

**OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS**

**MINUTES OF A REGULAR MEETING HELD JULY 26, 2022 AT  
OSHTEMO TOWNSHIP HALL, 7275 WEST MAIN STREET**

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**Agenda**

**PUBLIC HEARING – VARIANCE, HARDING’S FRIENDLY MARKET (WITHDRAWN)**  
Sign Art, Inc. on behalf of Meyer C. Weiner, Co., was requesting a variance in order to install three wall signs where one is allowed at 5161 West Main Street.

**SITE PLAN – H & K EXCAVATING**

H & K Excavating was requesting site plan approval to expand their building at 7504 Stadium Drive by 5,450 square feet and place a 5,000 square foot accessory building onsite. Parcels #05-34-180-059 and #05-34-205020.

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A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held Tuesday, July 26, 2022, beginning at approximately 3:00 p.m.

ALL MEMBERS PRESENT WERE:      Anita Smith, Chair  
   Dusty Farmer  
   Fred Gould  
   Harry Jachym  
   Micki Maxwell  
   Louis Williams, Vice Chair

Also present were Iris Lubbert, Planning Director, Jim Porter, Township Attorney and Martha Coash, Recording Secretary.

The three guests present included Kyle Mucha of McKenna and Alex Frazier of H & K.

**Call to Order and Pledge of Allegiance**

Chairperson Smith called the meeting to order and invited those present to join in reciting the “Pledge of Allegiance.”

**Approval of Agenda**

The Chair noted agenda item 6, a variance request from Harding’s should be withdrawn at the applicant’s request, and “Other Business” should be included following the H & K item on the agenda. She asked for a motion to make those changes.

Ms. Farmer made a motion to revise the meeting agenda as requested. Ms. Maxwell seconded the motion. The motion was approved unanimously.

Chairperson Smith moved to the next agenda item.

### **Public Comment on Non-Agenda Items**

As the Chair determined there were no comments, she moved to the next item.

### **Approval of the Minutes of April 26, 2022**

Chairperson Smith asked for any corrections to the minutes. Hearing none she asked for a motion of approval.

Ms. Maxwell made a motion to approve the Minutes of April 26, 2022, as presented. Mr. Williams seconded the motion. The motion was approved unanimously.

Chairperson Smith moved to the next agenda item.

### **SITE PLAN – H & K EXCAVATING**

**H & K Excavating was requesting site plan approval to expand their building at 7504 Stadium Drive by 5,450 square feet and place a 5,000 square foot accessory building onsite. Parcels #05-34-180-059 and #05-34-205020, Zoned I-1.**

Mr. Kyle Mucha, Senior Planner for McKenna, the consultant on this project, said on behalf of the Oshtemo Planning Department, they reviewed the site plan resubmission for the proposed office expansion, site improvements, future addition to the existing garage space, new storm water management system and erection of a standalone accessory building. He said the review was based on the resubmitted site plan dated 5/4/2022 and accompanying response letter from the applicant's engineer, Hurley & Stewart, dated 6/22/2022. Additionally, previous site plans did not indicate the placement of a 50' x 100' accessory structure: the supplemental plans dated 7/12/2022 corrected this missing information.

He indicated the primary development site is approximately 7.763-acres and is located on the north side of Stadium Drive, east of Stadium Parkway. The secondary site, located to the immediate east, is 13.5 acres in size.

The site is mostly wooded with one (1) existing commercial/industrial building located on the northern portion of the site. The applicant proposed to construct an additional 1,400 sq ft of office space on the southern portion of the existing building, and an additional 4,050 (50' x 81') of garage/warehouse space on the northern portion of the existing building. The applicant also proposed to utilize the parcel located directly east for storm water management and retention. The proposal includes the permanent placement of a 5,000 (50' x 100') accessory building (hoop structure): insufficient details were provided

on this structure at this time. The proposed office, accessory building and warehouse expansion of the existing contractor/landscape business is a permitted use in the I-1, Industrial District, as defined in Section 27.20 of the Township Zoning Ordinance.

#### RECOMMENDATION:

Mr. Mucha noted the site plan was amended to address the concerns outlined in their review memo dated 4/19/2022 and 6/13/2022. Based on these revisions, McKenna supported approval of the site plan subject to the applicant meeting the following conditions outlined below:

1. Clarification as to the loading/unloading space placed on the western portion of the property: will this space be used to unload equipment and landscaping material or used for non-material delivery.
2. Clarification as to the loading/unloading of landscaping materials.
3. Clarification to access drive/pathway to accessory building (hoop structure).
4. Use statement related to the accessory building (hoop structure): is this a temporary structure as indicated on the site plan or permanent. If permanent, footing and foundation details will need to be provided.
5. Accessory structure (hoop building) to meet the minimum setback distance of 25 feet from the east property line.
6. Site plan to be scaled at a 1:20 ratio. Site plan to show entire property and all existing and proposed structures.
7. Any other comments provided by additional reviewing agencies. (Ms. Lubbert noted both the Township Engineer and Fire Marshall had reviewed the application and had no concerns.)

#### SITE DESCRIPTION:

Mr. Mucha provided comments on specific site plan requirements and indicated that other than the conditions listed above, the applicant's amended plan meets requirements.

#### ACCESSORY STRUCTURE (§50.60.C.)

Mr. Mucha said the applicant amended the site plan, dated 7/12/2022, to include a 50-foot by 100-foot (5,000 square feet) accessory building (hoop structure) in the rear of the subject site. Section 50.60.C. of the Township Zoning Ordinance requires *the minimum setback distance between any accessory building and any rear or interior side property line in the I-2 Industrial District, shall be 20 feet or the height of the accessory building at its highest point as measured from the grade of the property line, whichever is greater.*

The applicant indicates the structure is 20 feet from the east property line, and 35 feet from the north property line. The structure height is approximately 25 feet tall. Based on this information, the structure does not meet the required setbacks.

In addition, the applicant has not provided details pertaining the intended use of the structure. The site plan notes it is temporary in nature. If the structure is permanent, footings and foundation details will need to be provided. Based on a use statement, the Township will determine if this is an accessory or principal structure. Access and site circulation will need to be reviewed based on the statement of use. Further, based on the plan not including the full extent and property lines, they were unable to determine if its location is acceptable and meets the Zoning Ordinance.

Chairperson Smith thanked Mr. Mucha for his comments and asked if there were questions from Board members.

Ms. Maxwell asked for clarification on how stormwater would be handled.

Ms. Lubbert said there would be a retention basin on the south side of the property and that the design was approved by the Township Engineer.

The Chair asked if the applicant wished to speak.

Mr. Alex Frazier, H & K, addressed the six specific conditions set forth for approval:

1. He said the intent for loading/unloading is to unload equipment and materials
2. Landscaping materials would involve maybe topsoil and equipment on a trailer to head out for the day
3. Currently the access driveway will be gravel; they will update the site plan to show the connection to the paved drive.
4. The hoop structure will be placed temporarily with the intention of moving it around the property as needed for flexibility; no footings are necessary
5. They will check and review the setback internally
6. They will provide a 1:20 site plan

Mr. Frazer said it was their intent to comply with all conditions as requested.

Ms. Lubbert indicated Township staff will work with the applicant to explore options in order to achieve the required 25 foot setback requirement for the accessory building. She noted when talking about loading and unloading, limited outdoor storage is allowed in I-1.

Hearing nothing further, the Chair moved to Board Deliberations.

The Chair was concerned about how the 25 foot setback would be achieved.

Ms. Lubbert said if the Board approves the site plan with the conditions outlined by staff, the applicant will have to meet all of the conditions before a building permit is approved.

Mr. Williams noted the applicant has agreed to meet all seven conditions.

Ms. Maxwell asked if the Planning Dept. can work with the applicant to take care of the 25 foot setback issue.

Ms. Lubbert said the setback will need to be met by either relocating the building or the adjoining property that the applicant owns will need to be combined with this site so there will no longer be an setback issue.

Ms. Lubbert noted both the Township Engineer and Fire Marshall had reviewed the application and had no concerns.

Ms. Farmer made a motion to approve the site plan as requested with the seven conditions set forth by McKenna:

1. Clarification as to the loading/unloading space placed on the western portion of the property: will this space be used to unload equipment and landscaping material or used for non-material delivery.
2. Clarification as to the loading/unloading of landscaping materials.
3. Clarification to access drive/pathway to accessory building (hoop structure).
4. Use statement related to the accessory building (hoop structure): is this a temporary structure as indicated on the site plan or permanent. If permanent, footing and foundation details will need to be provided.
5. Accessory structure (hoop building) to meet the minimum setback distance of 25 feet from the east property line.
6. Site plan to be scaled at a 1:20 ratio. Site plan to show entire property and all existing and proposed structures.
7. Any other comments provided by additional reviewing agencies.

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

### **Other Updates and Business**

Chairperson Smith introduced and the group welcomed new ZBA board member Mr. Harry Jachym.

In response to questions about the site plan request, it was noted this was the first site plan request to come before the ZBA this year. Ms. Lubbert explained that the Township's ordinance is currently set up so that the more 'straightforward' site plans come to the ZBA, a process specific to the Township, not the State of Michigan.

Attorney Porter reaffirmed that though most site plan requests go to the Planning Commission, some of the more routine ones come to the ZBA.

Ms. Farmer said they are more used to solving problems posed in variance requests than with site plans.

Ms. Lubbert said she could work with McKenna on future site plan requests to provide a format the Board is more used to seeing.

### **Adjournment**

Chairperson Smith noted the Zoning Board of Appeals had exhausted its agenda. There being no other business, she adjourned the meeting at approximately 3:30 p.m.

Minutes prepared:  
July 27, 2022

Minutes approved:  
August 23, 2022