

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

MINUTES OF A MEETING HELD FEBRUARY 26, 2008

Agenda

**VILLAS OF STONEHENGE - SIGN DEVIATION DURING 9TH STREET ROAD
CONSTRUCTION PROJECT**

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on Tuesday, February 26, 2008, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Grace Borgfjord, Chairperson
Robert Anderson
Dave Bushouse (after 3:10 p.m.)
Duane McClung
Roger Taylor
Cheri Bell, Alternate
Mike Smith, Alternate

MEMBERS ABSENT: None

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Senior Planner; Brian VanDenBrand, Associate Planner; James W. Porter, Township Attorney; and two other interested persons.

Call to Order

The Chairperson called the meeting to order at approximately 3:00 p.m.

Minutes

The Chairperson asked if everyone had reviewed the minutes of January 22, 2008. Having done so, she asked if there was a motion on the same. Mr. McClung made a motion to approve the minutes as submitted. The motion was seconded by Ms. Bell. The Chairperson called for a vote on the motion, and the motion passed unanimously.

VILLAS OF STONEHENGE - SIGN DEVIATION DURING 9TH STREET ROAD CONSTRUCTION PROJECT

The Chairperson indicated that the next item on the Agenda was consideration of a request for a sign deviation pursuant to Section 76.130 of the Zoning Ordinance to allow off-premise development signs for the Villas of Stonehenge during the reconstruction of 9th Street. The Chairperson asked for a report from the Planning Department. Mr. VanDenBrand submitted his report to the Zoning Board of Appeals dated February 26, 2008, and the same is incorporated herein by reference.

Mr. VanDenBrand explained to the Board that the applicant was seeking two off-premise signs located at the intersections of 9th Street and KL Avenue, as well as 9th Street and Stadium Drive. He further stated that the applicant was also requesting a deviation from the height limitation for development signs. Mr. VanDenBrand then proceeded to take the Board through a review of the criteria for granting a deviation per Section 76.500, as more fully set forth in his report.

Mr. Bushouse entered the meeting.

The Chairperson asked if there were any questions. Hearing none, she asked to hear from the applicant. Mr. Ken Watts introduced himself on behalf of the Villas of Stonehenge. Mr. Watts explained that most of their business was generated by people driving by their site. He first apologized for asking for the oversized signs. He said he was not aware of the restrictions under the Zoning Ordinance, and he said he would be happy to comply with size requirements as provided for under the Zoning Ordinance. He said, however, they would appreciate two off-premise signs in order to let those traveling in the area know that they are open for business and that their condos were available for viewing. Mr. Watts said he would be open to any type of resolution which the Board felt was appropriate. He said he had talked to the Kalamazoo County Road Commission staff, and they were open to whatever the Township decided.

The Chairperson asked if there were any questions. Mr. McClung asked if the applicant would comply with the size requirements under the Zoning Ordinance. Mr. Watts indicated that was correct. Mr. McClung asked if they needed to obtain authorization from the property owner for placement of the signs which they were requesting. Mr. VanDenBrand indicated the signs would be within the right-of-way, and therefore, individual property owner permission would not be necessary if a deviation was granted.

Mr. Taylor asked if the Road Commission had approved any specific locations for the signs. Mr. VanDenBrand said they had not picked a specific location, but the signs could not be located in front of a barricade itself. Mr. Watts added that they would be willing to make the sign mobile in order to accommodate the Road Commission.

Mr. Dennis Erickson, also with the Villas of Stonehenge, asked the Board if it would grant some form of relief, especially in light of the existing market and the long period of closure expected for 9th Street.

The Chairperson asked if there was any further public comment. Hearing none, she closed the public portion of the meeting. The Chairperson then called for Board deliberations.

The Chairperson asked that the Board specifically review the criteria as outlined in Mr. VanDenBrand's report. Mr. Bushouse said that he understood the applicant's position but he also was aware that there was a mobile home park, a body shop, a credit union and other businesses which would be experiencing a similar impact on their business. Mr. Bushouse said generally only a single sign is posted at the intersection indicating which businesses remain open, not individual signs for each individual business. He said he was concerned if this request was granted, it would not be the last. Mr. McClung said that he did not think that the body shop would be negatively affected. Mr. Bushouse said that they would still experience a loss in exposure because of the lack of traffic.

The Chairperson said that ECCU members had all received a notice, and they apparently had planned on this reconstruction project for some period of time.

Mr. Smith asked whether all lanes of the bridge would be closed, or whether it would just be a partial closure. Ms. Stefforia said that the entire bridge would be closed until the fall of 2008.

Mr. Taylor said that he was concerned that the signs might proliferate, and he did not see that this situation was unique to the applicant, but applied to all businesses in the area. Mr. Smith said that he thought the way to go would be to put up a sign referencing all of the businesses as indicated by Mr. Bushouse. Ms. Bell said that the applicants have a valid concern, but it was difficult to grant their request given the way that the Ordinance read. She said that the Ordinance would not seem to support the granting of a deviation, but she was sympathetic with the applicant's plight and wanted to see some type of sign, not only to help the business but the motoring public.

Mr. Taylor asked whether the Board could make some sort of recommendation. Attorney Porter noted that the Zoning Board of Appeals being a quasi judicial body, certainly had the authority to ask the Township Staff to work with the Road Commission and the applicant to come up with an appropriate resolution, even if the Board was not inclined to grant the deviation as requested.

Mr. Bushouse suggested that the Township incorporate the cost of the sign as a Township expense since it was a participant in the project which was causing the closing of 9th Street. Mr. Bushouse asked if that was appropriate. Attorney Porter said

that it would be in the public interest to provide the sign, and he felt that it was a justifiable cost of the project.

A brief discussion ensued as to where the signs would be located. It was the consensus of the Board that, with the Road Commission's permission, the signs would be posted at KL and 9th Street, as well as KL and Stadium Drive. With that, Mr. Taylor made a motion to deny the deviation as requested but to ask that Staff work with the applicant and the Road Commission to post appropriate signs at KL Avenue and 9th Street and 9th Street at Stadium Drive, indicating which businesses would be open for business and what detours, if any, would be necessary. Mr. McClung seconded the motion. The Chairperson called for further discussion on the motion, and hearing none, called for a vote on the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

None.

Any Other Business

The Chairperson asked if the Board would agree to incorporate the Pledge of Allegiance in its agenda procedure. It was a consensus of the Board to incorporate the Pledge of Allegiance into its meeting agenda in the future.

Adjournment

There being no other comments, the meeting was adjourned at approximately 3:30 p.m.

Minutes Prepared:
March 3, 2008

Minutes Approved:
_____, 2008