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

**MEETING WILL BE HELD AT
OSHTEMO TOWNSHIP HALL
7275 W MAIN STREET**
Masks Required in Oshtemo Township Buildings

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

**TUESDAY, FEBRAURY 22, 2022
3:00 P.M.**

AGENDA

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: November 16th, 2021
6. Election of 2022 Officers – Chair and Vice Chair
7. Planning Department Annual Report - 2021
8. Annual Board Variance Review Training
9. Other Updates and Business
10. Adjournment

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

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

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

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

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

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

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

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

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Clare Buszka	216-5221	cbuszka@oshtemo.org
<u>Trustees</u>		
Cheri L. Bell	372-2275	cbell@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Kizzy Bradford	375-4260	kbradford@oshtemo.org

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

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

DRAFT MINUTES OF A VIRTUAL MEETING HELD NOVEMBER 16, 2021

Agenda

2022 ZBA Meeting Dates

Other Updates and Business

- a. Neil Sikora – 2nd Term Ending 12/31/2021
-

A virtual meeting of the Oshtemo Charter Township Zoning Board was held Tuesday, November 16, 2021, beginning at approximately 3:00 p.m.

MEMBERS PRESENT: Neil Sikora, Chair
Dusty Farmer
Fred Gould
Micki Maxwell
Anita Smith, Vice Chair
Louis Williams
(All attending within Oshtemo Township)

MEMBER ABSENT: Ollie Chambers

Also present were Iris Lubbert, Planning Director, Karen High, Zoning Administrator, and Martha Coash, Meeting Transcriptionist.

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

The Chair determined no agenda changes were needed, let it stand as published, and moved to the next agenda item.

Approval of the Minutes of October 12, 2021

Two typos were noted for correction (Rudloff to Rudlaff – p. 1, and 6 t to 6 ft., - p. 3) to the Minutes of October 26, 2021.

The Chair made a motion to approve the Minutes of October 26, 2021, with the corrections as noted. Ms. Maxwell seconded the motion. The motion was approved unanimously by roll call vote.

Chairperson Sikora moved to the next agenda item.

2022 ZBA Meeting Dates

Ms. Lubbert provided a listing of suggested meeting dates for 2022 ZBA meetings for consideration:

Zoning Board of Appeals

Fourth Tuesday of every month @ 3PM

2022 Meeting Dates

1/25
2/22
3/22
4/26
5/24
6/21
7/26
8/23
9/20
10/25
11/15*
12/13*
1/24/2023

*Dates shifted to avoid holidays or for consistency with the Development Schedule of Applications.

Chairperson Sikora made a motion to approve the calendar of meeting dates as presented. Mr. Gould seconded the motion. The motion was approved unanimously by roll call vote.

Public Comment on Non-Agenda Items

There were no members of the public present.

Other Updates and Business

Neil Sikora – 2nd Term Ending 12/31/2021

Ms. Lubbert announced that Chairperson Sikora would complete his second term on the ZBA December 31, 2021 and as there are no items on the pipeline for the ZBA's December meeting, this would be his last meeting. She presented a certificate from the Township thanking him for his time and service.

Chairperson Sikora said he felt his time on the board was a great experience and he really enjoyed it.

Members also thanked him for his service and said they would miss him.

Ms. Karen High said she has always appreciated his attention to native species and landscaping issues and promised to keep up with that standard.

Chairperson Sikora asked if there were any other updates or business items.

Ms. Lubbert told members phase I of the Housing Action Plan is starting up and welcomed any suggestions for people who might be added to the list of stakeholders.

Adjournment

Chairperson Sikora noted the Zoning Board of Appeals had exhausted its Agenda. There being no other business, he adjourned the meeting at approximately 3:11 p.m.

Minutes prepared:
November 17, 2021

Minutes approved:
_____, 2021

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February 18, 2022

Mtg Date: February 22, 2022
To: Zoning Board of Appeals
From: Iris Lubbert, AICP, Planning Director
Subject: Discussion: DRAFT 2021 Planning Department Annual Report

Background:

Every year the Oshtemo Planning Department produces a report that satisfies the requirements of Section 308 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), which states that a Planning Commission must prepare an annual report documenting the administration of their municipality's Zoning Ordinance and outline possible future amendments to the Ordinance. The attached report fulfills the obligation for 2021 and provides updates on the activities and projects planned for 2022.

It should be noted that the Planning Department has expanded the scope of the report to further document the activities of the Zoning Board of Appeals and the administrative activities of the Planning Department staff. By doing so, the document provides a more complete picture of Planning and Zoning activities within the Township. This report is intended to not only document past and ongoing activities but also help the Township Board develop its own work plans and budgets for the coming year.

Requested Discussion:

The Zoning Board of Appeals is asked to review the report and provide feedback to staff.

Attachments: DRAFT 2021 Planning Department Annual Report

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OSHTEMO

PLANNING DEPARTMENT

CHARTER

ANNUAL REPORT

2021 – DRAFT

TOWNSHIP



LEGISLATIVE REQUIREMENTS

Section 308 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) requires the Planning Commission to prepare an annual report for the Township Board documenting the administration of the Zoning Ordinance. It is also a requirement to outline possible future amendments to the Ordinance. This report fulfills this obligation for 2021 and provides updates on the activities and projects planned for 2022.

The Planning Department has expanded the scope of the report to further document the activities of the Zoning Board of Appeals and the administrative activities of the Planning Department staff. By doing so, the document provides a more complete picture of the Planning and Zoning activities in the Township. This report is submitted to the Township Board for review and consideration as it develops its own work plans and budgets for the coming years.

PLANNING COMMISSION

2021 ORDINANCE AMENDMENTS

Child and Adult Care Centers — In November 2020 the Planning Commission reviewed a conditional rezoning request to rezone a property to a higher intensity in order for the site to have a Child Care Center. Although the rezoning request was denied as it was considered spot zoning, the topic of Child Care Centers piqued both the Planning Commission's and Public's interest. There was a general agreement that child care options are important and more flexibility was needed that would allow for more of this type of service. Staff was asked to review the code and see if there was a way to appropriately allow for more Child Care Centers in Oshtemo. Coincidentally, around the same time as the rezoning discussion, a site plan for initial discussion was submitted to staff that entailed an Adult Care Center. After reviewing the code, it was unclear where and if this use was permitted. After discussion with legal counsel it was determined that this use was comparable to a Child Care Center and that a code amendment would be appropriate. For the sake of efficiency, language to address deficiencies in the code regarding Adult Care Centers was incorporated into the proposed Child Care Center code amendment discussion. This proposed code amendment was introduced to the Planning Commission at their regular December 10, 2020 meeting. After discussion the Commission unanimously approved forwarding the proposed text to a Public Hearing on January 14, 2021 where a motion to recommend approval to the Township Board was unanimously accepted. The Township Board adopted the amendment at their February 9, 2021 regular meeting.

Pools on Corner Lots (front yard setback) — In November 2020 the Zoning Board of Appeals reviewed and unanimously approved a variance request to permit an in-ground pool to protrude 20 feet into the required 30-foot front yard setback. The property in question was a small corner lot located within a Plat. As this was not the first variance approved to allow an in-ground pool to protrude into a corner lot's front yard the Zoning Board of Appeals requested that the relevant code section be sent to the Planning Commission to consider an update to

provide some flexibility to in-ground pools on corner lots. Using the discussion at the Zoning Board of Appeals meeting as a starting point, a proposed amendment was introduced to the Planning Commission for discussion at their regular December 2020 meeting. After discussion the Commission approved forwarding the proposed text to a Public Hearing on January 14, 2021 where a motion to recommend approval to the Township Board was unanimously accepted. The Township Board adopted the amendment at their February 9, 2021 regular meeting.

Uses on Nonconforming lots— Planning Staff was approached by an individual that wished to build a medical office, a special use in the R-3 Zoning District, on a legal nonconforming parcel. What can be built on a legal nonconforming parcel, lot, or building site is outlined in Section 63.20 of the Oshtemo Ordinance which stated that "permitted uses of the zoning district" are allowable on these types of properties. Both the Planning Department and Legal Counsel interpreted the language in Section 63.20 to mean that only the uses outlined under the "permitted uses" and "permitted uses with conditions" categories of a zoning district would be allowed on legal nonconforming properties. This meant that the requested medical office, a special use, would not be permitted on the legal nonconforming lot in question. However, after additional research and discussion, the Planning Commission, Planning Department, and Legal Counsel determined that this interpretation is not the intent of the code and was not consistent with how this section had been interpreted in the past. An ordinance amendment to provide clear direction and ensure consistency was introduced to the Planning Commission; a Public Hearing was held on February 11, 2021 where a motion to recommend approval to the Township Board was unanimously accepted. The Township Board adopted the amendment at their March 9, 2021 regular meeting.

Sidewalk installation for private development— Over the years the Township has adopted several policies and ordinances to establish a physical and cultural environment that supports and encourages safe, comfortable, and convenient ways for a diverse population of pedestrians and bicyclists to travel throughout the Township and into the surrounding communities. The most recent of which was through the Go!Green Oshtemo – 5 Year Parks and Recreation Master Plan. Part of the plan included an action strategy to continue to require provisions for nonmotorized transportation facilities with site plan reviews. The Zoning Ordinance language that continues to implement this action strategy is Section 57.90. The Township Board discussed this section of the code and the Township’s current sidewalk policies at their March 9, 2021 regular meeting. At that meeting the Board agreed that sidewalks should be installed more aggressively and this section of the code needs to be revisited and refined. Staff presented the Township Board’s request to the Planning Commission at their regular March 25, 2021 meeting for an initial discussion; the Planning Commission worked on an amendment over multiple meetings. A Public Hearing for the proposed text was held on July 13, 2021 where the Planning Commission unanimously motioned to forward the proposed amendment to the Township Board. The amendment addresses the Township Board’s concerns regarding the installation of nonmotorized facilities in connection to site plan reviews, provides clear direction to both staff and developers, and makes this section consistent with other existing sections of the ordinance. After a revision, the Township Board adopted the amendment at their August 25, 2021 meeting.

Outdoor lighting standards for loading docks — The Zoning Board of Appeals reviewed a variance request from Section 54.60 for a commercial site to use pole lighting standards for wall mounted lights illuminating the loading docks on the back of a building. The argument presented was primarily that the site needed that level of lighting on the rear of the building and a pole light at this location would create an unnecessary and dangerous obstacle for trucks to maneuver around. After discussion the Zoning Board of Appeals unanimously voted to approve the variance request and to send a request to the Planning Commission to consider an amendment to the ordinance to better address lighting for loading docks. Staff presented the Zoning Board of Appeals request along with a drafted amendment to the Planning Commission at their regular August 12, 2021 meeting. After discussion and revisions, the Planning Commission unanimously motioned to forward the amendment to a Public Hearing. A Public Hearing for the proposed text was held on September 9, 2021 where the Planning Commission unanimously motioned to forward the proposed amendment to the Township Board. The Township Board adopted the amendment at their September 28, 2021 meeting.

UPCOMING ORDINANCE AMENDMENTS

One of the purposes of the Annual Report is to look ahead to 2022 and anticipate those items that the Planning Commission desires to address or work on over the next 12 months and beyond in the area of planning and zoning.

Housing Action Plan —Thriving, inclusive communities have a diverse and affordable supply of housing. For Oshtemo to address the needs of its growing population and housing affordability challenges, the Township entered into an agreement with the W.E. Upjohn Institute for Employment Research on September 28, 2021 to develop a housing action plan, to become part of the Township’s Master Plan, which will ultimately translate community housing needs into programs, policies, and ordinance updates. The Planning Commission is the project’s steering committee. W.E.Upjohn is in the process of completing their background research and is scheduled to hold their first meeting with the Planning Commission on February 24, 2022.

5G—5G refers to a new type of communication tower linked to driverless cars. Federal regulations have required that municipalities allow for these special towers. The zoning ordinance needs to be updated if the Township wants to have any control over where and how these towers are placed. In 2021 adopting a 5G ordinance was identified as a top priority by the Planning Commission. With the Planning Commission’s and Township Board’s Approval a contract was entered into with McKenna Associates on November 5, 2021 to develop a 5G ordinance. Work on this ordinance is ongoing.

VC and Village Form Based Code update—The Oshtemo Downtown Development Authority (DDA), with the blessing of staff and the Planning Commission, entered into an agreement with Wade Trim on September 29, 2021 to prepare a draft ordinance amendment to implement the recommendations outlined in the 2019 Village Theme Development Plan Update – a plan guiding future growth and development of the DDA’s district surrounding Stadium Drive and 9th Street. Work on these amendments is ongoing.

Other ordinance amendment topics also on the Planning Commissions project list include: Maple Hill South Mixed-Use Overlay District; Permitted Uses, Permitted Uses with Conditions, and Special Uses; signage; sidewalk, lighting, dry sewer in developments; marijuana; nonhazardous materials; and the continued implementation of the Go!Green Oshtemo Plan.

REZONINGS

The Planning Commission received no rezoning requests in 2021; four less requests than in 2020.

SUBDIVISION/SITE CONDOMINIUMS

No new subdivision or site condominium requests were submitted to the Township in 2021. No requests were reviewed in 2020.

SPECIAL EXCEPTION USES

A total of seventeen Special Exception Use applications were submitted to the Planning Department in 2021, which is nine more than were evaluated in 2020. All but one were approved, each with a specific set of conditions, which the applicant was required to meet as part of the development of the project.

Tables summarizing all Special Exception Use reviews in 2021 can be found on the following two pages.

Five of the Special Exception Uses were for new construction.

1) Hampton Plaza, a new 7,488 square foot multi-tenant, retail sales commercial building with a drive-thru to be constructed on the now vacant 6297 W Main Street. 2) Jiffy Lube requested to build a new 3,020 square foot Jiffy Lube vehicle service facility in an excess portion of Meijer's parking lot. 3) The Kalamazoo County Consolidated Dispatch Authority submitted a request for the construction of two new communication towers within the Township. 4) Speedway requested to demolish the existing gas station, dry cleaning, and car wash at 1250 and 1300 S Drake Road to construct a new 4,608 sqft convenience store with a ten dispenser auto fueling canopy. 5) Biggby coffee requested the construction of a 349 square foot BCubed drive-thru within an excess portion of the Meijer parking lot.

Two of the approved Special Exception Uses were expansions to existing residential developments. 1) Emberly Acres II Condominium expansion including the extension of Glendora Lane and twenty (20) new condominium units. 2) Huntington Run mobile home park requested an expansion to construct an additional 31 mobile home units located at 6255 Cranbrook Lane.

Two of the approved Special Exception Uses were for temporary outdoor events within the Township, which is one more than in 2020. 1) Country Fresh Farms requested approval to hold an outdoor meat sale event in the southwest corner of the Menards parking lot. 2) A request from Oshtemo Staff to permit Jac's Cekola's Pizza and Latitude 42 Brewing Company to have outdoor dining and to grant authority to the Oshtemo Charter Township Planning Department to administer and grant Special Use permits for outdoor dining lasting more than one day to any other restaurants located in Oshtemo Charter Township during the Pandemic.

The Planning Commission often permits staff to administratively review temporary outdoor events once they have been approved through the public hearing process or if they last only one day. While two events were approved by the Planning Commission in 2021, a total of ten events were approved administratively throughout the year. A summary of all Administratively Reviewed Temporary Outdoor Events in 2021 can be found on page eleven of this report.

SITE PLAN REVIEW

In general, the Planning Commission does not review site plans unless they are attached to a Special Exception Use. In 2021, one site plan was submitted to the Planning Commission that did not require special use review, the same number as in 2020. The one site plan was reviewed by the Planning Commission because of the significant number of proposed site improvements tied to a previously approved Special Use. The one site plan review by the Planning Commission is as follows: Steensma Storage requested to add 5,700 square feet of outdoor storage to their previously approved site located at 7561 Stadium Drive. They also requested site plan approval to allow outdoor storage on previously developed property that they own to the south, located at 4100 South 7th Street.

Total Site Plan Reviews in 2021:		1
Project Name / Address	PC Decision	Date
Steensma Storage Area/ 7561 Stadium Drive	Approved	9/30

MEETINGS / ATTENDANCE

The Planning Commission had a total of 24 meetings scheduled in 2021; 22 regular meetings and two joint meetings. Of the 22 planned regular meetings, 18 meetings were held and four canceled due to lack of agenda items. Due to Covid, the Township transitioned to hosting virtual meetings through Zoom. The Planning Commission's regular meetings were held on the second and fourth Thursdays of each month. November and December had only one meeting each due to the holidays. As shown in the table below, the Planning Commission is highly engaged and has a strong participation record.

Commission Members	Attendance
Bruce VanderWeele	18/18
Anna Versalle	15/18
Micki Maxwell	18/18
Chetan Vyas	15/18
Mary Smith	18/18
Kizzy Bradford	16/18
Deb Everett	16/18

SPECIAL EXCEPTION USES continued

Total Special Exception Use Reviews in 2021:				17
Project Title / Address	Applicant	Use/Project Summary	PC Decision	Date
Outdoor dining / Township wide	Oshtemo Staff	Special Use approval to permit outdoor dining for Jac's Cekola's Pizza and Latitude 42 Brewing Company, and to grant authority to the Oshtemo Charter Township Planning Department to administer and grant Special Use permits for outdoor dining lasting more than one day to any other restaurants located in Oshtemo Charter Township during the Pandemic.	Approval	1/14/2021
Jiffy Lube Multicare Amendment/ 6660 W Main Street	Traditional Brand Development Partners, LLC	Special Use and Site Plan approval to construct a 3,020 square foot Jiffy Lube vehicle service facility. Amendment to site plan approved in 2020.	Approved	1/28/2021
Kalamazoo Self Storage/ 1515 S 11th Street	Storage Rentals of America	Special Use and Site Plan approval for the addition of a 9,300 SF self-storage building to the self-storage facility.	Approved	2/25/2021
Oshtemo Schoolhouse #10 Adaptive Reuse / 6667 Stadium Drive	Three Brothers Construction, LLC	Special Use and Site Plan approval for the adaptive reuse of the building. The approval for the construction of five dwelling units and one commercial office in historic Oshtemo Schoolhouse #10 and a wood workshop and indoor storage in the former bus garage.	Partial Approval	3/11/2021
Emberly Acres II Condominium Expansion/ unaddressed	Prime Homes LLC	Special Use and Site Plan approval to expand Emberly Acres II Condominium to the West including the extension of Glendora Lane and twenty (20) new condominium units.	Approved	4/29/2021
Starting Point Preschool / 2345 N. 10th Street	Center Point Church	Special Use approval to establish a child care center as an accessory use to the existing private preschool at the church facilities.	Approved	4/29/2021
Biggby BCubed Drive-thru/ 6660 W Main Street	Wayfound, LLC	Special Use and Site Plan approval to construct a 349 square foot BCubed drive-thru for Biggby Coffee within the Meijer parking lot	Approved	4/29/2021
Speedway/ 1250 and 1300 S Drake Road	Speedway LLC	Special Use and Site Plan approval to construct a new 4,608 sqft convenience store with a ten dispenser auto fueling canopy	Approved	6/24/2021

SPECIAL EXCEPTION USES continued

Project Title / Address	Applicant	Use/Project Summary	PC Decision	Date
6480 Technology Avenue	Corrion 9 th LLC	Special Use and Site Plan approval of an indoor recreational use and to split an existing suite within the multi-tenant building to create two additional tenant spaces.	Approved	6/24/2021
T-Shirt Printing Plus Building Addition/8608 W Main Street	Delta Design Systems	Special Use and Site Plan approval for an indoor recreational use and to construct a 7,800 square foot addition onto the existing multi-tenant building	Approved	7/29/2021
Huntington Run Mobile Home Park Expansion / 6255 Cranbrook Lane	Huntington Run Partners LLC	Special Use and Site Plan approval for Huntington Run mobile home park expansion to construct an additional 31 mobile home units.	Approved	7/29/2021
Hampton Plaza/ 6297 W Main Street.	Botinac, LLC	Special Use and Site Plan approval to construct a 7,488 square foot multi-tenant, retail sales commercial building with a drive-thru.	Approved	8/26/2021
Country Fresh Farms/ 6800 W Main Street	Country Fresh Farms	Special Use and Site Plan approval for a temporary outdoor event (lasting more than one day) to allow an outdoor meat sale event in the southwest corner of the Menards parking lot.	Approved	9/30/2021
PUD Amendment, Phase I of West Port Village / un-addressed	Jeff Scheffers	Special Use and Site Plan approval to eliminate Unit 22 and enlarge Units 19, 20, and 21 within Phase I of the West Port Village Planned Unit Development.	Approved	9/30/2021
KCCDA Oshtemo / unaddressed	Pyramid Network Services, LLC	Special Use and Site Plan approval to construct a 199-foot-tall unmanned communication tower on the back half of Parcel 05-10-155-011 along N 6th Street to serve Kalamazoo County Consolidated Dispatch Authority.	Approved	10/14/2021
KCCDA WMU / 5010 S Drake Road	Pyramid Network Services, LLC	Special Use and Site Plan approval to construct a 199-foot-tall unmanned communication tower to serve Kalamazoo County Consolidated Dispatch Authority .	Approved	10/14/2021
Paw Paw Upholstery / 6335 Killington Drive	Paw Paw Upholstery	Special Use approval to establish an upholstery workshop to serve as a home occupation within an existing accessory building.	Denied	12/17/2021

ZONING BOARD OF APPEALS

In total, eleven applications were reviewed by the Zoning Board of Appeals in 2021. This is up from 2020 by two applications.

SITE PLAN REVIEWS

Three site plans were reviewed by the Zoning Board of Appeals in 2021, which is two less than were considered in 2020. Of these reviews, one was for new construction and two were for additions to existing buildings. A brief summary of the 2021 Zoning Board of Appeals site plan reviews can be found below.

Total Site Plan Reviews for 2021:				3
Project Name/Location	Applicant	Use/Project Summary	Decision	Date
APW Building Addition/3245 S 6th Street	Advance Poured Walls, Inc.	Construct a 6,860 square foot building addition and 4,500 square feet of outdoor storage area	Approved	2/23
Fetzer Institute Fitness Center/ 9132 W KL Avenue	VIRDIS Design Group	Construct a 4,800 square foot fitness and storage facility to service the John Fetzer Institute	Approved	2/23
Dr. Bandos Addition/5925 Venture Park Road	Schier Real Estate Holdings, LLC	Construct a 1,049 square foot building addition	Approved	5/25

DIMENSIONAL VARIANCES

The Zoning Board of Appeals reviewed eight dimensional variance requests in 2021, four more than in 2020, see the table on page 8 for a summary of all dimensional variance request reviews in 2021. A variance is a license to use property in a way not permitted under the ordinance. If the Township received a large number of variance applications each year on a specific ordinance requirement, it could mean there is something wrong with that ordinance, necessitating a review that may warrant an ordinance revision.

Variations are considered carefully and under normal circumstances rarely granted. The approval rates tend to be high for dimensional variances within the Township because of Planning staff efforts to filter requests that do not meet the legislative and legal requirements for granting approval, including: ensuring the spirit of the ordinance is observed, public safety is secured, substantial justice done, a practical difficulty exists, there is a unique circumstance found on the property, and that the problem is not self-created.

MEETINGS / ATTENDANCE

Zoning Board of Appeals meetings are scheduled on the fourth Tuesday of each month. In 2021, of the twelve regularly scheduled meetings, eight were held and four canceled due to lack of agenda items. In addition, one special meeting was held and the Zoning Board of Appeals was invited to two Joint Board meetings. As shown on the table on the right, aside from one member, the Zoning Board of Appeals is highly engaged and has a strong participation record. It should be noted that Louis Williams was appointed to the Zoning Board of Appeals in May of 2021 to replace Fred Antosz who resigned. Due to attendance, Ollie Chambers will not be serving on the Zoning Board of Appeals Board in 2022.

Board Members	Attendance
Ollie Chambers	0/9
Fred Antosz	1/2
Micki Maxwell	8/9
Neil Sikora	9/9
Anita Smith	9/9
Louis Williams	5/5
Fred Gould	9/9
Dusty Famer	9/9

DIMENSIONAL VARIANCES continued

Total Dimensional Variance Requests in 2021:				8
Address	Applicant	Variance	Date	Decision
5022 W Main Street	ShopOne	Relief from Section 52.60 of the Zoning Ordinance in order to divide the eastern most unit at 5022 W Main Street in half and construct a new loading station on the east side of the building to service the new unit	1/28	Denied
Unaddressed	The Four Leaf Companies	Request to allow the Huntington Run Mobile Home Park and the proposed expansion area to have one point of ingress/egress instead of two	4/27	Approved
6660 W Main Street	Fishbeck	Relief from two requirements of Section 54.60, Outdoor Lighting Standards to replace the existing pole-mounted and building-mounted lighting	5/20	Approved
6400 W Main Street	Sign Art, Inc	Request for Multiple Sign Variances for New Multi-Tenant Commercial Center	6/22	Approved
6291 Torrington Road	Richard Wolthuis	A variance to allow a 12' reduction of the 15' required rear yard setback in order to construct a 16' x 29' deck	9/28	Denied
2520 Robert Jones Way	RWL Sign Company	Request for Multiple Sign Variances for New Medical Office Building	9/28	Partial Approval
10294 W KL	Jamie Schneck	A variance to allow a 6' tall privacy fence within the front yard setback adjacent to W KL Avenue and Almena Drive.	10/12	Denied
5756 Coddington Lane	Nicole Rudlaff	A variance to allow a 4'2" reduction of the 15' required rear yard setback and a 6'4" reduction of the 10' required side yard setback in order to construct a 18' x 36' in-ground swimming pool	10/20	Denied

PLANNING DEPARTMENT REVIEWS

The Planning Department processes all of the development applications that are submitted to the Township, including rezoning requests, variances, site plans, building, sign, and sidewalk permits. In 2021, a total of 480 (+ land division) applications were reviewed by Planning Department staff. For reference 393 applications were reviewed in 2020, 448 were reviewed in 2019, and 351 applications were reviewed in 2018. Please note that these numbers do not include the applications for addresses and requests for zoning verification letters as they were not included in this report until this year.

The Zoning Ordinance grants the authority to the Planning Department to administratively review and approve site plans in certain instances. These include minor amendments to a previously approved site plan, accessory buildings that meet certain criteria, certain temporary outdoor events, and communication tower co-locations or upgrades. A total of 22 administrative development reviews were conducted in 2021, which is nine more than completed in 2020. A brief summary of the 2021 staff level reviews are on the following two pages.

In addition to the site plan applications noted above, the Planning Department also completed reviews for land divisions, sign permits, building permits, zoning verification letters, and addressing. These reviews account for a significant portion of the Zoning Administrator's daily activities.

COMMUNICATION TOWER CO-LOCATIONS OR UPGRADES

Total Communication Tower Reviews in 2021:		1
Address	Applicant	Approval Date
624 N 4 th Street	SBA Network Services	12/03

BUILDING PERMITS

Planning Department staff reviews building permit applications that are subject to zoning compliance as determined by the Southwest Michigan Building Authority to ensure that all requirements of the zoning ordinance are met. Staff also checks for any conditions of approval that may have been placed on the property by the Planning Commission or Zoning Board of Appeals during the plan review and approval process. In 2021, the Township issued 674 building permits, which is a 38 percent increase from the 487 reviewed in 2020. Of the total number of permits issued, 352 or 52 percent required zoning review by the Township Zoning Administrator. This is an increase from the 292 building permits that required zoning review in 2020.

SIGN PERMITS

A total of 34 sign permits were issued in 2021, which is seven less than 2020. New signs were over half of the permits issued in 2021, at 20 permits. The remaining 14 permits were for temporary signs or panel replacement signs. The majority of the total sign permits were issued to addresses on West Main Street, with the remaining sign permits primarily on Stadium Drive and the Drake Road and 9th Street corridors.

LAND DIVISIONS

In 2021, the Zoning Administrator worked with the Assessing Department to review X land division, re-description, or combination applications; 13 applications were approved in 2020. The task of the Zoning Administrator is to ensure that the requested change to property boundaries meets all of the area requirements established in the Township's Zoning Ordinance.

SIDEWALK PERMITS

In 2015, the Township initiated a sidewalk permitting process to help ensure new sidewalk development meets regulatory standards. These requirements incorporate the Americans with Disabilities Act standards for accessible design. The permit requires both a pre- and post-concrete pour inspection, which is managed between the Ordinance Enforcement Officer and Public Works Department. In 2021, a total of 43 sidewalk permits were issued. This is a 59 percent increase from 2020 when 27 permits were issued. The number of sidewalk permits issued is indicative of the residential construction occurring in the Township.

ADDRESSING

In March of 2021 the Township adopted a new Street Name and Addressing Workflow in which the assignment of all street addresses became the responsibility of the Planning Department. The goal for the new workflow is to create a uniform address and street data procedure for more consistent assignment and for improved emergency response within the Oshtemo Township limits. In 2021, eight addresses for individual parcels were assigned in addition to addresses for one condominium project (Emberly Acres - Phase II Addition). Said condominium project consisted of 20 units.

ZONING VERIFICATION LETTERS

A Zoning Verification Letter is a document provided to an individual by the Township that verifies the current zoning of a particular piece of property, the types of uses that are allowed in that zoning district, approval records, and other requested zoning information or documents. In 2021 twelve Zoning Verification Letters were issued. In 2020 eleven Zoning Verification Letters were issued.

MINOR AMENDMENTS TO AN APPROVED SITE PLAN

Total Minor Amendments Administratively Reviewed in 2021:			11
Address	Applicant	Use/Project Summary	Approval Date
5620 Stadium Drive	SP & BALLY INC	The addition of a galvanized 6 foot high iron chain link fence on the eastern property line	4/29
1060 N 10th Street	Hurley and Stewart LLC	New building within approved West Pointe Office Park	5/25
7656 W Main Street	Scott Herder	Clear cutting permit to address trees infected with red pine borers	6/21
5100 Century Avenue	Barghausen Consulting Engineers, Inc	ADA upgrades to the Costco Store	6/28
5943 Stadium Drive	Braintrust Behavioral Health LLC	Alter parking lot to expand outdoor therapy area	7/19
501 N 9 Street	B&A Property Maintenance	Install a pollinator garden	7/28
3601 S 9th Street	Weidman Construction	ADA parking and sidewalk improvements	9/15
5900 W KL Avenue	Viridis Design Group	Parking lot and site circulation improvements	10/14
1548 Concord Place Drive	Audrey Homes, Inc	Additional parking, sidewalks, and ADA access to the office	10/14
5943 Stadium Drive	Braintrust Behavioral Health LLC	Addition of a playground and 6 foot tall chain link fence	10/15
3800 S 12th Street	Kalamazoo Christian School	Gymnasium expansion	11/19

TEMPORARY OUTDOOR EVENTS

Total Administratively Reviewed Temporary Outdoor Events in 2021:			10
Address	Applicant	Event	Approval Date
8456 Stadium Drive	Lawton Ridge Winery	Food trucks at 8456 Stadium Drive on Wednesdays from April 14 to October 27.	3/17
5030 West Main	Geoff Moffat	Oshtemo Rotary Family Festival, taking place at 5030 West Main from Thursday, May 27 rd to Monday, May 31 th , 2021.	4/29
2203 S 11th	H.O.P.E	One day fair designed to link residents at the Baymont Inn to community support services on May 4th.	5/4
5034 West KL Avenue	The Good Stuff Fireworks	Temporary outdoor sales of fireworks from the parking lot located at 5034 West KL Avenue from June 10 – July 8, 2021.	6/7
6660 West Main Street	TNT Fireworks	Temporary outdoor sales of fireworks from the Meijer parking lot located at 6660 West Main Street from June 22 th to July 5 th	6/7
5200 Croyden Avenue	The Wyatt	Temporary 30-yard dumpsters on-site at 5200 Croyden Avenue from August 02, 2021 through September 01, 2021	8/2
1758 N 10 th Street	Chris Schleuder	People's Church Bazaar, taking place at 1758 N 10 th Street on Saturday, September 25, 2021 from 10am to 3pm.	9/17
4321 S 11 th Street	Michael Johnson	A one day event to allow Mobile Food Vehicles at 4321 S 11 th Street on October 2	9/30
2345 North 10th Street	Centerpoint Church	One day outdoor Harvest Hangout Trunk or Treat event to be held in the parking lot of Centerpoint Church on Saturday, October 30 th , from 10 am to 5:00 pm	10/14
5030 West Main Street	Wahmhoff Farms, LLC	Temporary outdoor Christmas tree sales event, to take place in the southeast parking lot at 5030 West Main Street from November 26, 2021 through December 22, 2021	10/28

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DRAFT



February 18, 2022

Mtg Date: February 22, 2022
To: Zoning Board of Appeals
From: Iris Lubbert, AICP, Planning Director
Subject: Annual Board Variance Review Training

Per request of the Zoning Board of Appeal's Chair, the Planning Director and Township Attorney will hold an annual training session/refresher course for the Zoning Board of Appeals members on the review criteria for variances at the start of every year. Accordingly, this training session will be held at the Board's February 22nd meeting.