

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

MINUTES OF A MEETING HELD DECEMBER 18, 2007

Agenda

**WINGS, ETC. - SITE PLAN REVIEW - NORTHEAST CORNER OF SEECO DRIVE
AND 9TH STREET - (PARCEL NO. 3905-14-332-003)**

**CLOMON - ACCESSORY BUILDING REVIEW - 1500 SOUTH 11TH STREET -
(PARCEL NO. 3905-24-380-040)**

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on Tuesday, December 18, 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

MEMBER ABSENT: Mike Smith, Alternate

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

Call to Order

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

Minutes

The Chairperson asked that the minutes of November 27, 2007, be changed. She noted that on page 5 in reference to the Chairperson, "he" should be Chairperson

“she”. Mr. Taylor made a motion to approve the minutes as corrected. The motion was seconded by Mr. McClung. The Chairperson called for a vote on the motion, and the motion passed unanimously.

WINGS, ETC. - SITE PLAN REVIEW - NORTHEAST CORNER OF SEECO DRIVE AND 9TH STREET - (PARCEL NO. 3905-14-332-003)

The Chairperson said the next item for consideration was site plan review for Wings, Etc. She said the restaurant was proposed to be located on property at the northeast corner of Seeco Drive and 9th Street, Parcel No. 3905-14-332-003. The Chairperson asked to hear from the Planning Department. Mr. VanDenBrand submitted his report to the Board dated December 18, 2007, and the same is incorporated herein by reference.

Mr. VanDenBrand explained that the applicant was seeking approval of a 4,000 square foot restaurant named Wings, Etc. He indicated that it would be located at the northeast corner of Seeco Drive and 9th Street. Mr. VanDenBrand then proceeded to take the Board through a review of the proposed development pursuant to Section 82.800, as more fully set forth in his report.

At the conclusion of Mr. VanDenBrand's report, the Chairperson asked if there were any questions. Hearing none, she asked to hear from the applicant. The applicant, Tom Hyatt, introduced himself and his engineer, Mike Schwartz, to the Zoning Board of Appeals. Mr. Hyatt said he thought Mr. VanDenBrand had covered all of the pertinent points and asked if there were any questions.

The Chairperson began by asking if there would be offsite lighting for the employees' parking area. Mr. Hyatt said he thought that they were not permitted to light offsite parking. Ms. Bugge indicated that it would be appropriate in this case. After that clarification, Mr. Hyatt said that they would be happy to provide lighting on the island area abutting the parking lot to the east.

Mr. Bushouse asked if the water retention area had been reviewed and approved by the Township Engineer. Mr. Schwartz indicated that it had.

Ms. Bell asked what their hours of operation would be. Mr. Hyatt said Monday through Thursday - 11 a.m. to 11 p.m., Friday and Saturday - 11 a.m. to 12 midnight and Sunday - 11 a.m. to 10 p.m. Ms. Bell said, given the hours of operation, she thought it was an absolute necessity to have lighting for the parking area located east of the private road access. Again, Mr. Hyatt clarified that, as requested, they would add the lighting to the approved site plan.

There being no other questions from the Board, the Chairperson asked for public comment. Hearing none, she called for Board deliberations.

Mr. McClung thought it was fairly straightforward. Mr. Taylor agreed, but said he would like to see lighting added for the parking area to the east per the Staff's recommendations. Mr. Taylor made a motion to approve the site plan review subject to the following conditions.

- (1) Site plan approval is subject to Township Board approval of the site division.
- (2) Site plan approval is subject to Staff review and approval of the off-site parking easement agreement before recording.
- (3) Site plan approval is subject to the applicant providing the required non-motorized improvements or entering into an escrow agreement with the Township to provide for their future construction.
- (4) Site plan approval is subject to Staff review and approval of the lighting plan. All lighting shall comply with Section 78.700 of the Zoning Ordinance.
- (5) Site plan approval is subject to lighting being added to the island area for the parking lot east of the subject site pursuant to Staff recommendation.
- (6) The dumpster enclosure shall be installed in compliance with Section 75.160 of the Zoning Ordinance.
- (7) All signs shall be approved through the sign permitting process.
- (8) Landscaping shall be installed consistent with the approved plan or a performance guarantee posted in accordance with Section 82.950 prior to the issuance of a Certificate of Occupancy.
- (9) Site plan approval is subject to Township Fire Department approval.
- (10) Site plan approval is subject to approval by the Township Engineer.

The motion was seconded by Mr. McClung. The Chairperson asked if there was further discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

**CLOMON - ACCESSORY BUILDING REVIEW - 1500 SOUTH 11TH STREET -
(PARCEL NO. 3905-24-380-040)**

The Chairperson said the next item for consideration was review of a proposed second accessory building on property where the area of the building exceeds the ground floor area of the dwelling. She said the subject property is located at 1500 South 11th Street, Parcel No. 3905-24-380-040. The Chairperson called for a report from the Planning Department. Ms. Bugge submitted her report to the Zoning Board of Appeals dated December 18, 2007 and the same is incorporated herein by reference.

Ms. Bugge explained to the Zoning Board of Appeals that the applicant wanted to construct a barn on property where the accessory buildings exceed the 1,150 square foot area of the dwelling. She noted that this would be the third accessory building and that the total aggregate area of accessory buildings would exceed the area of the dwelling by 2,482 square feet. Ms. Bugge took the Board through a review of the provisions of Section 78.820 as more fully set forth in her report.

The Chairperson asked if there were any questions of Ms. Bugge. Hearing none, she asked to hear from the applicant. Mr. John Clomon explained that he wanted to construct a new barn to store several vintage cars which he owned. He said he did not believe it would impact the neighbors, given the commercial nature of the property to the north, Kalamazoo Beer distributor, and the topography and trees located to the west and south on his property. He also noted that he owns the abutting property immediately south of his residence.

The Chairperson asked if there were any questions. Mr. McClung asked for clarification that Mr. Clomon would only be storing vintage cars in the building. Mr. Clomon said vintage cars, a motorcycle and other private property. Mr. McClung asked if Mr. Clomon would be working on the cars. Mr. Clomon said he would not be working on cars. He was only going to use the accessory building for storage.

Mr. Taylor inquired as to whether he would be renting out space for storage. Mr. Clomon said absolutely not.

The Chairperson asked if Mr. Clomon was considering a demolition of any of the existing buildings. Mr. Clomon said, once he got the new building up, he might take part of the old barn down since it was starting to age.

The Chairperson asked if there would be any exterior lighting. Mr. Clomon said only a couple of motion detector lights similar to any other residential use. Mr. Clomon also noted that, by placing the barn north of his residence, he could screen the view of the Budweiser facility and hopefully mitigate some of the noise coming from that property.

The Chairperson asked if there were any public comments, and hearing none, she called for Board deliberations.

Mr. Taylor said he certainly understood why the applicant would want to screen his property from the distributorship to the north. The Chairperson asked if the trucks ran all night. Mr. Clomon said it was not the Budweiser trucks that were a problem, but the overnight delivery trucks waiting to unload.

Mr. Anderson asked if they had received any letters regarding the proposal. Ms. Bugge indicated that she had not.

Mr. Anderson made a motion to permit the additional accessory building, pursuant to Section 78.820 of the Ordinance, subject to the applicant executing an Acknowledgment of Zoning Restrictions and having that document recorded with the Register of Deeds. Mr. McClung seconded the motion. The Chairperson asked if there was further discussion. Hearing none, she called for a vote on the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

None.

Any Other Business

There being no other comments, the meeting was adjourned at approximately 3:29 p.m.

Minutes Prepared:
December 20, 2007

Minutes Approved:
_____, 2008