

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

MINUTES OF A MEETING HELD NOVEMBER 27, 2007

Agenda

MENARDS - SIGN DEVIATION - 6800 WEST MAIN STREET - (PARCEL NO. 3905-14-155-028)

THIRD REFORMED CHURCH - SITE PLAN REVIEW - 2345 NORTH 10TH STREET - (PARCEL NOS. 3905-11-280-045 AND 3905-11-280-021)

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on Tuesday, November 27, 2007, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Grace Borgfjord, Chairperson
Robert Anderson
Dave Bushouse
Duane McClung
Roger Taylor
Cheri Bell, Alternate
Mike Smith, Alternate

MEMBERS ABSENT: None

Also present were Mary Lynn Bugge, Senior Planner; Brian VanDenBrand, Associate Planner; James W. Porter, Township Attorney; and 10 other interested persons.

Call to Order

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

Minutes

The Chairperson asked if the members of the Board had had a chance to review the minutes of October 23, 2007. Mr. McClung said that he had, and he made a motion

to approve the minutes as submitted. The motion was seconded by Mr. Anderson. The Chairperson called for a vote on the motion, and the motion passed unanimously.

MENARDS - SIGN DEVIATION - 6800 WEST MAIN STREET - (PARCEL NO. 3905-14-155-028)

The Chairperson stated that the next item for consideration was Menards' application requesting a deviation from the wall sign limitations set forth in Section 76.170 to allow a revised wall sign package. The subject property is located at 6800 West Main Street, Parcel No. 3905-14-155-028. The Chairperson called for a report from the Planning Department. Mr. VanDenBrand submitted his report to the Board dated November 27, 2007, and the same is incorporated herein by reference.

Mr. VanDenBrand explained that Section 76.170 allows for a maximum number of four wall signs for a business such as Menards. He said that the business is permitted one square foot of sign area per each linear foot in length or height (whichever is greater) of the wall to which the sign is attached. He said that more than one sign could be attached to a wall as long as the total square footage of all signs did not exceed the 1-to-1 ratio. He said that Menards currently had nine signs, all of which predated the Township's current Ordinance, and therefore, they are legally nonconforming.

Mr. VanDenBrand pointed out that the applicant was willing to remove 46 square foot of incidental signage in order to try to accommodate the additional 30.2 square feet of garden center signage which Menards was requesting. He said this sign deviation would increase the number of store signs to ten. However, as an additional trade-off, the applicant would agree to tint the three large arched front windows which, because of the brightness and glare emanating from lights within the store, were tantamount to a sign. He said perhaps this reduction in glare could be considered a reduction in the overall sign space because the lighting draws attention from motorists on M-43 and 9th Street. Mr. VanDenBrand then took the Board members through a review of the criteria for granting the deviation as more fully set forth in his report.

The Chairperson asked if there were any questions of Mr. VanDenBrand. Hearing none, she asked to hear from the applicant. Mr. Don Gudmanson said he thought that the Board had all of the pertinent background information, and he did not have anything to add to that information.

The Chairperson asked Mr. Gudmanson if the lights that are currently on site had been there since they opened. Mr. Gudmanson indicated that they had. Ms. Bugge indicated that they were grandfathered and would not meet the current requirements of the Ordinance.

The Chairperson asked if there was any comments from those in the audience. Mr. VanDenBrand said that they had received an e-mail from Tim Timmons, who managed the property south of the site, speaking in favor of granting the sign deviation.

Hearing no other public comment, she called for Board deliberations.

Mr. Smith asked how large the proposed sign was. Mr. VanDenBrand said Menards was requesting a 30.2 square foot sign for the garden center.

Mr. Taylor asked how many square feet were nonconforming. Mr. VanDenBrand said it was not a matter of square footage because the overall area of the building was large enough to accommodate the amount of square footage, but it was the number of signs which were permitted.

Mr. Taylor asked what the size of the sign was which Menards was proposing to remove as opposed to the size of the sign which it wanted to put up. Mr. VanDenBrand said Menards offered to remove a 46.7 square foot sign, but that sign was incidental and not considered part of the actual signage at issue. Mr. Taylor said he thought if the applicant was willing to reduce the glare of the lights, that concession was significant and should be taken into account.

Mr. Taylor asked if any complaints had been received regarding the lighting. Mr. VanDenBrand responded that a number of complaints had been received over the years. Mr. Anderson asked what the complaints were for. Ms. Bugge indicated they were for glare.

Mr. Anderson said he thought it seemed best for the public's interest to allow one additional sign, especially in light of the fact that the square footage of the sign limitation was not being exceeded if the Township could receive a reduction in the glare from the lights. Mr. Anderson added that the deviation, if granted, would not be inconsistent with the fact Menards had no limit on the number of signs when first built.

Ms. Bell said that she was a bit concerned that they were treating the applicant differently than they had treated Wal-Mart and Meijer. Mr. Bushouse said he was concerned about the light display itself, (i.e. the chandeliers for sale) not just the ceiling lights visible through the three large arched front windows, and he thought granting the requested deviation was an appropriate trade-off in the Township's best interest. He said he thought it was the lesser of two evils.

The Chairperson said she would entertain a motion. Mr. Bushouse made a motion to approve the sign deviation as requested upon two conditions: (1) that the applicant apply tinting, subject to Staff approval, to all the windows along the front of their store to reduce the glare, and (2) that the 46.7 square foot sign reading, "Dedicated to Service and Quality" be removed. The motion was seconded by Mr. McClung. Mr. Taylor then asked for clarification of whether all the front windows or just

the three large front windows were to be tinted. Mr. Bushouse said he intended that all of the windows be tinted.

Mr. Gudmanson asked if there was another option. Mr. VanDenBrand and Ms. Bugge explained that the other option would be to bring the signage into compliance with the Township Ordinance. A discussion was held as to whether the matter should be tabled and brought back to the Board after Mr. Gudmanson had a chance to confer with his superiors at Menards. It was the consensus of the Board to let the motion stand. The Chairperson called for a vote on the motion, and the motion passed 5 to 0.

THIRD REFORMED CHURCH - SITE PLAN REVIEW - 2345 NORTH 10TH STREET - (PARCEL NOS. 3905-11-280-045 AND 3905-11-280-021)

The Chairperson indicated that the next item for consideration was site plan review of a proposed 17,360 square foot community center building for Third Reformed Church located at 2345 North 10th Street, Parcel Nos. 3905-11-280-045 and 3905-11-280-021. The Chairperson asked to hear from the Planning Department. Ms. Bugge submitted her report to the Board dated November 27, 2007, and the same is incorporated herein by reference.

Ms. Bugge explained that the applicant had gone through a series of expansions since its inception in 1983. She said that the subject property was located in the "R-2" Residence District, and the proposed request was a permitted use. She stated, if the approval was granted, the total area of the church would be 78,460 square feet. Ms. Bugge then proceeded to take the Board through a review of Section 82.800 of the Zoning Ordinance as more fully set forth in her report.

The Chairperson asked if there were any questions of Ms. Bugge. Mr. Taylor asked what type of agreement the applicant would be asked to sign if it did not immediately install a sidewalk or bike path. Ms. Bugge stated that counsel was in the process of preparing a proposed agreement for applicants to sign if the Township determined that there was not an immediate need for the sidewalk or bike path. The applicant could defer sidewalk or bike path construction by agreeing to be placed into a special assessment district at some point in the future.

The Chairperson asked if a septic system would serve the facility or whether it would be hooked up to sewer. Ms. Bugge indicated sewer was not available, and expansion of the existing septic system would be subject to Health Department approval.

The Chairperson then asked to hear from the applicant's representative. Mr. Bruce Vander Weele, engineer for Third Reformed Church, introduced himself to the Board. Mr. Vander Weele explained the site plan to the Board members. At the conclusion, the Chairperson asked if there were any questions.

Mr. Bushouse asked whether the top elevation in the rear was higher or lower than the rest of the construction. Mr. Vander Weele said it was lower than the existing building.

The Chairperson asked if the proposed expansion would be detached or connected to the current building. Mr. Vander Weele said that it was going to be connected along the lower level of the building, and they anticipated filling in the area between the buildings as part of a future expansion.

Mr. Bushouse asked if all the property owners in the area had been properly notified. Ms. Bugge indicated that they had.

The Chairperson called for input from the audience. Hearing none, ~~he~~ she closed the public portion of the meeting and called for Board deliberations. After a brief discussion, Mr. Taylor made a motion to approve the site plan as submitted subject to the following conditions:

- (1) Approval shall be subject to the owner executing a recordable agreement with the Township to enter into an assessment district for construction of the bike path if the Township establishes such district in the future.
- (2) All lighting shall comply with Section 78.700. Outside building fixture details and mounting heights shall be submitted to the Township for review and approval.
- (3) Site plan approval shall be subject to installation of landscaping in accordance with Section 75.
- (4) Site plan approval shall be subject to the applicant satisfying the requirements of the Fire Department, pursuant to the adopted codes.
- (5) Site plan approval shall be subject to the applicant satisfying the requirements of the Township Engineer and providing a drainage easement for discharge to the north parcel.
- (6) Site plan approval shall be subject to the Health Department approval of the septic system.
- (7) Site plan approval shall be subject to providing an easement for the extension of the water main on site.
- (8) An Earth Change Permit from the Kalamazoo County Drain Commissioner is necessary before earth change activities commence.

Mr. McClung seconded the motion. The Chairperson called for additional discussion. Hearing none, she called for a vote on the motion. The motion passed unanimously.

Adopt 2008 Meeting Dates

The Chairperson asked for approval of the proposed 2008 meeting dates. Mr. McClung made a motion to approve the meeting dates for 2008 as submitted. The motion was seconded by Mr. Anderson. The Chairperson called for a vote, and the motion passed unanimously.

Public Comment on Non-Agenda Items

The Chairperson asked if the Planning Department had addressed the issue of lighting coming out from the interior of the building. Ms. Bugge said it had been addressed in the past year pursuant to Section 78.740.

Any Other Business

There being no other comments, the Chairperson asked if there was any other business. Hearing no further business to come before the Zoning Board of Appeals, the meeting was adjourned at approximately 4:00 p.m.

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

By: _____
Grace Borgfjord

By: _____
Dave Bushouse

By: _____
Duane McClung

By: _____
Robert Anderson

By: _____
Roger Taylor

By: _____
Cheri Bell

By: _____
Mike Smith

Minutes Prepared:

December 4, 2007

Minutes Approved:

_____, 2007