



OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS

MINUTES OF A MEETING HELD JUNE 28, 2011

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Agenda

**DE VISSER - SITE PLAN REVIEW - HOUSE CONVERSION TO OFFICE - 3988 SOUTH 9TH STREET - (PARCEL NO. 3905-35-330-031)**

**METRO TOYOTA – INTERPRETATION – ILLUMINATED STRUCTURE - WALL SIGN OR ARCHITECTURAL FEATURE**

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A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on Tuesday, June 28, 2011, commencing at approximately 3:02 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Roger Taylor, Chairman  
Grace Borgfjord  
Robert Anderson  
L. Michael Smith  
Neil Sikora, First Alternate  
James Sterenberg, Second Alternate

MEMBERS ABSENT: Cheri Bell, Vice Chair

Also present were Jodi Stefforia, Planning Director; James W. Porter, Township Attorney; Linda Ignasiak, Township staff.

**Call to Order/Pledge of Allegiance**

The meeting was called to order by the Chairman at approximately 3:02 p.m., and the "Pledge of Allegiance" was recited.

**Minutes**

The Chairman said the next item on the Agenda was approval of the minutes of April 26, 2011. Mr. Smith made a motion to approve the minutes, as submitted, and the motion was seconded by Mr. Anderson. The Chairman called for a vote on the motion, and the motion passed unanimously.

**DE VISSER - SITE PLAN REVIEW - HOUSE CONVERSION TO OFFICE - 3988 SOUTH 9TH STREET - (PARCEL NO. 3905-35-330-031)**

The Chairperson indicated that the next item on the agenda was consideration of the request by Dave DeVisser, of DeVisser Landscape Service for site plan review for the conversion of a residence and garage to an office with related site improvements.

The Chairperson called for the Staff report, which is incorporated herein by reference. Ms. Stefforia told the Board that the current site plan review was approved by the ZBA in 2004, however the project did not move forward. She said the current request was in the same format as previously presented, but with the exception of the garage that was going to remain storage space in 2004 is now being proposed to be remodeled into office space.

Ms. Stefforia said the property is currently zoned "R-3" Residential, but was located immediately adjacent to property zoned "I-R" Industrial District, Restricted, where the applicant's business is located. She said the applicant's proposal is to convert a residence on the "R-3" property for its business office. Ms. Stefforia explained that the conversion of a residence to an office was a permitted use in the "R-3" District. She said that the criteria to be satisfied for office use in the "R-3" District was outlined in Section 23.202 and that site plan would have to be considered pursuant to Section 82.800.

Ms. Stefforia provided the department review of Section 23.202 for the Board's consideration. Ms. Stefforia outlined the criteria. Ms. Stefforia said that there were no exterior changes proposed to the building other than those required by the Building Code for accessibility purposes, but that the existing driveway will be removed and a new one established along with a new parking area behind the building. She said a large portion of the site would remain in its natural state, maintaining significant open space within the parcel. Ms. Stefforia said that there would be a 20' freestanding light pole in the parking area and decorative landscape lighting along the walkway lot to the front door. The parking and drive would be more than 10 feet off the north property line and screened from view from the north by existing and supplemented landscaping.

Ms. Stefforia pointed out that R-3 parcel with the residence is nonconforming as to dimensional requirements and must be combined with the abutting property to become conforming. She added that

the aerial photograph reveals that there is some parking and/or storage of equipment and vehicles on this property presently. When the residence is converted and site improvements made, outdoor storage and parking other than in the parking lot cannot be allowed.

Ms. Stefforia reported that in 2008, the Village Area Form Based Code Overlay Zone was enacted. The subject property is within the *Corridor South* District in the Zone. Because this project involves an existing building, offices are allowed, and the parking is proposed behind, there are not many implications of the Overlay Zone on this property. The most notable changes from 2004 relate to lighting.

Ms. Stefforia noted that the separation of the new driveway from the existing business driveway is 225 feet, while the Ordinance requires 230 feet. She also noted that the off-set of the new drive from one across 9th Street is only 60 feet, where the Ordinance requires an off-set of 150 feet. She said, given the limited amount of traffic which would be generated, the Staff was comfortable with the proposed location of the new drive. However, she noted that the proposed driveway would be subject to review and approval by the County Road Commission.

Ms. Stefforia told the Board that, since the building was existing setbacks were not an issue. Ms. Stefforia said that a sign identifying the business currently exists along 9th Street, and that if additional signs were requested, a sign permit would be required pursuant to Section 76.000 of the Zoning Ordinance.

Ms. Stefforia next directed the Board's attention to the landscaping requirements as they relate to abutting properties. She indicated that the site plan needed to be revised to achieve compliance with the provisions of Section 75.000 of the Ordinance. She added that landscaping required along the north property line is less than in 2004 as the single family home formerly on that property has been removed and the land is now part of the Tall Oaks PUD and approved for commercial use.

Ms. Stefforia noted for the Board and the applicant that the site plan is subject to Fire Department approval, along with review and approval by the Township Engineer for overall design and storm water management. She also noted that all site improvements - parking and landscaping - had to be installed before issuance of a certificate of occupancy.

The Chairperson then asked the applicant for his presentation. Dave DeVisser of DeVisser Landscape Properties, 4014 South 9<sup>th</sup> Street, handed out a small brochure to the board members. He announced this was their 45th year at this location and they have simply outgrown the facility. Mr. DeVisser explained they purchased the adjacent property to the north in 2004 and began bringing the house up to code compliance. The project was then put on hold due to the depletion of funds. Mr. Smith asked how many employees the company had. Mr. DeVisser said there were six to seven currently and would eventually have no more than ten. The services they provide include: lawn maintenance, landscape service and snowplowing. They also have a 'Weed Man' franchise and planned to use the house for those offices. He noted the kitchen would probably become the reception area making the main entrance in the rear of the house. He said the front entrance, facing the street, would have major landscape appeal. The landscape design would be at a level that projects their image, much like the current sign area, which is designed with a waterfall and flowers. Ms. Borgfjord asked if there were to be any new signs. Mr. DeVisser said there were presently no plans to change the current signage.

The Chairperson asked if there were any further questions of Mr. DeVisser. Hearing no further questions of Mr. DeVisser, the Chairperson called for Board deliberations. Mr. Smith said he thought the proposed site plan looked good and could see no reason not to approve the plan as presented, provided that all criteria noted in the staff report are met. The Chairperson asked the Board members if they had any questions or concerns. Ms. Borgfjord asked if any additional asphalt would create water runoff. Ms. Stefforia stated the site plan shows adequate room for drainage and has been approved by the Township Engineer .

The Chairperson said if there was no further discussion he would entertain a motion. Mr. Smith made a motion to approve the site plan as submitted subject to the following:

- 1)The proposed driveway is subject to approval by the Kalamazoo County Road Commission.
- 2)The two parcels must be combined before a Building Permit may be issued.
- 3)The parking/drive areas of the two 'sites' must be combined to allow for vehicular cross access.
- 4)There should be a pedestrian connection established between the office and balance of the business property.

- 5) Outdoor storage is neither requested on the site plan nor allowed in the R-3, Residence District or in the Village Area Overlay Zone.
- 6) All site lighting shall be in compliance with the lighting guidelines set forth in Sections 23.202(b) and 34.650.
- 7) Pursuant to Section 76.000, a Sign Permit will be required before any wall signs can be placed upon the building.
- 8) A revised landscaping plan is required before a Building Permit may be issued.
- 9) All site improvements – parking and landscaping – shall be installed prior to issuance of a Certificate of Occupancy.
- 10) Site plan approval is subject to the applicant complying with the requirements of the Fire Department, pursuant to adopted codes.
- 11) Site plan approval is subject to the Township Engineer finding the proposed site engineering to be adequate.
- 12) An Environmental Permits Checklist and Hazardous Substance Reporting Form were completed and submitted in 2004 and must be updated by the applicant.

Mr. Anderson seconded the motion. The Chairperson called for further discussion. Hearing none, he called for a vote on the motion. The motion passed unanimously.

**METRO TOYOTA – INTERPRETATION – WHETHER AN ILLUMINATED STRUCTURE IS A WALL SIGN OR AN ARCHITECTURAL FEATURE**

The Chairperson announced that after this item was advertised for public hearing, the applicant indicated that the owner was not available to attend this meeting and requested the matter be tabled. Ms. Borgfjord made a motion to table the item until July 26, 2011. Mr. Smith supported the motion. The Chairperson called for a vote on the motion and the motion passed unanimously.

**Public Comment on Non-Agenda Items**

None.

**Any Other Business**

Ms. Borgfjord said the Taco Bell project started today and completed the demolition with only a sign remaining onsite.

**Adjournment**

There being no further business to come before the Board, the Chairman adjourned the meeting at approximately 3:32 p.m.

Minutes Prepared:  
June 29, 2011

Minutes Approved:  
July 26, 2011