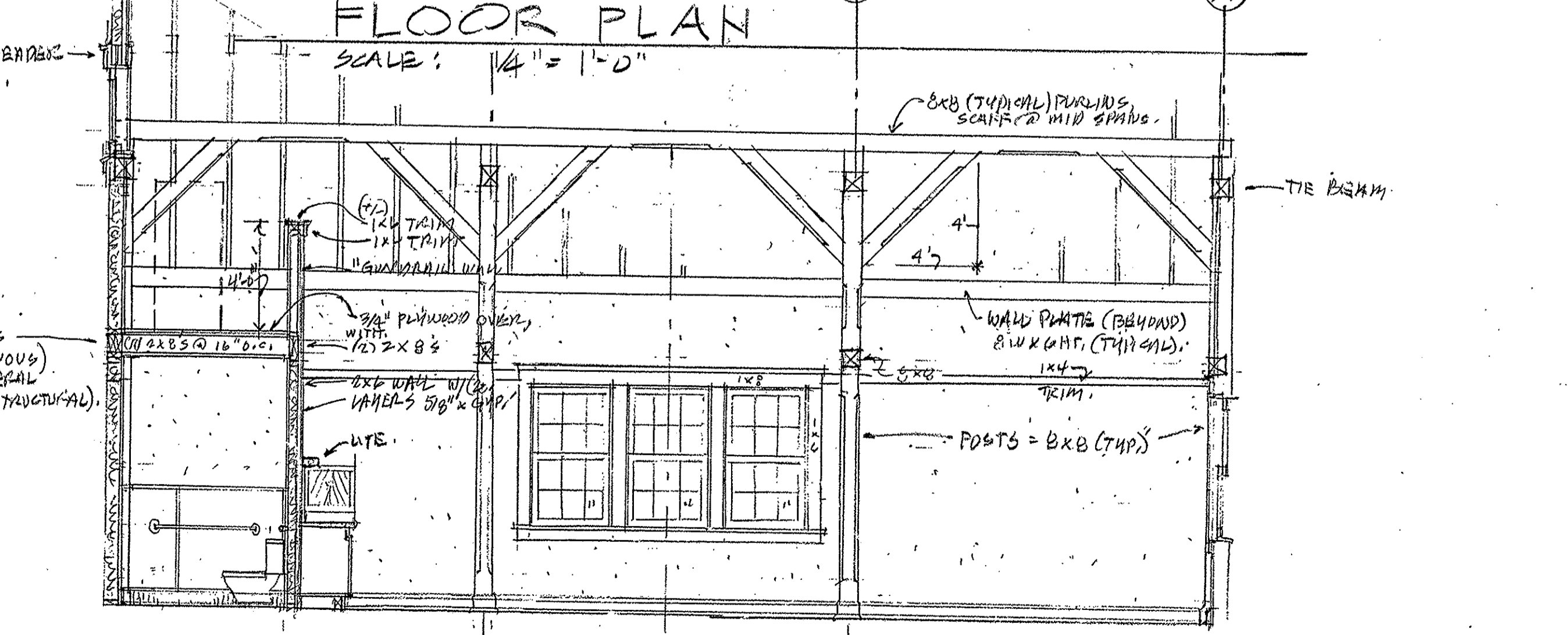


INTERIOR ELEVATION (LOOKING SOUTH)  
1/4" = 1'-0"

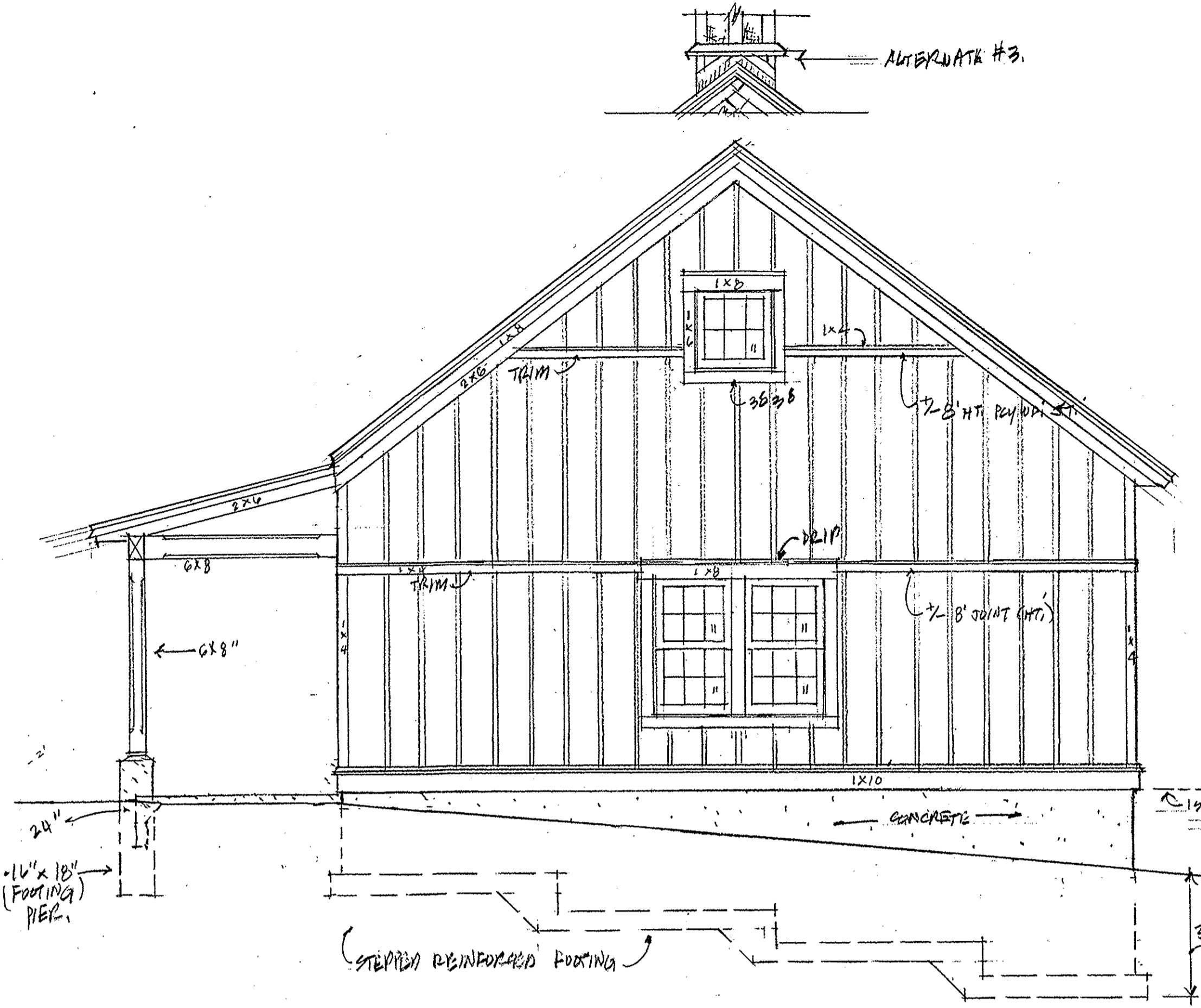
(2) 2x6s  
CONTINUOUS  
(SEE GENERAL  
NOTES/STRUCTURAL)



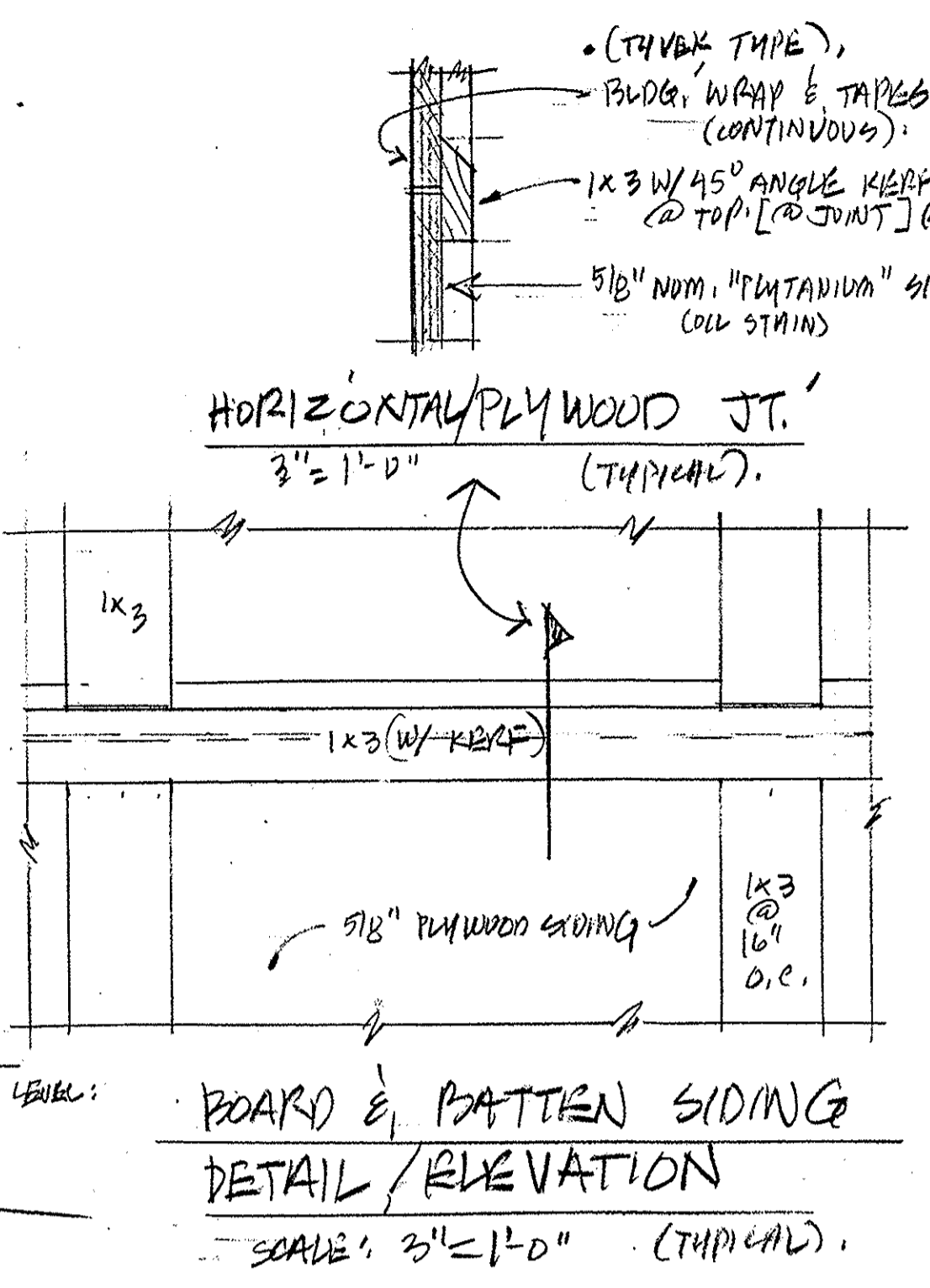
FLOOR PLAN  
SCALE: 1/4" = 1'-0"



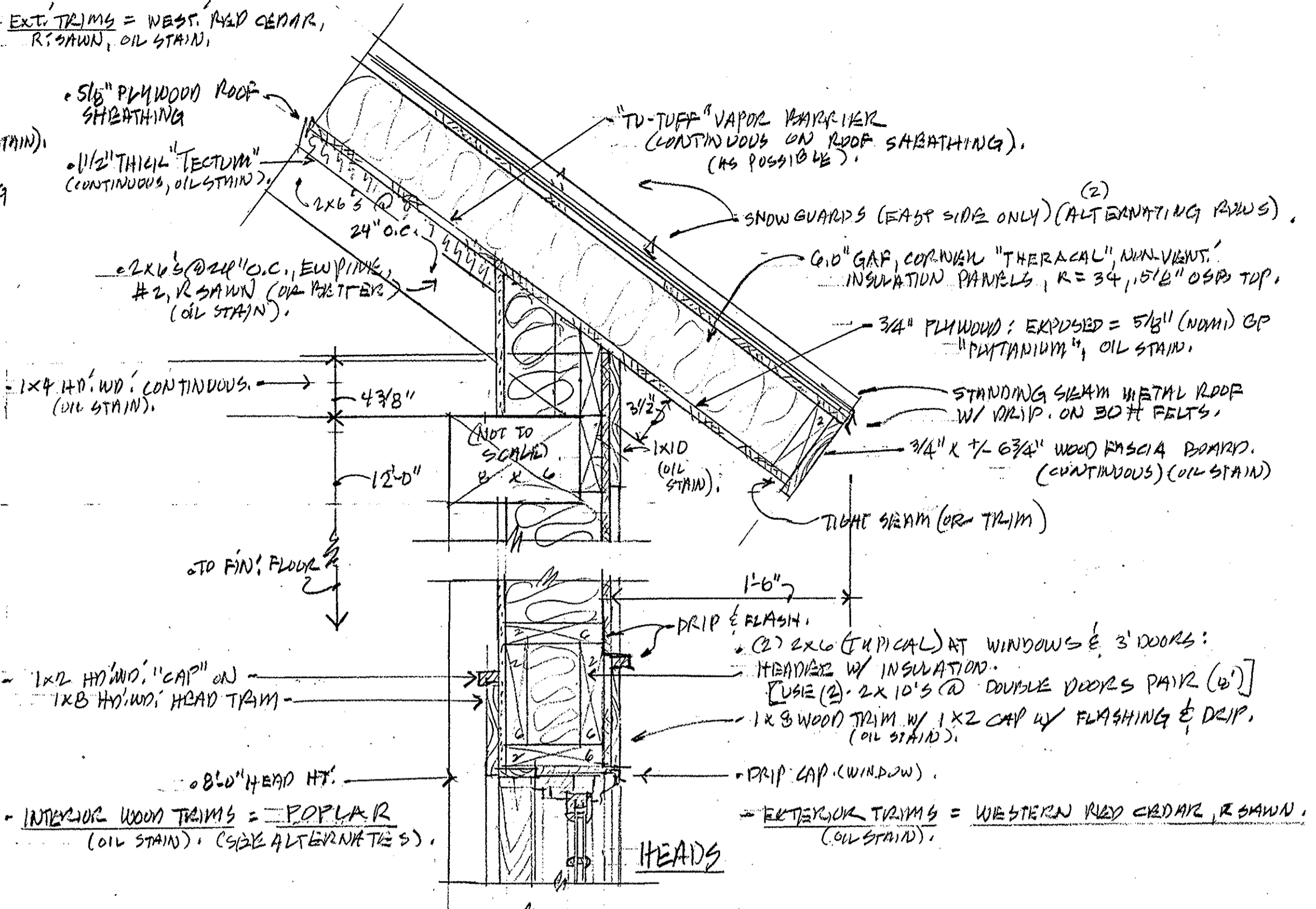
BUILDING SECTION &  
INTERIOR ELEVATION (LOOKING WEST)  
SCALE: 1/4" = 1'-0"



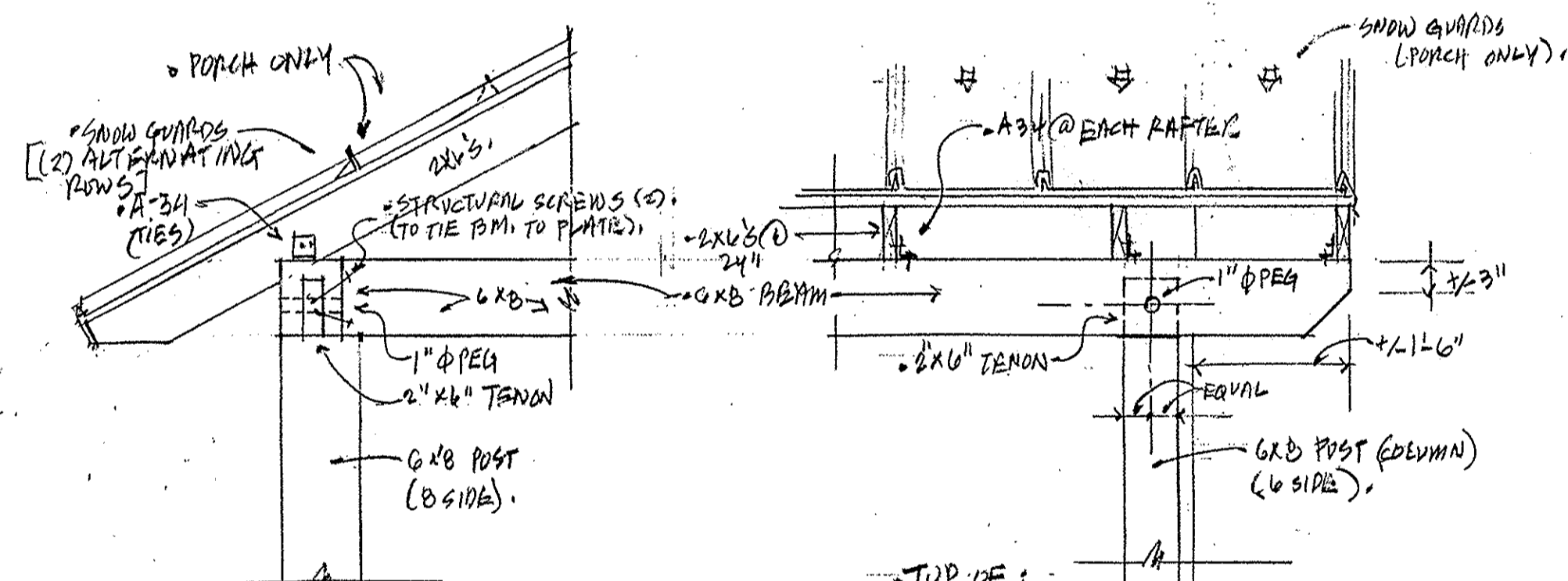
Northwest **NORTH** ELEVATION  
SCALE: 1/4" = 1'-0"



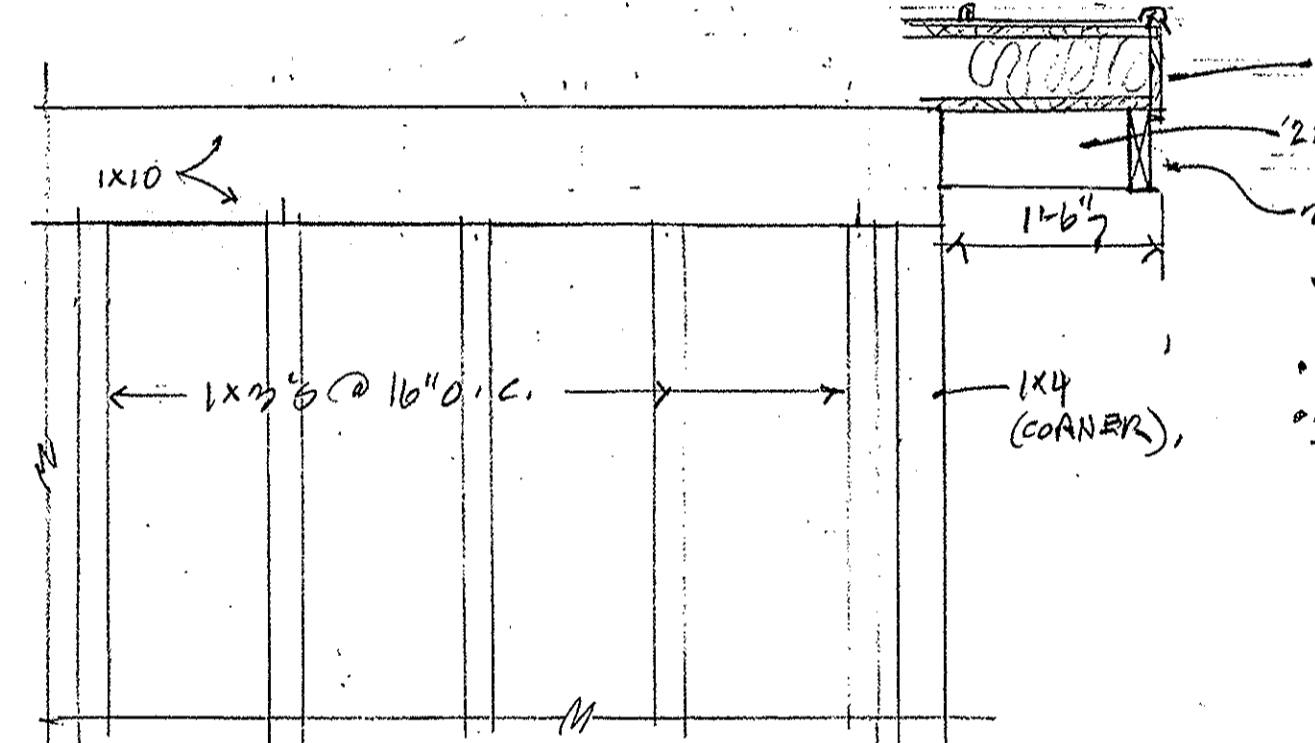
BOARD & BATTEN SIDING  
DETAIL / ELEVATION  
SCALE: 3/8" = 1'-0" (TYPICAL)



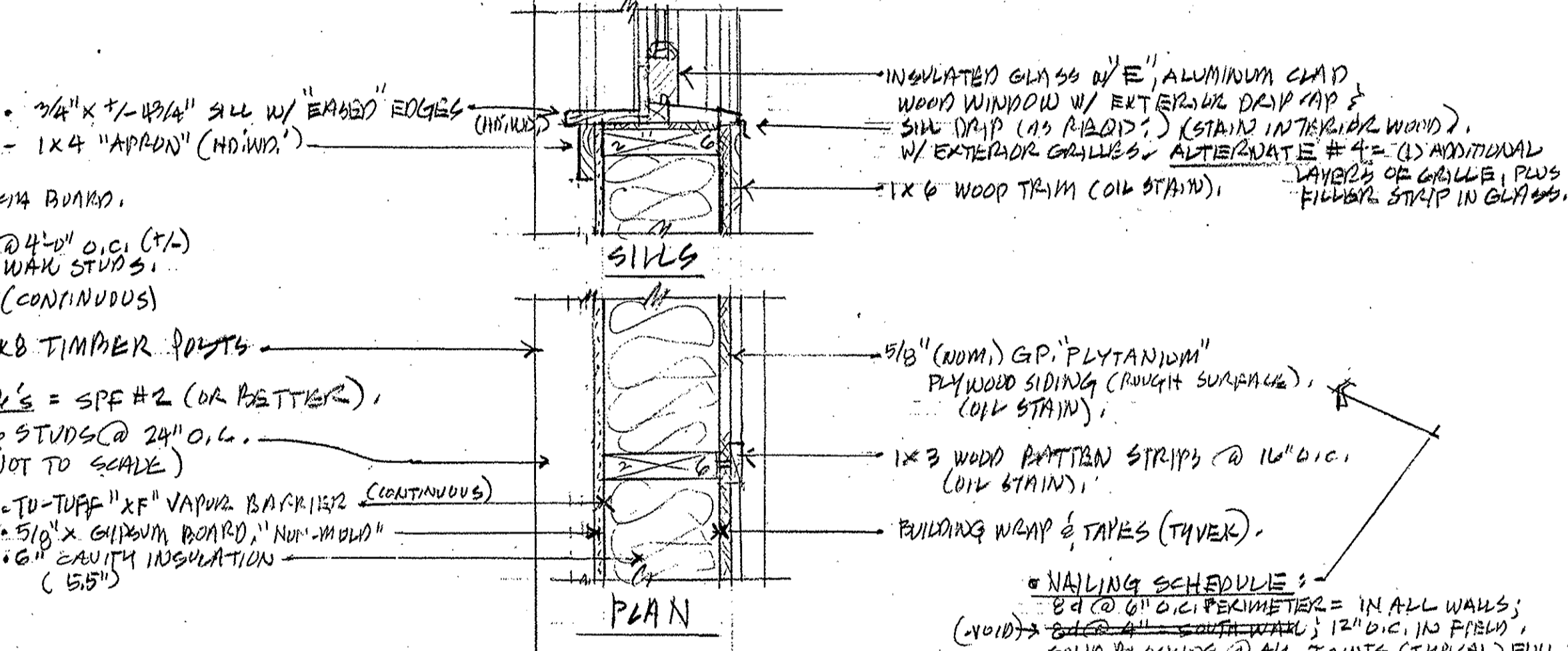
WALL SECTION  
SCALE: 1/2" = 1'-0"



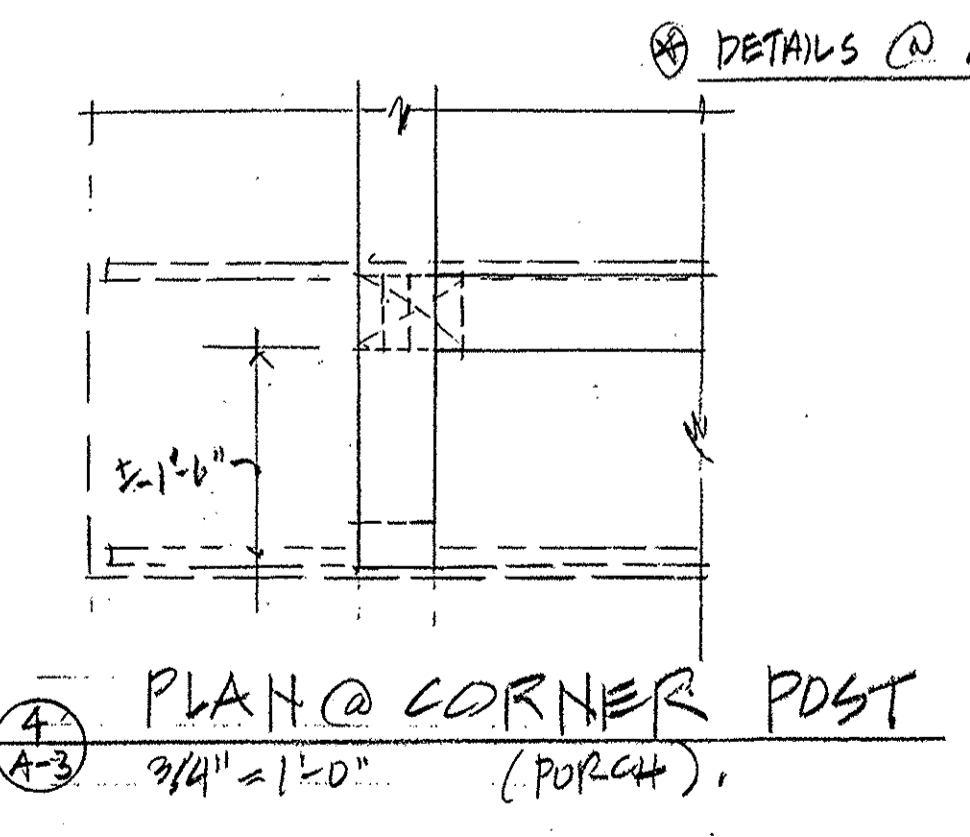
PORCH DETAIL  
SCALE: 3/4" = 1'-0" (LOOKING SOUTH)  
Porch Detail  
SCALE: 3/4" = 1'-0" (SOUTH POST = OPPOSITE)



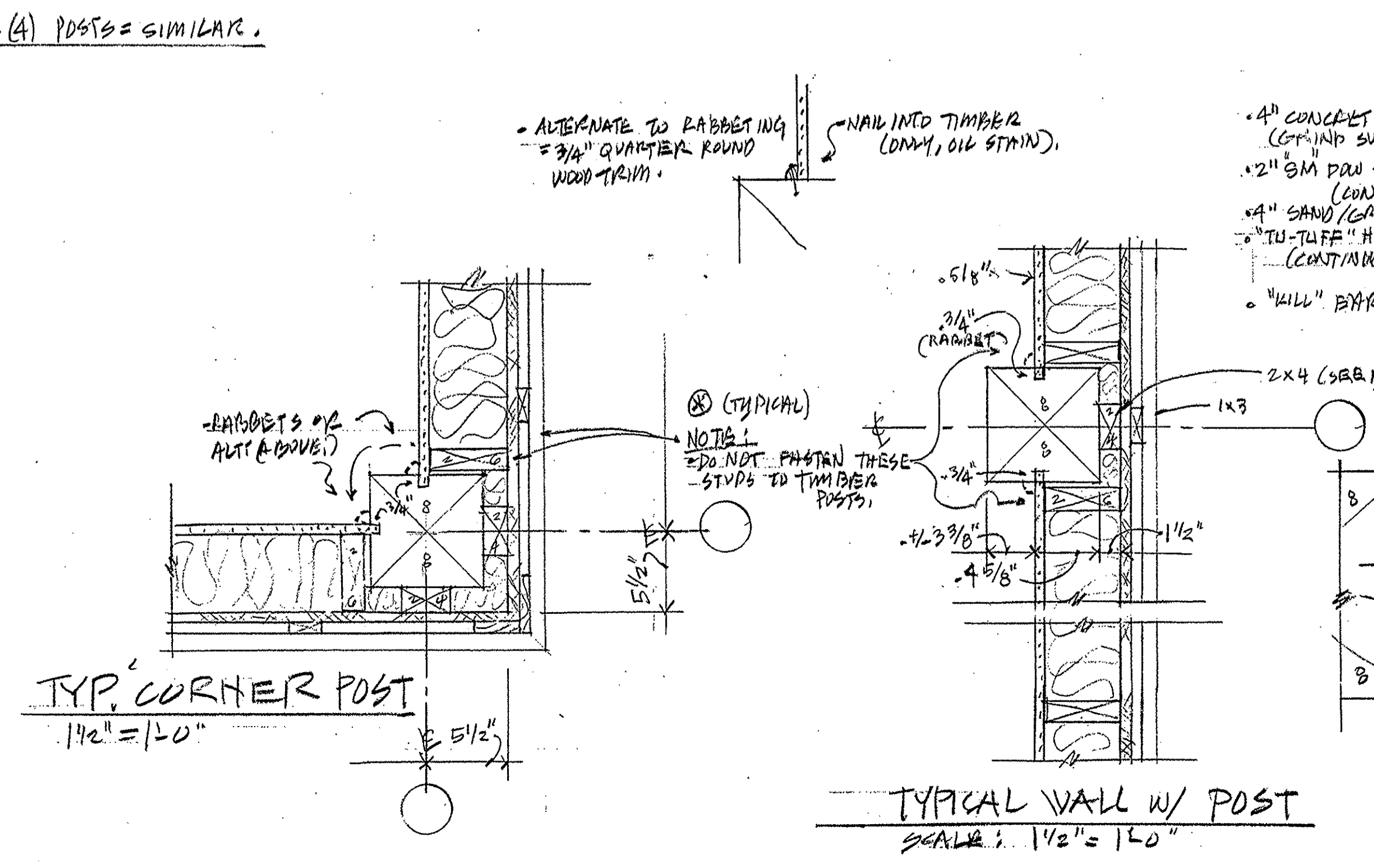
RAKE/EAVE ELEVATION / DETAIL  
SCALE: 3/4" = 1'-0"



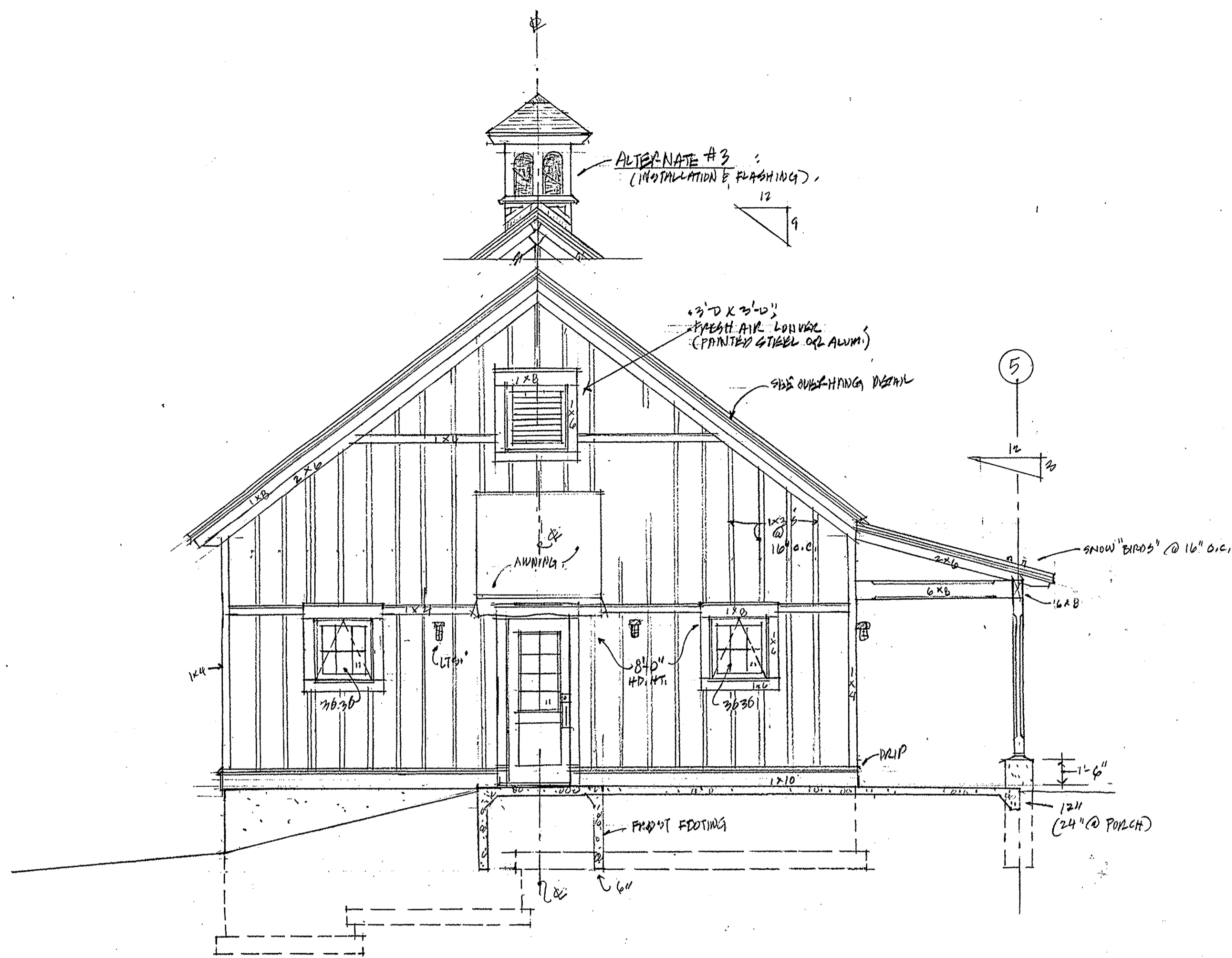
WALL SECTION  
SCALE: 1/2" = 1'-0"



PLAN @ CORNER POST  
SCALE: 3/4" = 1'-0" (PORCH)

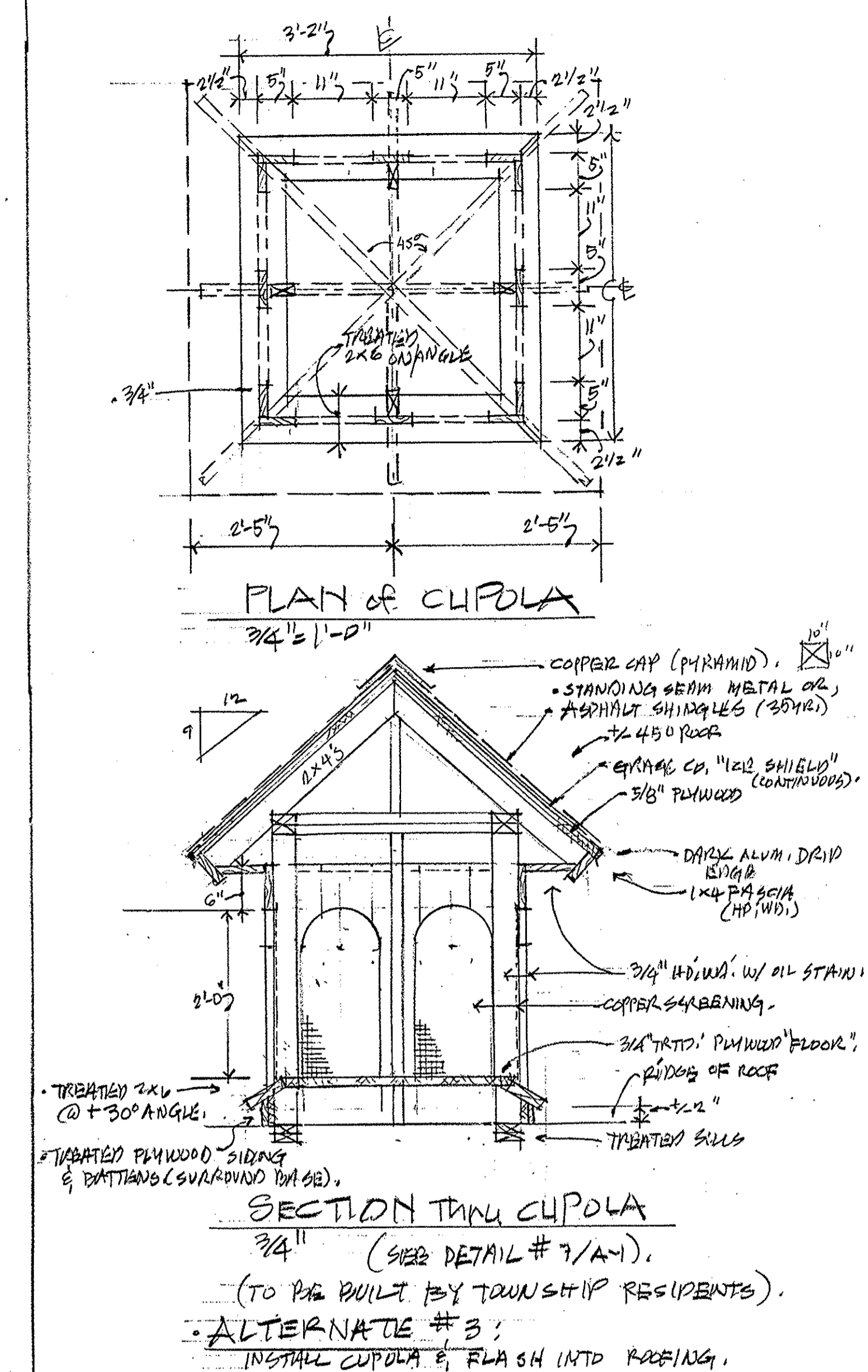


TYP. CORNER POST  
SCALE: 1 1/2" = 1'-0"  
TYPICAL WALL W/ POST  
SCALE: 1/2" = 1'-0"



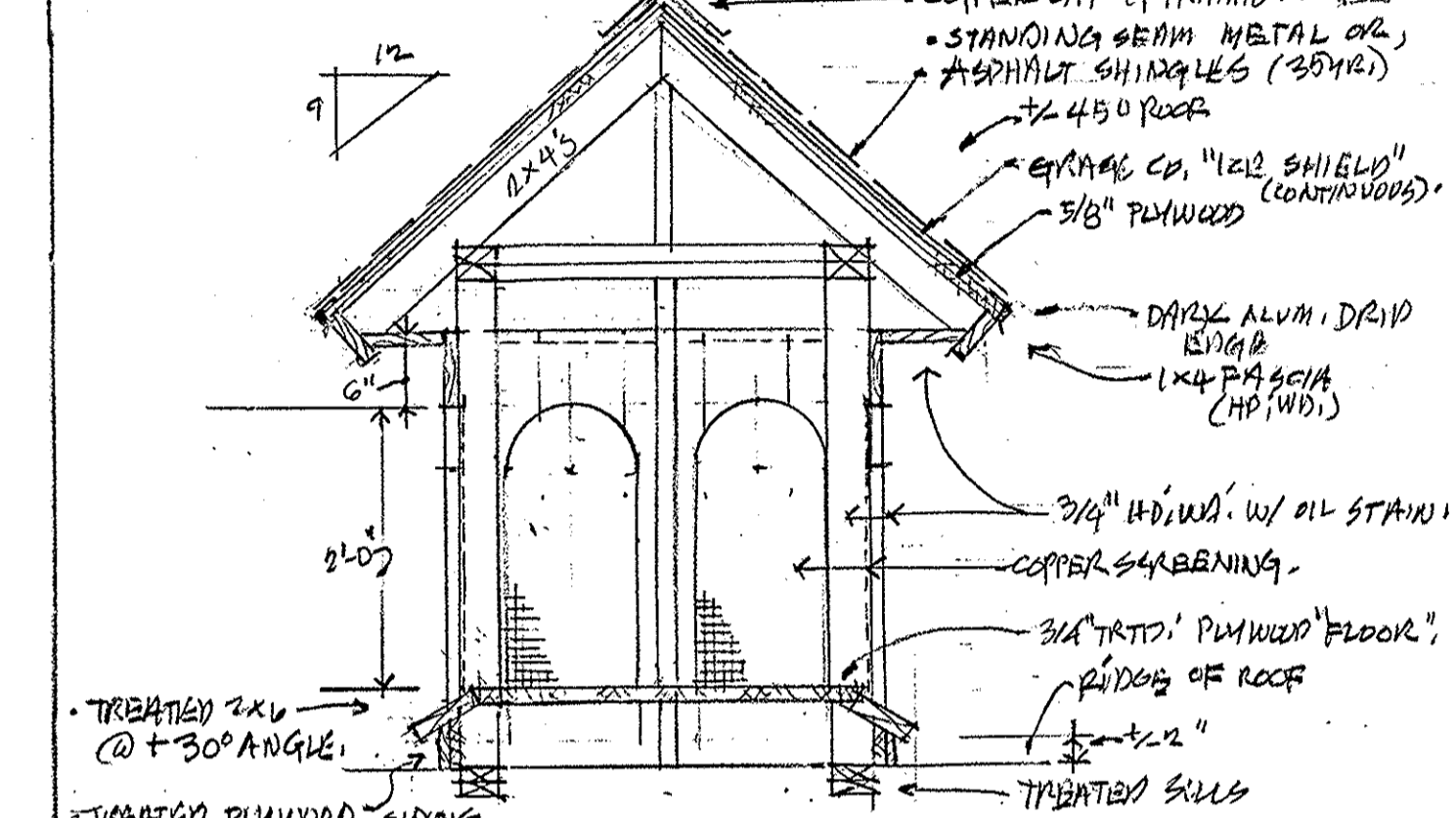
Southeast ~~SOUTH~~ ELEVATION

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



PLAN OF CUPOLA

3/4" = 1'-0"

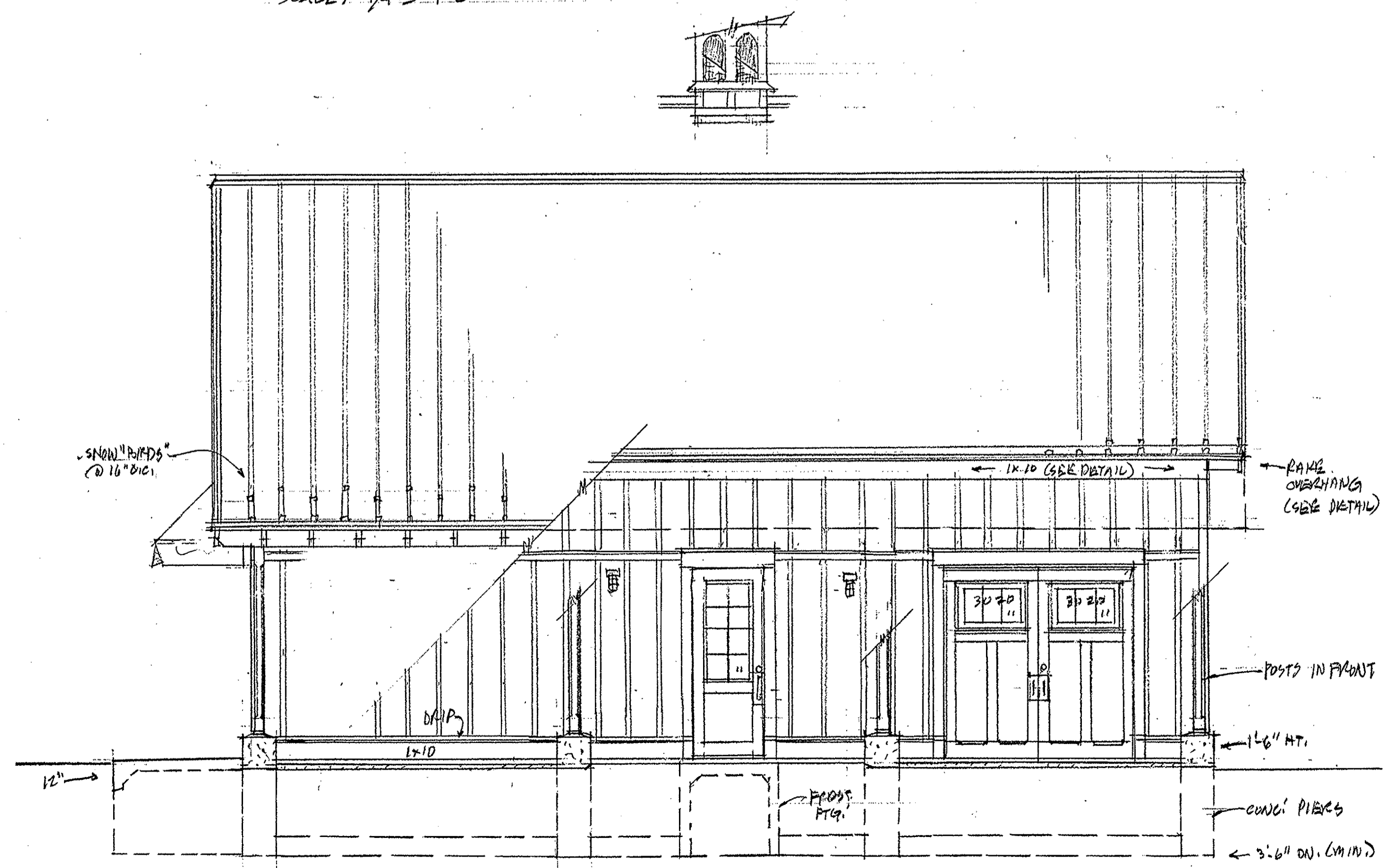


SECTION THRU CUPOLA

3/4" (SEE DETAIL # 7/A-1)

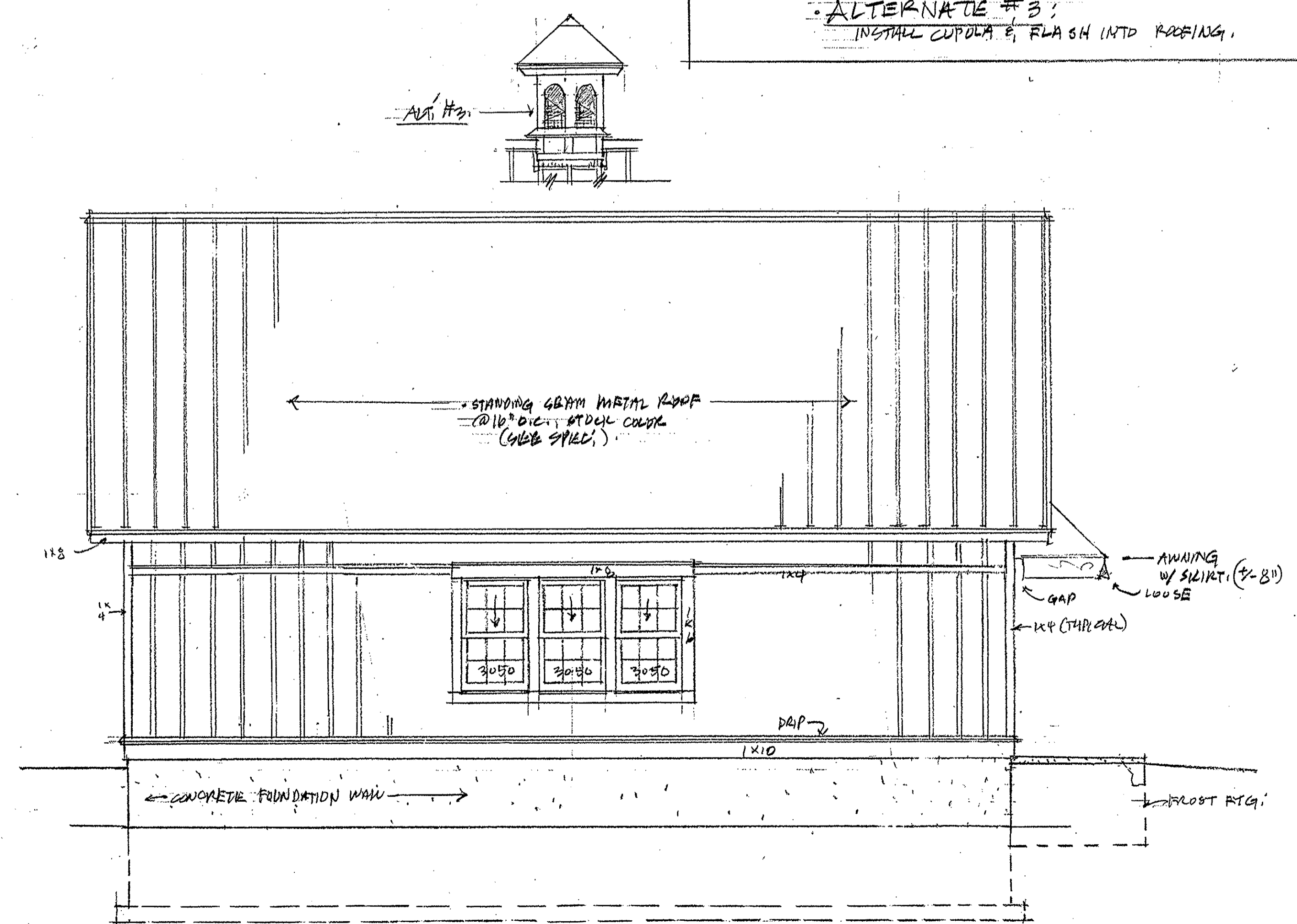
(TO BE BUILT BY TOWNSHIP RESIDENTS)

ALTERNATE #3:  
INSTALL CUPOLA & FLASH INTO ROOFING.



Northeast ~~EAST~~ ELEVATION

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



Southwest ~~WEST~~ ELEVATION

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

THE NEW CARRIAGE BARN  
AT THE DRAKE FARMSTEAD PARK  
927 NORTH DRAKE ROAD, OSHTIMO TOWNSHIP, MICHIGAN

## Possible Gravel Parking Lot Markers

