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**NOTICE
OSHTEMO CHARTER TOWNSHIP
Zoning Board of Appeals**

**Tuesday,
February 24, 2015
3:00 p.m.**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Public Comment on Non-Agenda Items
4. Approve Minutes – January 27, 2015 Regular Meeting
5. **Side Yard Setback Variance (PNV Investments, LLC)**
Applicant requests a variance from the side yard setback requirements of Section 23.404 to allow a 2,800 square foot addition to be constructed to an existing office building 15 feet from the west property line, 5 feet less than the 20 foot minimum required for office buildings in the R-3 Residence District. Subject property is 5659 Stadium Drive (Parcel No. 3905-25-332-020).
6. Any Other Business / ZBA Member Comments
7. 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 to respond at a later date.

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.

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; it is not required unless the speaker wishes to have their comment recorded in the minutes.

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 or Citizen Comment on 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 is in contravention of any of the principles and procedures set forth herein.

(adopted 5/9/2000)
(revised 5/14/2013)

VARIANCE INFORMATION SHEET

For variance requests, the Zoning Board of Appeals is required by law to consider the following, and only the following, criteria when deciding on an application for a nonuse variance:

1. Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, building or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
2. Whether a grant of the variance applied for would do substantial justice to the applicant as well as to the property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
3. Whether the problem is unique to the property owner's land or whether it is a problem shared by all others in the district.
4. Whether relief can be granted in such a fashion that the spirit of the ordinance will be observed and public safety and welfare secured.
5. Whether the problem was self-created.

Please be aware that use variances cannot be granted by the Board for any reason. Also please note that economic hardship is not the type of hardship referred to under #1 above.

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

MINUTES OF A MEETING HELD JANUARY 27, 2015

Agenda

SITE PLAN REVIEW (BOSCH ARCHITECTURE FOR CORNERS REALTY LLC) OF A PROPOSED 12,000 SQUARE FOOT WAREHOUSE AND LIGHT INDUSTRIAL BUILDING ON A 1.84 ACRE PROPERTY AT 652 S. 8TH STREET IN THE I-1 INDUSTRIAL DISTRICT. (PARCEL #3905-22-285-029).

SITE PLAN REVIEW (AVB FOR GREAT LAKES PARTNERSHIPS PROPERTIES LLC) OF A PROPOSED 11,546 SQUARE FOOT OFFICE BUILDING AND A PROPOSED 7,804 SQUARE FOOT WAREHOUSE BUILDING ON A 1.23 ACRE PROPERTY AT 5220 WEST MICHIGAN AVENUE IN THE I-1 INDUSTRIAL DISTRICT (PARCEL #3905-25-230-012).

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on Tuesday, January 27, 2015, at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Cheri Bell, Chairperson
Lee Larson
Millard Loy
Neil Sikora, First Alternate
James Sterenberg

ABSENT: Bob Anderson, Second Alternate
L. Michael Smith

Also present were Greg Milliken, Planning Director; Martha Coash, Meeting Transcriptionist; and 10 interested persons.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairperson Bell called the meeting to order and the "Pledge of Allegiance" was recited. Due to Mr. Smith's absence, Mr. Sikora was called upon to act as a sitting member for the meeting.

ELECTION OF OFFICERS

Chairperson Bell asked for nominations for officers for the coming year.

Mr. Sikora nominated Ms. Bell to continue as Chairperson and Mr. Loy supported the nomination. There were no further nominations. Members unanimously re-elected Ms. Bell as Chairperson.

Mr. Loy nominated Mr. Smith to continue as Vice Chairperson and Mr. Sterenberg supported the nomination. There were no further nominations. Members unanimously re-elected Mr. Smith as elected Vice Chairperson.

Chairperson Bell nominated Mr. Sterenberg to serve as Secretary and Mr. Loy supported the nomination. There were no further nominations. Members unanimously elected Mr. Sterenberg as Secretary.

PUBLIC COMMENT ON NON-AGENDA ITEMS

There were no comments on non-agenda items.

APPROVAL OF THE MINUTES OF OCTOBER 28, 2014

The Chairperson asked if there were any additions, deletions or corrections to the minutes of October 28, 2014. No changes were noted.

Mr. Loy made a motion to approve the minutes of October 28, 2014 as presented. Mr. Sikora seconded the motion. The motion was approved unanimously.

SITE PLAN REVIEW (BOSCH ARCHITECTURE FOR CORNERS REALTY LLC) OF A PROPOSED 12,000 SQUARE FOOT WAREHOUSE AND LIGHT INDUSTRIAL BUILDING ON A 1.84 ACRE PROPERTY AT 652 S. 8TH STREET IN THE I-1 INDUSTRIAL DISTRICT. (PARCEL #3905-22-285-029).

Chairperson Bell said the next item was a request for a site plan review and asked Mr. Milliken to review the application for a warehouse and light industrial building proposed for 652 South 8th Street.

Mr. Milliken indicated the subject property at 652 South 8th Street is located on the west side of 8th Street just north of KL Avenue. The subject property is a vacant, 1.84-acre parcel located in the I-1 district. The applicant is proposing to build a 12,000 square foot warehouse building on the subject.

He said the proposed warehouse building is located in the southwestern portion of the site. The proposed structure is a metal-sided building with a standing-seam metal roof and 20-foot sidewalls. The building will be used as a warehouse for business and

personal items related to the adjacent business use. At some point in the future, the building may be converted to light industrial use.

He noted a new driveway access point would be added to access the site on 8th Street. It would provide access to a new parking and circulation area that would extend to the north to provide a connection to the parcel to the north under similar ownership.

Mr. Milliken pointed out the property is in the I-1 district as are the adjacent properties to the north, south, and west. These properties are developed with light industrial uses. To the east across 8th Street, the property is in the RR-Rural Residential zoning district. Immediately southwest of the subject property is an existing apartment building in the R-4 zoning district.

He said the proposed building would be over 222 feet from the front property line, well in excess of the required 70-foot setback. The required rear and side yard setback in the I-1 district is 20 feet or the height of the building. The height of the building on the west elevation is just over 24 feet, and the height on the south elevation is 20 feet. The setback is 25 feet from both the south and west property lines. It does not appear that there is much elevation difference between the building and the south property line, so the south setback is compliant. For the west property line, there is 2.5 feet elevation difference between the building and the property line thus making the effective building height for setback purposes on the west side just over 26.5 feet. Therefore, the setback will need to be increased to just over 26.5 feet.

He added because the building may at some point in the future be used for light industrial purposes, it is prudent to apply the light industrial parking requirements to the plan. For such a use, 1.5 parking spaces are required for each 1000 square feet of net floor area. Staff typically applies a 70% factor to approximate net floor area from gross floor area measurements. So for the proposed 12,000 square foot building, after applying the 70% factor and the requirement for industrial uses, 13 parking spaces are required. The site plan shows 13 parking spaces including the required barrier-free space.

He also noted a new driveway is located on 8th Street to service the proposed building and parking area. The driveway extends through the parking area around the north end of the building to access the primary loading dock for the building as well as a future connection to the parcel to the north. The Ordinance requires all two-way drives and circulation areas be a minimum of 24 feet in width; the drive on the north side of the building and connection to the north is labeled as 20 feet. All parking spaces and other driveways are consistent with the minimum dimensional requirements of the Ordinance.

Mr. Milliken stated Section 68.301 indicates that all loading and unloading operations be conducted in side and rear yard areas only. The site plan shows an overhead door and maneuvering area on the east side of the building, which is the front yard. In the response from the applicant, they indicate that all loading and unloading will occur out of the north bay, and that the eastern bay is to be used for material handling and airflow only. There is no prohibition on overhead doors, simply loading

and unloading operations. The ZBA will need to explore whether the proposed “material handling” constitutes loading and unloading activities. Staff has suggested the applicant provide a proposed floor plan for the building to aid in the understanding.

He said the applicant has provided a tentative landscaping plan along with the site plan with a statement that the required landscape plan will be submitted prior to issuance of the building permit. The plan indicates that the existing tree line along the south and west property lines will satisfy the landscaping requirements in these areas. Existing landscaping, if retained, can be counted towards the required landscaping. However, additional information is needed to confirm the size and amount of existing trees and that they will be preserved as well as to assure they are located on the subject property. If additional planting is required in these areas, Staff would recommend such materials be located near the southwest corner of the property to help screen the development from the adjacent apartment complex.

Mr. Milliken said that along the north property line, the applicant is seeking a waiver from the landscaping requirements due to the fact that it is a shared property line as well as the location of an existing retention pond. Staff is comfortable with the request at this time. However, he recommended that any action on the application be conditioned on installation of the required landscaping when and if future applications for site plan review are submitted and the parcels are no longer under common ownership.

He noted the site is served by public water via South 8th Street. Public sanitary sewer service is not available so the development will be serviced by private septic system, which will require approval of the County Health Department.

Mr. Milliken said the Township Engineer has reviewed the plans and made a few comments regarding changes or additions that are required such as easements, drainage, and the septic system. Any action on the proposed plan should be conditioned on compliance with comments provided by the Township Engineer.

Mr. Milliken indicated the Standards of Approval were reviewed in the Staff Report.

He concluded by saying the applicant is proposing a 12,000 square foot warehouse building that may eventually transition into a light industrial use as the owner’s business interests expand. The building and use appear to be generally consistent with existing improvements on surrounding properties. However, several questions remain and additional information is necessary. If the Board is inclined to proceed, he recommended it be conditioned upon the items in the Staff Report.

Chairperson Bell asked if Board Members had questions for Mr. Milliken.

Mr. Loy asked whether the ordinance was changed after the original complex at this address was built regarding the prohibition for loading/unloading on the side of the building facing the road.

Mr. Milliken indicated he would need to check the date in the Ordinance as to when it was amended.

Chairperson Bell asked when a variance is needed for landscaping requirements.

Mr. Milliken explained a variance is not needed if the Board deems a situation unique enough to grant a waiver; shared property and a retention pond in this instance could be considered unique.

In response to a question from Mr. Sterenberg regarding whether the applicant was agreeable to complying with conditions from staff, and one from Mr. Larson, who asked for clarification of the material handling activities that would occur in the east side door definition of the door facing 8th Street, Mr. Milliken suggested the applicant might address those issues.

Hearing no further questions from Board Members, Chairperson Bell asked if there were comments from the public. Hearing none, she asked the applicant to speak.

Mr. Nick Loeks, Bosch Architecture, 8065 Vineyard Parkway, addressed the questions from Mr. Sterenberg and Mr. Larson, saying the staff report conditions were acceptable, including the setback on the west side. He indicated the door facing 8th Street would not be used for loading or unloading. The warehouse will be used in the near future for boat and camper storage. At some point in the future it may be needed for light industrial use. All loading/unloading will be done on the east side of the building. The overhead door may be used from time to time as a staging area to rearrange palletted items in the building.

There were no further questions; Chairperson Bell moved to Board Deliberations.

There was discussion of whether the use of the overhead door facing 8th Street as a staging area constituted loading/unloading, what the spirit of the ordinance was regarding this issue, whether a large overhead door was actually needed, whether, if the application was approved, the Township would need to monitor for infractions to the ordinance regarding loading/unloading, recognition of the need for flexibility to move things around inside the warehouse, and the possible noise repercussions for the neighboring apartment complex.

Mr. Sterenberg, Mr. Loy and Mr. Sikora indicated they were comfortable with the proposed layout of the building; Mr. Larson noted the neighboring apartment building is 25 feet away and that in his mind there is little difference between material handling and loading.

Mr. Loek pointed out the building will be 222 feet from the front property line, well over the 70 feet required by ordinance; so that any incidental outside activity will be well removed from 8th Street.

Chairperson Bell asked for a motion on the request.

Mr. Sterenberg moved to approve the request for site plan review with the following conditions.

1. A sign permit is required before any new signs are installed on site, and all signage shall conform to the requirements of the sign chapter of the Zoning Ordinance.
2. Approval of the KCRC, KCHD, and County Soil & Sedimentation Control (at minimum) are necessary prior to issuance of the building permit.
3. The setback along the west side is increased to 26.5 feet or additional information about elevations be provided to ensure compliance with setback requirements.
4. All driveway and circulation areas shall be increased to 24 feet in order to accommodate two-way traffic.
5. A floor plan be provided demonstrating that the overhead door entry on the east end (front yard) will not function for loading or unloading purposes.
6. A final landscape plan shall be submitted demonstrating compliance with Zoning Ordinance requirements and including details regarding preservation of existing landscaping along south and west property lines.
7. Landscaping along the north property line shall be waived at this time but shall be required in the future at the time of site plan review of a future redevelopment, expansion, or new use occurring at a time when the two parcels are not under common ownership.
8. A new parking lot island (200 square feet) shall be added in the parking lot island with one canopy tree and two shrubs.
9. All comments of the Township Engineer stated in his January 16, 2015 review memo – including provision of an easement for the northern retention pond and review of additional drainage calculations – shall be addressed prior to issuance of a building permit.
10. Site plan approval is subject to the approval of the Fire Department, pursuant to adopted codes.
11. Site plan approval is subject to the review and acceptance of the Township Engineer as adequate.

Mr. Loy supported the motion. The Board voted 4 - 1 to approve the request, with Mr. Larson dissenting.

SITE PLAN REVIEW (AVB FOR GREAT LAKES PARTNERSHIPS PROPERTIES LLC) OF A PROPOSED 11,546 SQUARE FOOT OFFICE BUILDING AND A PROPOSED 7,804 SQUARE FOOT WAREHOUSE BUILDING ON A 1.23 ACRE PROPERTY AT 5220 WEST MICHIGAN AVENUE IN THE I-1 INDUSTRIAL DISTRICT (PARCEL #3905-25-230-012).

Chairperson Bell said the next item on the agenda was a request for site plan review for a new office and warehouse buildings at 5220 West Michigan Avenue and asked Mr. Milliken to speak regarding the request.

Mr. Milliken explained the subject property is located at 5220 West Michigan Avenue, which is on the north side of West Michigan Avenue just east of US-131. Great Lakes Companies currently occupies the approximately four acre property with improvements including an office building, attached shop / workshop, and storage building. They are proposing construction of an approximately 11,500 square foot office building and an approximately 7,800 square foot warehouse building on the north portion of the site that is currently undeveloped. The new facilities would be accessed from the existing drive on West Michigan Avenue with new parking and circulation to serve the additional facilities.

He said the proposed office building is a two-story structure with a walk out basement, located in the western panhandle portion of the site. It will house offices for sales staff and administration as well as meeting facilities. The walk out basement will be to the north and also provide a patio and means of egress.

He noted the proposed warehouse building is located north of the existing storage building and will provide excess storage space for supplies and materials used in the day-to-day operations of their business. The building is one story and approximately 70 feet by 110 feet in dimension.

Mr. Milliken said during the review process, setbacks were identified as a challenge for the site design. Setbacks that apply to the site are 20 feet from the property line or the tallest point of the building along that side measured from the property line.

Mr. Milliken indicated along the north elevation of the new office building, the proposed structure is effectively two stories in height with the tallest point along that side at the peak of the gable features. The closest point of the building to the north property line is at the northwest corner. It is 27 feet from the property line. The elevation of the land at the property line. This is 2.5 feet above the floor of the basement. The height of the north elevation from the floor of the basement to the top of the gable is 29.5 feet. Therefore, the height measured from the property line is 27 feet. The setback therefore complies.

For the warehouse, he said the proposed structure has a height of 21.5 feet on the north side and 20 feet on the east side. On the north side, the elevation at the property line is 918 feet and the floor elevation is 923 feet. Therefore, the height of the north elevation measured from the north property line is 26.5 feet. The building has been sited 26.5 feet from the north property line compliant with the setback requirement. The elevation at the east property line is 919 putting the height of the building along the east elevation at 24 feet. The stairs projecting from the building have been located compliant with this setback.

Mr. Milliken said that in his staff report, he indicated the office was short on parking spaces. The applicant has since provided additional information documenting how they calculated the usable floor area and confirming the parking satisfies the minimum requirements. For the warehouse, one space is required for 1500 square feet of net floor area. After applying the 70% factor, four spaces are required.

Mr. Milliken also indicated the applicant provided an updated landscape plan that appears to satisfy the requests listed in the staff report, but he suggested a condition be included in any motion allowing for additional review.

He also noted a dumpster enclosure and gate is provided between the proposed warehouse and office building compliant with Ordinance regulations.

Also, he said, the site is served by public water and sanitary sewer via West Michigan Avenue. Two new fire hydrants are proposed to be installed as part of the development due to the distance to the building from West Michigan Avenue.

New LED light fixtures are proposed throughout the new portion of the developed site. A photometric plan has been provided demonstrating that there will be no spillover of light onto adjacent properties.

Mr. Milliken said the Township Fire Marshal reviewed the plans. Based on his feedback, a turnaround space was added to the southwest of the office building to ensure proper access to the site by emergency vehicles. The Fire Marshal found the proposal for the truck turnaround and new fire hydrants acceptable.

He told the Board the Township Engineer has conducted a preliminary review of the plans. He has talked with the applicant's team about the plans and the storm water retention. The Engineer will review plans as they are refined and determine if there are any additional concerns or issues to be raised.

Mr. Milliken said the application meets all Section 82.800 Standards for Approval, and said the applicant is proposing an impressive expansion to an existing industrial business in the community. The proposed development includes 11,500 square feet of office space and 7,800 square feet of warehouse space. The new development represents an expansion of the existing use and business on the site.

He recommended approval of the amended site plan with the conditions identified in the Staff Report.

Mr. Milliken noted that if approved, details identified in the conditions can be worked through with staff.

The Chairperson asked for comments from the public or the applicant.

The applicant, Mr. Michael Flynn of Byce Associates, 2470 Oakland Drive, explained that they tried to save as many of the significant existing trees as possible and to bring landscaping into the parking area. He explained much of the office building will consist of a training area, storage and restrooms, which will not require parking to meet the higher 70% gross square footage requirement for parking.

He noted the truck traffic area allows for easy access for dump trucks for rubbish and recycling. He does not think any more signage will be needed and will submit an amended landscape plan that will meet the ordinance requirements. He also said he has had conversations with both the Fire Marshal and Engineer.

There were no questions from Board Members for Mr. Flynn.

Board Members expressed general support for the project and improvements to the site.

Mr. Loy moved to approve the request for site plan approval with the following conditions:

1. A sign permit is required before any new signs are installed on site, and all signage shall conform to the requirements of the sign chapter of the Zoning Ordinance.
2. The Landscape Plan is amended to reflect current Ordinance requirements.
3. Submittal of the environmental checklist and hazardous materials information.
4. Site plan approval is subject to the approval of the Fire Department, pursuant to adopted codes.
5. Site plan approval is subject to the review and acceptance of the Township Engineer as adequate.

Mr. Sterenberg supported the motion. The motion was approved unanimously.

APPROVE 2015 MEETING DATES

Mr. Milliken provided a calendar of meeting dates, following the traditional pattern, for approval.

Mr. Loy moved to approve the 2015 Meeting Dates for the Zoning Board. Mr. Sterenberg seconded the motion. The Board unanimously approved the 2015 Meeting Date Schedule as presented.

ANY OTHER BUSINESS / ZBA MEMBER COMMENTS

Chairperson Bell requested that in the future Board Members receive 11"x 17" copies for site plan review requests rather than the larger materials usually provided.

Board Members were in consensus with her request and Mr. Milliken indicated he would be pleased to comply.

Mr. Milliken told the Board he expects a February meeting will be necessary.

ADJOURNMENT

Chairperson Bell noted the Zoning Board of Appeals had exhausted its Agenda, and with there being no other business, she adjourned the meeting at approximately 4:03 p.m.

Minutes prepared:
January 29, 2015

Minutes approved:
_____, 2015

February 17, 2015



Mtg Date: February 24, 2015

To: Zoning Board of Appeals

From: Gregory Milliken, AICP

Applicant: Kristopher Nelson, AIA (Schley Architects)

Owner: PNV Investments, LLC

Property: Parcel # 3905-25-332-020 (5659 Stadium Drive)

Zoning: R-3 – Residential

Request: Variance from the Side Yard Setback requirements for an addition to an existing office building to be constructed 15 feet from the west property line, 5 feet less than required.

Section(s): Section 23.404 – Standards for Office Buildings in the R-3 District

The applicant is requesting a variance to build a 2800 square foot addition onto the west side of an existing office building. The proposed addition is located 15 feet from the west property line. The required setback is 20 feet. Therefore, a variance is required for this setback encroachment.

In addition to the variance, special exception use approval is also required for the addition to the existing office building in the R-3 district. The Planning Commission will hear this request on February 26th.

SUBJECT PROPERTY

The subject property is located at 5659 Stadium Drive. It is on the south side of Stadium Drive west of 11th Street. The property has a shared private entry onto Stadium Drive with the Bronson medical facilities to the east. The parcel is an office condominium with two office buildings. The proposed addition is located on the southern of the two buildings.

This southern building is a two-story building totaling approximately 6,921 square feet. The building houses office space for two tenants with the addition providing space for a physical therapy gym.

As stated above, the property is located in the R-3 district, which is a residential district that serves in a transitional capacity allowing low-intensity commercial uses. Office buildings are a special exception use in the R-3 district, and therefore expansions of an office building require an amendment to the special exception use. This will be addressed by the Planning Commission on February 26.

As part of the R-3 district, special standards are in place for office buildings requiring special exception uses. One of these standards is a side and rear yard setback of 20 feet or the height of the building, whichever is greater. The R-3 district has a normal side yard setback of 10 feet.

PROPOSED ADDITION

The 2800 square foot addition will extend 25 feet, 5 inches from the existing building to align with the west wall of the northern building on the property that currently sits 15 feet from the side property line. Although the existing building is a two-story building, the addition is one story in height.

The addition will house a physical therapy gym associated with a new tenant in the building. A site plan and elevations are provided.

Three parking spaces will be removed as a result of the addition and its extension of the building to the north. The site still maintains sufficient parking for the proposed uses and to satisfy the minimum required spaces.

APPROVAL CRITERIA

The ZBA should review the following standards in considering the variance request.

Standards of Approval of a Nonuse Variance (practical difficulty):

*Standard: Conformance Unnecessarily Burdensome
Are reasonable options for compliance available?
Does reasonable use of the property exist with denial of the variance?*

Comment: The addition could be made five feet narrower and thus comply with the side yard setback requirements. However, this would be a fairly narrow structure and limit its ability to be used. There are few other options on the property for an addition of the proposed size that would not require a variance of some sort (setback or parking).

*Standard: Substantial Justice
Applied to both applicant as well as to other property owners in district.
Review past decisions of the ZBA for consistency (precedence).*

Comment: There have been a number of cases where setback standards have changed over time and variances have been requested to permit additions that maintained an existing building line or setback. In nearly all cases we found, those requests were granted. In addition, the Board has given importance to the uses on adjacent properties, particularly those well established. A few examples are highlighted here.

2014 D&R Sports	Requested variance for new accessory building to be located 53 feet from side property line adjacent to RR district with a 91 foot required setback. Although in RR district, adjacent property is occupied by a tree service with additional screening present. ZBA was comfortable with the encroachment due to the adjacent use,
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the size of the setback, and the screening present, and the variance was **granted**.

2010 Hinman Requested variance to add on to existing commercial building in-line with existing building 38 feet from road right of way when 70 feet was required. ZBA identified that the setback standards had changed from the time the original building had been constructed. ZBA was satisfied with the extension and the alignment and the variance was **granted**.

2002 Metro LLC Requested variance to reconstruct commercial building on site 20 feet from north property line adjacent to R4 zoning and encroach into required 85 foot setback. Existing building was constructed when adjacent property was in C district and setback was 20 feet. New building for car dealership and applicant desired space up front for display rather than in rear. ZBA agreed and variance was **granted**.

*Standard: Unique Physical Circumstances
Are there unique physical limitations or conditions which prevent compliance?*

Comment: The ZBA will want to consider the fact that the existing northern building already has a setback on the west side of 15 feet, and the proposed addition will bring the two buildings into alignment and not encroach any closer to the property than the existing northern building. In addition, the adjacent property to the west most impacted by the proposed addition is an apartment complex with parking and carports adjacent to the shared property line. The closest building / dwelling unit to the proposed addition would be over 100 feet away.

*Standard: Self-Created Hardship
Are the conditions or circumstances which resulted in the variance request created by actions of the applicant?*

Comment: The variance is a result of the design and layout determined by the applicant. They have done so based on the location of the existing building to the north and to align the two buildings on the property along the west sides.

Standard: Will the spirit of the Ordinance be observed, the public health, safety, and welfare secured, and substantial justice done if the variance is granted?

Comment: The proposed structure will be fully screened from Stadium Drive by the building to the north. The proposed addition and setback variance will align the west edge of the southern building with the west edge of the existing northern building. The addition is adjacent to parking and carport structures.

It is recommended that any action by the Zoning Board of Appeals be conditioned upon subsequent approval by the Planning Commission of the special exception use for the expansion of the office use and proposed site plan.

Respectfully Submitted,



Gregory E. Milliken, AICP
Planning Director

Attachments: Application
Attached Materials
Aerial

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

Please see attached.

3905-25-332-020

PARCEL NUMBER: 3905- Please see attached legal description.

ADDRESS OF PROPERTY: 5659 Stadium Drive, Kalamazoo, MI 49009

PRESENT USE OF THE PROPERTY: Law Office/Physiotherapy/Medical Clinic

PRESENT ZONING ~~RM~~ R-3 **SIZE OF PROPERTY** +/-1.16 Acres

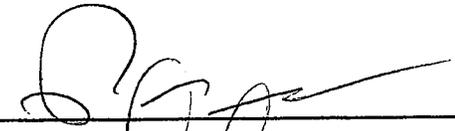
NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s)

Address(es)

SIGNATURES

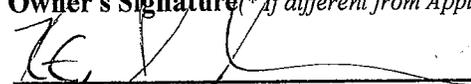
I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.



Owner's Signature (* If different from Applicant)

1/26/15

Date



Applicant's Signature

1/26/15

Date

- | |
|-------------------------------|
| Copies to: |
| Planning -1 |
| Applicant -1 |
| Clerk -1 |
| Attorney-1 |
| Assessor -1 |
| Planning Secretary - Original |

PLEASE ATTACH ALL REQUIRED DOCUMENTS

Condominium shall have an exclusive right to his Unit and shall have undivided and inseparable rights, proportionate to its percentage of value as provided in Article V, to share with other Co-Owners the Common Elements of the Condominium Project as are designated by the Master Deed.

ARTICLE II

LEGAL DESCRIPTION

The land which is submitted to the Condominium established by this Master Deed is particularly described as follows:

All that certain piece or parcel of land situate and being in the Township of Oshtemo, County of Kalamazoo, State of Michigan and more particularly described as follows:

Part of the Southwest $\frac{1}{4}$ Sec 25-2-12 Oshtemo Township:

Commencing at the center $\frac{1}{4}$ post of Section 25-2-12; thence N 00-02-30 East along the North and South $\frac{1}{4}$ line, 130.94 feet to the Southerly row line of Stadium Drive; thence South 74-01 West along said row line 682.49 feet to a point of beginning; thence South 15-59 East, 303.00 feet; thence South 74-01 West, 167.00 feet; thence North 15-59 West, 303.00 feet; thence North 74-01 East, 167.00 feet to the point of beginning. Contains 1.16 acres more or less.

Also an undivided half-interest in the following parcel:

Part of the Southwest $\frac{1}{4}$ Section 25-2-12 Oshtemo Township: Commencing at the center $\frac{1}{4}$ post of Section 25-2-12; thence North 00-02-30 East along the North and South $\frac{1}{4}$ line, 130.94 feet to the Southerly row line of Stadium Drive; thence South 74-01-00 West along said right-of-way line 616.49 feet to a point of beginning; thence South 15-59 East, 366.00 feet; thence South 74-01 West, 66.00 feet; thence North 15-59 West 366.00 feet; thence North 74-01 East, 66.00 feet to the point of beginning. Contains 0.55 acres more or less.

ARTICLE III

DEFINITIONS

Certain terms are utilized not only in this Master Deed and Exhibits "A" and "B" hereto, but are or may be used in various other instruments such as, by way of example and not limitation, the Articles of Incorporation, and corporate Bylaws and Rules and Regulations of Stadium Drive Office Plaza Condominium Association, a Michigan non-profit corporation, and deeds, mortgages, liens, land contracts, easements and other instruments affecting the establishment of, or transfer of, interests in Stadium Drive Office Plaza, as a condominium. Wherever used in such documents or any other pertinent instruments, the terms set forth below shall be defined as follows:

- (a) The "Act" means the Michigan Condominium Act, being Act 59 of the Public Acts of 1978, as amended.

PNV INVESTMENTS, L.L.C.

5659 Stadium Drive
Kalamazoo, Michigan 49009
(269) 375-6646
Fax (269) 375-2616

February 16, 2015

Oshtemo Township
7275 W. Main Street
Kalamazoo, Michigan 49009

RE: 5659 Stadium Drive - Expansion

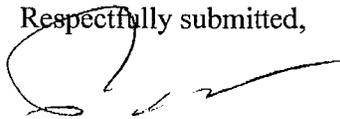
Ladies and Gentlemen:

We have presented, through Schley Architects, zoning and planning information in connection with a proposed one story 2,800 square foot addition to our South existing building.

The purpose of this proposal is to create additional space for a gymnasium to be used for pediatric physical therapy by our existing tenant, PhysioKids. The pediatric clinic will be occupying the lower level and addition of the South existing building. The North building will be occupied by Physiotherapy Associates adult clinic.

We believe this proposal will help maintain the business of our tenants here in Oshtemo Township and is consistent with the character and growth in the immediate vicinity.

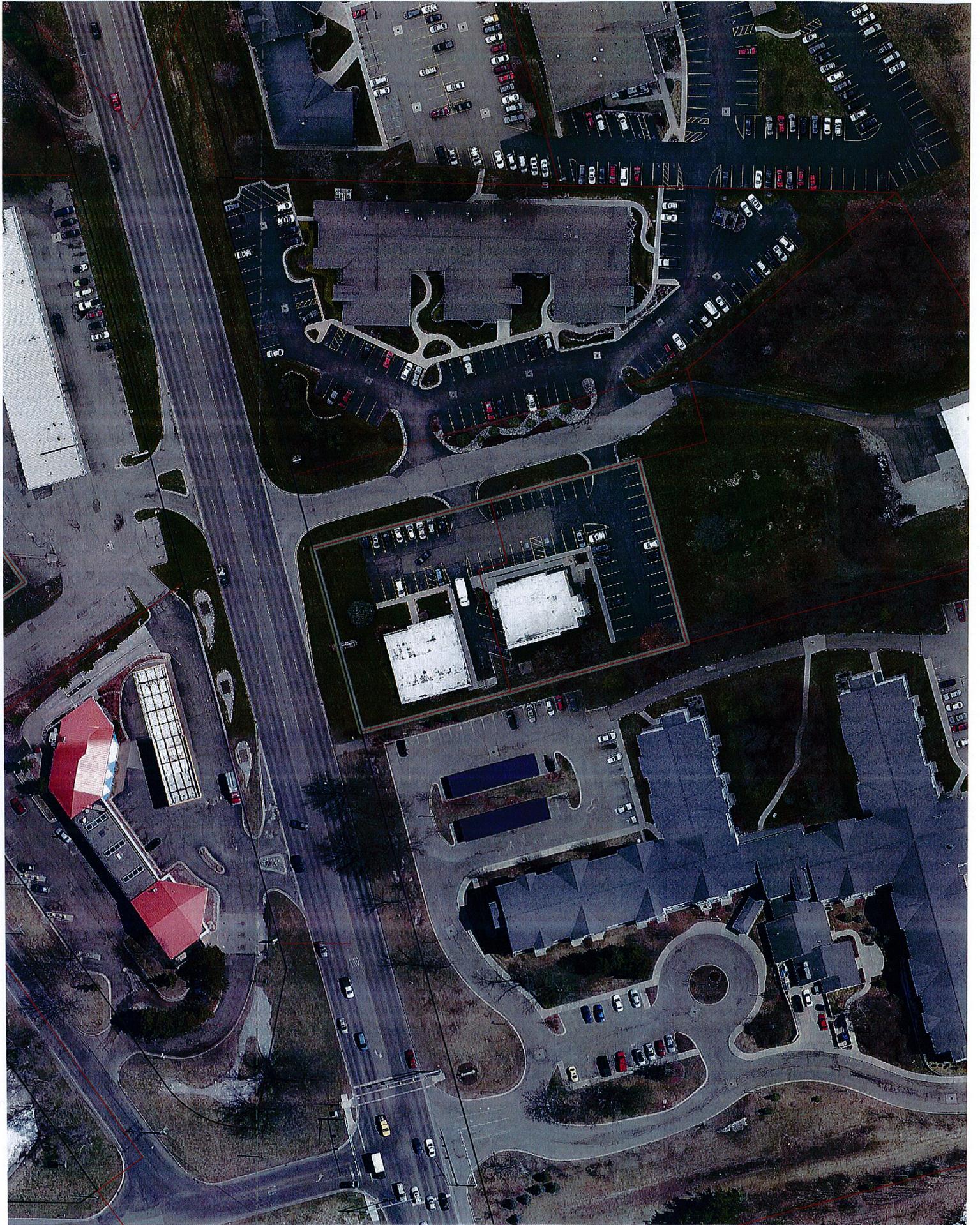
Respectfully submitted,



Paul T. Vlachos

PTV:dkp

cc: Schley Architects



A2.0

Project # 14-126

Submitted to Zoning Board of Appeals
February 2, 2015

Address Project for
5659 Stadium Dr.
Oshtemo Twp, Michigan 49009

Schley Architects
2010 20th Street, N.E. Grand Rapids, MI 49503
Tel: 616-962-9100 Fax: 616-962-9101
www.schleyarchitects.com

