

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES OF MEETING HELD MARCH 17, 1997

Agenda

HOSPICE - SITE PLAN REVIEW - EAST SIDE OF MAPLE HILL DRIVE,
APPROXIMATELY 1,250' NORTH OF WEST MAIN

A.M. SUPPLY COMPANY - SITE PLAN REVIEW - WHOLESALE HARDWARE
FACILITY - NORTH SIDE OF WEST MICHIGAN, EAST OF GREAT LAKES
MARKETING

SPEEDWAY (DRAKE ROAD/KL AVENUE) - SITE PLAN REVIEW - 1250 SOUTH
DRAKE ROAD

DUNSHEE BODY & FRAME - VARIANCE FROM FRONT SETBACK
REQUIREMENT - 6585 WEST "KL" AVENUE

A meeting was conducted by the Oshtemo Charter Township Zoning Board of Appeals on Monday, March 17, 1997, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

MEMBERS PRESENT: Thomas Brodasky, Acting Chairperson
 Lara Meeuwse
 David Bushouse
 William Saunders

MEMBER ABSENT: Brian Dylhoff

Also present were Rebecca Harvey, Patricia R. Mason, Township Attorney, and eleven (11) other interested persons.

CALL TO ORDER

The meeting was called to order at 3:02 p.m.

MINUTES

The Board considered the Minutes of a meeting of February 24, 1997. Ms. Meeuwse moved to approve the Minutes as submitted and Mr. Bushouse seconded the motion. The motion carried unanimously.

The Board next considered the Minutes of a meeting of March 3, 1997. Mr. Saunders moved to approve the Minutes as submitted and Ms. Meeuwse seconded the motion. The motion carried unanimously.

HOSPICE - SITE PLAN REVIEW - EAST SIDE OF MAPLE HILL DRIVE, APPROXIMATELY 1,250' NORTH OF WEST MAIN

The next item was the application of Larry L. Harris, of L.L. Harris and Associates for site plan review of a proposed 16,500-sq.-ft. Hospice residential facility. The subject site is located on the east side of Maple Hill Drive, approximately 1,250' north of West Main, and is within the "R-4" Residence District zoning classification.

The report of the Planning and Zoning Department is incorporated herein by reference. Ms. Harvey stated that the application and site plan had been reviewed by the Township Fire Department and the Kalamazoo County Road Commission. The Township Engineer's review was in progress. The applicant anticipated that the Township Engineer may require fencing of its retention pond. The applicant was asking that the Board waive this requirement if it was imposed. Ms. Harvey noted that the Zoning Ordinance requires fencing of a retention area when the slope of the area exceeds the 4:1 ratio. The proposed retention basin does not exceed this ratio; however, the Township Engineer regularly requires fencing where there is water depth of over 18".

Ron Masek with Larry Harris and Associates stated that the majority of the stormwater basin was "flat" at a 1:8 slope. Ms. Meeuwse questioned the applicant regarding the depth of water, and Mr. Masek said that certain calculations had been made based upon two-day 24-hour rainfall at the site. This would result in approximately three feet of water in the retention basin. Soil permeability tests indicated that it would take between 11 and 60 hours to drain.

Ms. Meeuwse questioned the applicant as to the number of units, and it was explained that there were 12 units with future expansion to 16.

Robert Lennon was present and had questions with regard to the location of the proposed project. It was indicated that the project would be located off Croyden and Maple Hill Drive.

In response to questions by Ms. Meeuwse, Norm Hammond, architect for the building, stated that each unit would be a residence for one person. A large portion of the perimeter of the site would be left in its natural state. There would be landscaping around the building. Access for the project would be from Croyden.

The Acting Chairperson questioned the applicant with regard to the proposed landscaping plan, and it was indicated that this plan would be submitted for review and approval. Consideration would be made of the proposed landscaping for the theatre project

which had previously been approved. Mr. Hammond noted that there was a high mound between the subject site and the theatre site. This proposed project would keep the site as natural as possible. There was questioning as to the lighting on the site. It was indicated that there would be three parking lot lights. No fixtures had yet been specified.

The applicant was questioned by Mr. Bushouse as to the style of construction of the proposed building. In response to such questioning, the applicant indicated that the housing would be Hospice-style and there would be one office for the manager/caretaker. Signage would be provided to the project through the Township Zoning Ordinance's permit process.

Ms. Meeuwse questioned whether all water would be retained on the site, and the applicant indicated that it would.

The Acting Chairperson sought public comment and Robert Lennon stated that he was present as a neighboring land owner. He, along with Joseph Gesmundo, owns the Carlos Murphy parcel north to the City cemetery. He indicated his support of the Hospice project and hopes that the project would be approved by the Township. He felt that Hospice does a magnificent job and that Mr. Harris and Mr. Hammond do excellent work in designing the site and buildings.

There was no other public comment, and the public hearing was closed.

Mr. Saunders stated he felt that the retention area was the main issue. It was indicated that the applicant would have the opportunity to work with the Township Engineer to design or redesign the retention area so that the area would not require fencing. After further discussion, Board members agreed that there was a lack of information with regard to the retention basin area and the reasoning of the Township Engineer concerning the necessity of fencing same. Therefore, Board members suggested that the approval be subject to the review and approval of the Engineer. If the issue of fencing of the retention area could not be resolved between the applicant and the Engineer, the applicant could return to the Board, at which time the Township Engineer would be present to provide input.

Ms. Meeuwse moved to approve the site plan with the following conditions, limitations and notations:

(1) That the subject site shall be served by a single access point onto Croyden Avenue. The proposed access arrangement complies with the applicable design guidelines set forth in Section 67.000. Approval of this access point is subject to the review and approval of the Kalamazoo County Road Commission.

(2) That all parking was subject to compliance with the dimensional standards of the Zoning Ordinance, i.e., 10' x 20'.

- (3) That barrier-free parking is subject to ADA and Michigan Barrier-Free Guidelines and is to be designated with signage and pavement logo.
- (4) That the proposed building setbacks comply with Zoning Ordinance standards.
- (5) That the proposed dumpster/enclosure arrangement is satisfactory.
- (6) That all outdoor lighting must comply with Section 78.700 of the Zoning Ordinance, and a detailed lighting proposal must be submitted to Township staff for review and approval pursuant to Section 78.700(g).
- (7) That signage must comply with Section 76.000 and be reviewed and approved through the permit process.
- (8) That a landscape plan must be submitted to Township staff for review and approval.
- (9) That approval is subject to the review and approval of the Township Fire Department.
- (10) That approval is subject to the review and approval of the Township Engineer. It was recognized that the retention basin does not require fencing under the Zoning Ordinance and that it does not exceed the 4:1 ratio, but that the Engineer may require fencing as part of his review. If the issue of fencing could not be resolved between the applicant and the Engineer, the applicant may return to the Zoning Board of Appeals to address this issue and the Township Engineer will be available for input.

Mr. Saunders seconded the motion and the motion carried unanimously.

A.M. SUPPLY COMPANY - SITE PLAN REVIEW - WHOLESALE HARDWARE FACILITY - NORTH SIDE OF WEST MICHIGAN, EAST OF GREAT LAKES MARKETING

The next item was the consideration of the application of Mike Ahrens of Ahrens Construction, representing A.M. Supply Company, for site plan review of a proposed 5,000-sq.-ft. wholesale hardware supply facility. The subject site is located on the north side of West Michigan, east of Great lakes Marketing, and is within the "I-1" Industrial District zoning classification.

The report of the Planning and Zoning Department is incorporated herein by reference. Ms. Harvey stated that the applicant was requesting site plan approval only for the first building. The "future building" shown on the plan was not included in the proposed approval. The applicant's use involved wholesaling and a warehouse facility. However, it was noted that the parking proposal made reference to "retail" use. The Board should

confirm that this was the not the principal use of the site. Ms. Harvey noted that the access point design does not strictly comply with the Access Management Plan as to its locational standards. Ms. Harvey suggested that the Board refer to the approval of the Great Lakes Marketing site and the criteria applied to that site for deviation from the Access Management Guidelines. The Great Lakes site is adjacent to the subject site.

The Acting Chairperson had questions as to the setback of the building. The plan seemed to indicate that the building would be located within the setback. The applicant was present and stated that the setback as stated on the plan was in error. The building would meet all setback requirements of the Ordinance, "plus a few feet." As to the future building, Mr. Ahrens stated that it had been shown on the plan to show the Board the long-term picture for the site. He noted that the retention pond had been designed to accommodate future development. Mr. Ahrens stated that wholesaling was the main use and that the reference to retail was in error. Mr. Ahrens stated, as to access, that the site did not have enough room/frontage to meet all locational requirements. The applicant felt that the proposed location was the best location. He noted that "there were not a lot of employees involved in the business" and that there would not be a "great deal of customers visiting the site" since it was not a retail use. He felt that this was similar to the Great Lakes property. There was discussion of whether the 1992 approval of the Great Lakes property and whether the minutes as to reasoning used therein were applicable in this instance. Mr. Saunders stated that he felt the same reasoning would apply.

In response to questioning by Mr. Bushouse, the applicant stated that there would be some semi-truck delivery to the site. Jim Noel, owner of the proposed business, stated that one semi per week would unload at one of the overhead bays shown on the plan. It was noted that these bays were located on the northeast corner of the building.

Mr. Bushouse commented that the neighbors of the property were concerned that the grade of the site would allow water to run off onto the neighboring properties north of the site. The applicant responded that water would flow east and north on the site but would be retained on site. There was discussion of Fire Department requirements, and it was noted that the Fire Department is reviewing the proposed site plan. The applicant stated that they had worked with the Fire Department on access/turnaround. He believed that they had met all requirements.

The Acting Chairperson sought public comment, and none was offered. The public hearing was closed.

Ms. Meeuwse moved to approve the site plan with the following conditions, limitations and notations:

(1) That a single access onto West Michigan was proposed, and approval was subject to the review and approval of the Kalamazoo County Road Commission.

(2) That the deviation from Section 67.700 as to driveway spacing requirements was appropriate because of:

- (a) Unique topography;
- (b) The existing drives and the intersection with Highfield;
- (c) The fact that there was no better alternative location;
- (d) The type of facility.

(3) That all parking shall be subject to compliance with the parking space dimensional standards of the Ordinance at 10' x 20'.

(4) That barrier-free parking is subject to ADA and Michigan Barrier-Free Guidelines and shall be designated by signage and pavement logo.

(5) That the building must comply with all applicable setback requirements of the Ordinance.

(6) That the loading/unloading facilities are satisfactory based on the loading practices described by the applicant.

(7) That the proposed dumpster/enclosure arrangement is satisfactory.

(8) That proposed lighting is subject to compliance with the lighting guidelines of 78.700 and shall be detailed for review and approval by Township staff pursuant to 78.700(g).

(9) That outdoor display/storage is not proposed or approved.

(10) That signage shall comply with Section 76.130 and be reviewed and approved through the permit process.

(11) That the existing vegetation on the rear portion of the site is proposed to remain. No additional screening is required ~~unless because~~ the site is surrounded by industrially zoned property.

(12) That approval is subject to the review and approval of the Township Fire Department and Township Engineer.

(13) That information shall be supplied to staff for review and approval showing compliance with the Groundwater Protection Standards of Section 69.200 (3) - (8).

Ms. Harvey was concerned that the Board had not reviewed the criteria included in the Great Lakes approval with regard to deviation from the Access Management Guidelines. She felt that the applicant's parcel could comply with the guidelines in that the drive could be shifted 50' to the east. If the drive were relocated 50' to the east, the drive would meet both the spacing requirement applicable from the neighboring drive and from the intersection. Further, this would place the drive toward the east side of the site, which would allow for greater opportunity for a future shared-drive arrangement. There was discussion of whether the oak tree would be in the way of relocating the drive, and the Board members concluded that it would not be.

Mr. Bushouse suggested the possibility of aligning the drive with the Highfield intersection. He felt that this would improve the east/west traffic situation. Ms. Harvey agreed, but noted that this would drastically decrease the spacing between the subject drive and the drive of the Great Lakes property.

The Acting Chairperson asked the applicant for input, and he stated that he felt the drive could not be moved to the east because of topography and because he did not wish to place a drive closer to the tree. Further, he felt there was a need to place the retention basin in this area. The Acting Chairperson stated he felt that the tree would not interfere with relocating the drive. He felt that the topography was not so extreme that the drive could not comply with the spacing requirements, and Mr. Saunders and Mr. Bushouse agreed. Mr. Bushouse stated that he was concerned that approving deviation for this site would lead to deviation for the future driveways which would be placed on the other parcels in the area and, therefore, the Township would not achieve its Access Management goals.

After further discussion, Ms. Meeuwse amended her motion in subpart (2) to state that the applicant could comply with the spacing requirements of the Access Management Guidelines and that the applicant was required to revise his site plan showing the access point in compliance with the Zoning Ordinance; further, this revised plan must be submitted to Township staff for review and approval. With that amendment, Mr. Saunders seconded the motion. The motion carried unanimously.

SPEEDWAY (DRAKE ROAD/KL AVENUE) - SITE PLAN REVIEW -1250 SOUTH DRAKE ROAD

The next item was the application of Chris Crisenbery, representing Emro Marketing Company, for site plan review of a proposed site/building modification to the existing Speedway fuel sales and convenience store at 1250 South Drake Road. The subject site is within the "C" Local Business District zoning classification.

The report of the Planning and Zoning Department is incorporated herein by reference. David Krueger on behalf of KATS was also present. Ms. Harvey noted that the applicant had been before the Board in January and that the Board had concluded that a deviation from the Access Management Guidelines in this case would require a traffic study.

The item was tabled to allow for the preparation and review of the study. The applicant had submitted a traffic study and it had been reviewed.

Ms. Harvey noted that, by Ordinance, the project would be allowed one access point; however, a second access point ~~was may be~~ allowed under the Ordinance if there was sufficient trip generation or sufficient frontage. The applicant's traffic study indicated that, based upon the square footage and number of pumps, trip generation would exceed that which would warrant a second drive. KATS confirmed this calculation and agreed that a second drive was warranted for the site. It was noted that the applicant proposed removing one existing Drake Road access point thus proposing two access points for the site. Therefore, there was a basis for determining that the number of drives proposed by the applicant was in compliance with the Ordinance.

As to spacing of the access point, it was noted that there were physical limitations due to the parcel's size and the attendant frontage. The Ordinance requires 250' of spacing between ~~the each~~ drive and ~~an the~~ intersection. This parcel was not large enough to accommodate this spacing requirement. Ms. Harvey felt that the drives should be located as far west and south as could be on the parcel or that a shared-drive arrangement with the neighboring property be explored. Mr. Harvey noted that the applicant proposed relocating the existing KL drive further west 142' from the intersection. However, this drive could be moved an additional 50' to the west. Vehicle storage at the signal (the left turn lane of the intersection of KL Avenue with Drake Road) was estimated at 200'. Therefore, even locating the KL drive further to the west, there would be potential problems for traffic exiting the site and attempting to travel north on Drake Road. As to the access point on Drake Road, the applicant proposed closing one Drake Road access and relocating the remaining access point to the center of the site so as to align with the driveway across the street. The access point would, therefore, be 100' from the intersection. The location of this access point was limited by the existing underground storage tanks on the south side of the site. Additionally, the access was proposed to be 40' in width and Ms. Harvey noted that the Kalamazoo County Road Commission limits the width of access points from 24' to 32'. She stated that the throat length of the access point does not comply with the Access Management Guidelines, but that the applicant had increased the throat length from that proposed in the previous plan. KATS felt that this was not necessarily a serious problem.

Mr. Krueger was present and stated that his real concern was that traffic exiting onto KL Avenue and choosing to go north on Drake Road would have no way of getting into the left-hand turn lane. However, based on the traffic flow models, this would be more of a problem for the patrons of the gas station and was an inconvenience rather than a safety problem.

The applicant was present and stated that the owners of the dry cleaners/car wash were not interested in sharing access. The applicant was also not interested in trying this shared-access arrangement. He noted that the station had existed for some years without serious incident. He reviewed the changes made to the site plan. He stated that the Drake

access point had been centrally located and that it was felt it was desirable to make the driveway align with that across Drake Road. Additionally, tanker trucks would be accessing the site two times per week to refuel. Centrally locating the Drake Road drive would limit the possibility of interference between traffic in the access point and the tanker trucks. As for the KL drive, it was noted that this drive was pushed as far west as could be done and still retain the parking in that area.

Ms. Meeuwse had questions with regard to the route of the tanker trucks on the site. The applicant responded that the trucks would pull in from KL Avenue and park near the underground storage tanks. If the Drake Road access point were relocated south, entering and exiting cars would interfere with the tanker truck activity. The Board members questioned Mr. Krueger with regard to the necessity of pushing the KL drive further to the west. He stated that, the further this drive was relocated to the west, the greater opportunity traffic from the site would have of reaching the left-hand turn lane.

Mr. Saunders was concerned that moving the KL drive to the west would result in an inability to meet parking requirements at the site.

Mr. Bushouse stated that, in his opinion, the proposed site plan was a vast improvement over the existing access arrangement on the site. He felt that the Township was being more protective as to access than the City in this same area. He felt that approving the proposed access arrangement would be doing as much as could be done to control traffic in the area.

The Acting Chairperson sought public comment and none was offered and the public hearing was closed.

Again, access was discussed, with Mr. Bushouse commenting that he felt it was an improvement that the existing site would go from three to two drives. He did not feel that there would be any benefit to pushing the KL drive further to the west. He felt that the applicant might not be able to comply with parking requirements if the drive were relocated west. The Acting Chairperson agreed. Mr. Saunders echoed these comments, stating he felt that this was the best location for the KL drive given on-site circulation needs. Ms. Meeuwse agreed.

Mr. Saunders moved to approve the site plan with the following conditions, limitations and notations:

(1) That the access arrangement proposed by the applicant was approved conditioned upon review and approval of the Kalamazoo County Road Commission. It was noted that two access points were justified by the trip generation expected at the site and that deviation from the guidelines as to throat length and as to the location of the drives was appropriate given the Board's finding that the proposed drive locations were the "best possible locations" given the limitations on the parcel due to its boundaries and frontage.

Additionally, site circulation needs and pedestrian safety weighed in favor of deviating from the guidelines. It was felt that relocating the proposed KL Avenue drive to the west would not significantly improve traffic flow. Additionally, moving the Drake Road access point to the south would create a hazardous conflict between the traffic accessing the site and the refueling activities taking place on the site.

(2) That all parking is subject to compliance with parking space dimensional standards of the Ordinance at 10' x 20'.

(3) That barrier-free parking is subject to ADA and Michigan Barrier-Free Guidelines and be designated by signage and pavement logo.

(4) That all proposed lighting must comply with Section 78.700 and be detailed and submitted to the Township staff for review and approval pursuant to Section 78.700(g).

(5) That signage must comply with Section 76.125 and be reviewed and approved through the permit process.

(6) That screening is not required, and a landscape plan must be submitted to the Township staff for review and approval.

(7) That the proposed dumpster arrangement was approved in that the applicant indicated that it would be accessed once per week.

(8) That approval is subject to the review and approval of the Township Fire Department and Engineer.

(9) That the applicant must submit sufficient information to determine compliance with the Groundwater Protection Standards of the Ordinance pursuant to Section 69.200.

Ms. Meeuwse seconded the motion, and the motion carried unanimously.

DUNSHEE BODY & FRAME - VARIANCE FROM FRONT SETBACK REQUIREMENT - 6585 WEST "KL" AVENUE

The next item was the application of Terry Schley of Service & Design Group Architects, Inc., representing Dunshee Body & Frame, for variance approval from the 70' front setback requirement of Section 64.100 of the Zoning Ordinance. The subject site is located at 6585 West KL Avenue and is within the "I-1" Industrial District zoning classification.

The report of the Planning and Zoning Department is incorporated herein by reference.

The applicant was present, along with Ken Draayer, owner of the site. The applicant sought a 6' variance from the Ordinance limitation due to the need to accommodate workers' space needs. He stated that there is an existing building, and the site is limited on the west due to the property line. The applicant discussed the building layout and the need to locate certain tasks within the building so as to allow for a flow of one function to another within the building. There was a need to accommodate 11' to 12' for each work bay and to accommodate two bays per employee. Therefore, four bays were proposed in the "front" area of the building. Since the applicant had installed a paint booth, its volume had increased and, therefore, there was a need for a prep work area to accommodate four cars. The applicant felt that there was some precedent for this proposed variance, citing an October 1996 decision of the Zoning Board of Appeals allowing Midwest Body to place a building 65' from the setback.

The Acting Chairperson inquired whether the prep work area could be moved further south in the building. The applicant indicated that the existing building structure was not conducive to moving the wall and, therefore, the applicant could not move the prep work into this area.

The Acting Chairperson sought public comment, and none was offered. The public hearing was closed.

Mr. Bushouse inquired as to the construction of the peak roof on the building. Again there was discussion with the owner of the need of each technician to be able to work on two vehicles at a time. Mr. Bushouse had questions with regard to the elevation, and the applicant responded that there was a substantial drop at the front of the property. There was an 8' grade change from the road to the parking lot.

There was a discussion of neighboring properties, and it was noted that the North Star property was in compliance with the setback requirements of the Ordinance.

Mr. Saunders noted that the Board had been somewhat more lenient in granting variances to accommodate existing buildings. The Acting Chairperson agreed, noting that any other arrangement of the subject site would require a complete reconstruction of the building.

Mr. Saunders moved to grant the variance with the following reasoning:

(1) That compliance was unnecessarily burdensome given the existing floor plan of the facility and the layout or flow of tasks within the building. It was noted that this was somewhat unique to this type of business and limited the ability to place an addition in conformance with Ordinance requirements.

(2) That substantial justice weighed in favor of granting the variance in that similar variances have been granted in the past such as to Universal Images where there was an existing building and where site circulation patterns were set.

(3) That there were no unique physical circumstances except the presence of the railroad right-of-way which confined the site. Additionally, the topography was somewhat unique given the grade change between the road and the parking lot of the site.

(4) That the spirit and intent of the Ordinance were met by the variance.

The variance was conditioned upon and subject to review and approval by the Township Fire Department. Ms. Meeuwse seconded the motion, and the motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 5:55 p.m.

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

By: _____
Brian Dylhoff, Chairperson

By: _____
William Saunders

By: Thomas Brodasky
Thomas Brodasky

By: Lara Meeuwse
Lara Meeuwse

By: David Bushouse
David Bushouse

Minutes Prepared:
March 20, 1997

Minutes Approved:
4-7-97

AGENDA: _____

DATE: March 17, 1997

MINUTES: ZONING BOARD OF APPEALS

SENT: April 25, 1997

ZBA

- Lara M.
 - Dave B.
 - Bill S.
 - Brian
 - Tom B.
- } 4-3-97

PC

- Libby
- Marvin
- Lara
- Ken H.
- Millard
- Ted C.
- Wilfred

TB

- Fred
- Dave B.
- Marvin
- Norm

OFFICE

- Becky
- Bob
- Marci
- Lois
- Ron
- Tony
- Jim
- Attorney's
- Index
- Elaine

Total

PEOPLE

- L. L. Harris
- L. L. Harris & Associates
- 3503 Greenleaf
- Kalamazoo, MI 49008

- Michael Ahrens
- Ahrens Construction, Inc.
- 2513 N. Burdick
- Kalamazoo, MI 49007

- Mr. Terry Stuart
- A. M. Supply Company
- 616 W. Centre Street
- Kalamazoo, MI 49002

- Christopher E. Crisenbery, P.E.
- 209 E. Washington Avenue, Suite 234
- Jackson, MI 49201

- Terry E. Schley, AIA
- Service & Design Group*Architects
- 3900 W. Michigan Avenue
- Kalamazoo, MI 49006

- Home Builders Association
- 5700 West Michigan
- Kalamazoo, MI 49009

- Oshtemo Business Association
- P.O. Box 1
- Oshtemo, MI 49077



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
616-375-4260 FAX 375-7180 TDD 375-7198

NOTICE

OSHTEMO TOWNSHIP ZONING BOARD OF APPEALS

March 17, 1997
3:00 p.m.

AGENDA

1. Call to Order
2. Approval of Minutes
 - February 24, 1997
 - March 3, 1997
3. Site Plan Review - Hospice

Larry L. Harris of L. L. Harris and Associates requests Site Plan Review of a proposed 16,500 sq. ft. hospice residential facility.

Subject site is located on the east side of Maple Hill Drive, approximately 1250 ft. north of West Main, and is within the "R-4" District. (3905-13-205-050)

4. Site Plan Review - A. M. Supply Company

Mike Ahrens of Ahrens Construction, Inc., representing A. M. Supply Company, requests Site Plan Review of a proposed 5000 sq. ft. wholesale hardware supply facility.

Subject site is located on the north side of West Michigan, east of Great Lakes Marketing, and is within the "I-1" District. (3905-25-230-011)

5. Site Plan Review - Speedway (Drake Road/"KL" Avenue)

Chris Crisenbery, representing Emro Marketing Company, requests Site Plan Review of proposed site/building modifications to the existing Speedway fuel sales and convenience store.

Subject site is located at 1250 South Drake Road and is within the "C" District.
(3905-24-480-020)

6. Variance Request - Dunshee Body & Frame

Terry Schley of Service & Design Group*Architects, Inc., representing Dunshee Body & Frame, requests Variance Approval from the 70' front setback requirement established by Section 64.100, Zoning Ordinance.

Subject site is located at 6585 West "KL" Avenue and is within the "I-1" District.
(3905-23-335-035/039)

7. Other Business

8. Adjourn

AGENDA: ZBA
MINUTES: _____

DATE: March 17, 1997
SENT: March 10, 1997

ZBA

- Lara M.
- Dave B.
- Bill S.
- Brian
- Tom B.

PC

- Marvin
- ____ Lara
- Ken H.
- Millard
- Ted C.
- Wilfred

Wightman Ward Corporation
1818 W. Centre Street
Portage, MI 49024

TB

- Fred
- ____ Dave B.
- ____ Marvin
- Norm

OFFICE

- Becky
- Bob
- Marci
- Lois
- Ron
- Tony
- Jim
- Attorney's
- ____ Index
- Elaine

Oshtemo Business Association
P.O. Box 1
Oshtemo, MI 49077

Fred Langeland
Balkema Sand & Gravel
1500 River Street
Kalamazoo, MI 49001

PEOPLE

L. L. Harris (Hospice)
L. L. Harris & Associatis
3503 Greenleaf
Kalamazoo, MI 49008
11 Labels

Michael Ahrens (A.M. Supply)
Ahrens Construction, Inc.
2513 N. Burdick
Kalamazoo, MI 49007

Mr. Terry Stuart
A. M. Supply Company
616 W. Centre Street
Kalamazoo, MI 49002
18 Labels

Christopher E. Crisenbery, P.E. (Speedway)
209 E. Washington Avenue, Suite 234
Jackson, MI 49201
24 Labels

Terry E. Schley, AIA (Dunshee Body)
Service & Design Group*Architects
3900 W. Michigan Avenue
Kalamazoo, MI 49006
10 Labels

Dave Person
Kalamazoo Gazette
P.O. Box 2007
Kalamazoo, MI 49003

Home Builders Association
5700 West Michigan
Kalamazoo, MI 49009

Cripps Fontaine Excavating
7729 Douglas Avenue
Kalamazoo, MI 49004

Stanley Rakowski
7151 West "G" Avenue
Kalamazoo, MI 49009

Total



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
616-375-4260 FAX 375-7180 TDD 375-7198

To: Zoning Board of Appeals

Meeting Date: 3-17-97

From: Planning/Zoning Department

Agenda Item: #3

Applicant: Larry L. Harris, L.L. Harris and Associates
Representing Hospice Care of Greater Kalamazoo

Property In Question: Approximately 9 acres located on the east side of Maple Hill Drive, 1250 ft north of West Main - Section 13.

Reference Vicinity Map

Zoning District: "R-4" Residence District

Request: Site Plan Review - 16,500 Sq Ft (12 Units) Hospice Facility

Ordinance Section(s): Section 82.800 - Criteria For Review

Planning/Zoning Department Report:

Department Review

Site Plan Review - Section 82.800

a) - The subject site is served by a single access point onto Croyden Avenue.

The proposed access arrangement complies with the applicable design guidelines set forth in Section 67.000.

Approval shall be subject to Kalamazoo County Road Commission review/approval.

- Proposed parking lot layout has been provided in compliance with Ordinance standards. All parking spaces shall be subject to compliance with dimensional standards (10 ft x 20 ft).
- Barrier free parking has been adequately provided. Said parking shall be subject to ADA and MI Barrier Free Guidelines and be designated with signage and pavement logo.

b) - Proposed building setbacks comply with Ordinance standards.

- The proposed dumpster/enclosure arrangement is satisfactory.
- A detailed outdoor lighting proposal has not been provided.

All outdoor lighting shall be provided in compliance with the lighting guidelines set forth in Section 78.700. A lighting proposal shall be detailed for review/approval pursuant to Section 78.700 g.

- Signage shall comply with Section 76.000 and be reviewed/approved through the permit process.

c)&

d) - The subject site is adjacent to vacant commercial zoning on its east and south boundaries. Property adjacent to the north is located within the "R-4" District and is occupied by Bronson Place. Opposite the subject site, on the west side of Maple Hill Drive, is Summer Ridge Apartments, also located within the "R-4" District.

Proposed landscaping should be reviewed in consideration of the character of the general area and the approved landscaping schemes on developments within the general area.

Consider the following:

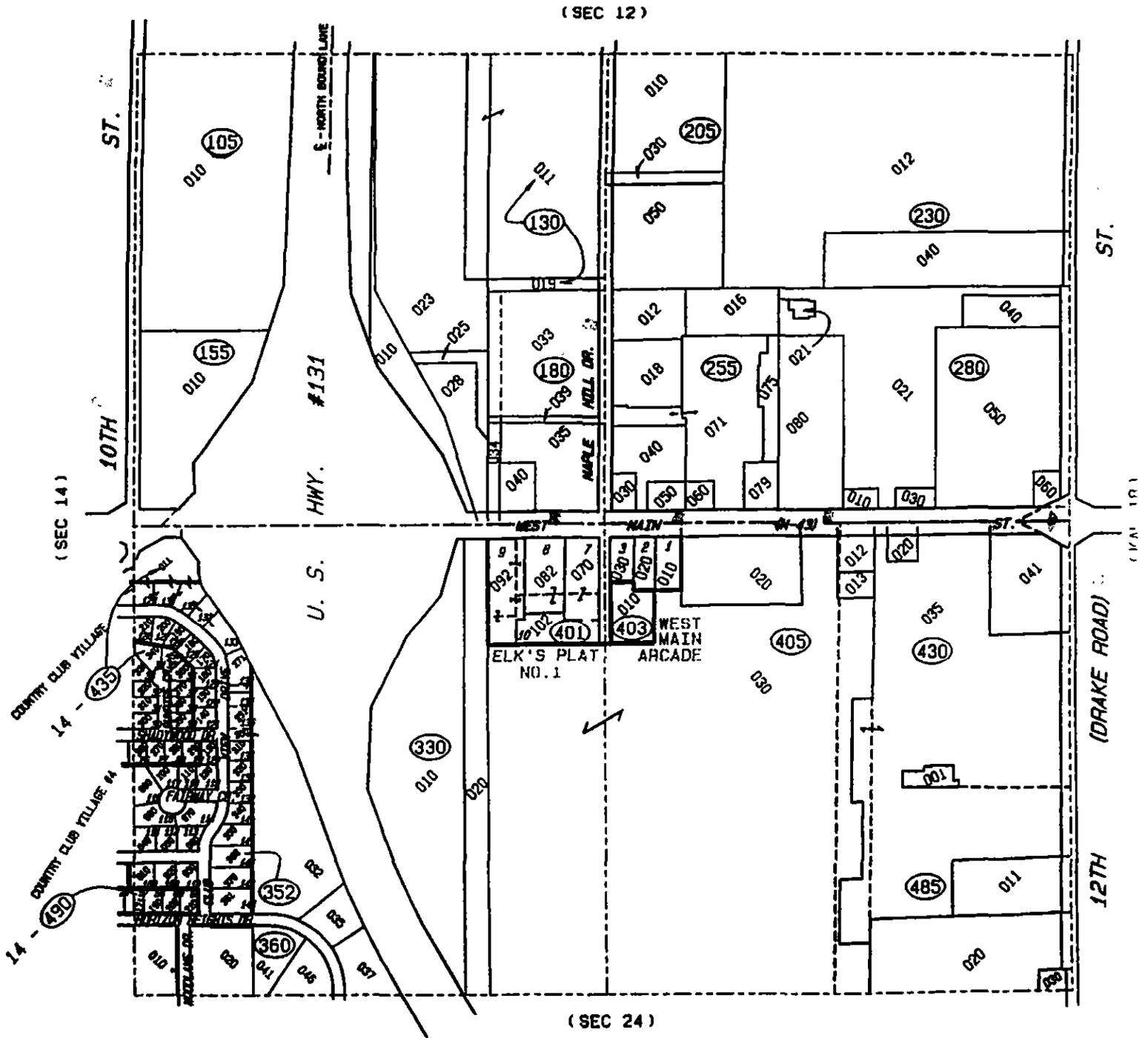
: Existing landscaping on Bronson Place and Summer Ridge properties.

: Approved landscape proposal - Goodrich Theaters (adjacent to south)

- In keeping with the existing vegetation along West Main and Maple Hill Drive, plantings (trees) of similar type along Maple Hill Drive, the length of the site.
- A 'landscape screening mound' the length of the northern boundary in response to adjacent residential zoning.

- Landscaped parking lot end-islands.
 - Landscaping along the east property line adjacent to the retention pond consistent with the landscaping provided on the Target site the remaining distance of this site's east property line.
- e) - Variance approval has not been requested.
- f) - Approval shall be subject to Township Fire Department review/approval.
- g) - Approval shall be subject to Township Engineer review/approval.
- l) - The proposed project will be serviced by public sewer and water.

SECTION 13



DATE: AUGUST 25, 1993
REVISED DATE: MARCH 4, 1996
PRINTED DATE: MARCH 21, 1996

West Storm Water Retention Pond

The Storm water retention area on the west side of the site is designed to be used as an aesthetic water feature on the site, in addition to its function as a collector for storm runoff.

It is requested that the requirements for fencing storm water discharge areas be based on ordinance requirements only, so the aesthetic nature of the pond can be preserved. Side slopes of the basin do not exceed 4' horizontal to 1' vertical.

Landscape Intent

The emphasis on foundation plantings is to focus on creating an intimate garden landscape between each of the living quarters. This would require heavy planting of evergreen shrubs, flowering shrubs and trees around the building

Site landscaping is to include up to 35 evergreen trees, 25 shade trees and 25 flowering trees around the parking area, entry and along the perimeter of the pathway. The existing trees on the south portion of the site are to remain, while leaving all areas that are undisturbed in their natural state.



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
616-375-4260 FAX 375-7180 TDD 375-7198

To: Zoning Board of Appeals

Meeting Date: 3-17-97

From: Planning & Zoning Department

Agenda Item: #4

Applicant: Mike Ahrens, Ahrens Construction
Representing AM Supply Company

Property In Question: Approximately 2 acres located on the north side of West Michigan, adjacent to the east of Great Lakes Marketing (5220 West Michigan) - Section 25.

Reference Vicinity Map

Zoning District: "I-1" Industrial District

Request: Site Plan Review - 5,000 Sq Ft Wholesale Facility

Ordinance Section(s): Section 82.800 - Criteria For Review

Planning & Zoning Department Report:

Department Review

Site Plan Review - Section 82.800

a) - A single access onto West Michigan is proposed.

The proposed access arrangement should be reviewed in consideration of the following access management provisions set forth in Section 67.000:

Section 67.300 3., 5., & 8. - Driveway Design

: Driveway design shall be subject to Kalamazoo County Road Commission and Township Fire Department review/approval.

Section 67.500 - Driveway Spacing

- 1. 230 ft driveway spacing required; 170 ft separation from Great Lakes Marketing (west) access proposed.**
- 5. 150 ft offset -or- alignment required; 110 ft offset from Highfield Street (opposite) proposed.**

Section 67.500 - Deviation from Guidelines

: A traffic report supporting the proposed deviations from the access management guidelines has not been submitted.

: On 3-2-92, the Board granted Site Plan Approval to Great Lakes Marketing located to the west of the subject site. Approval of the project included support for deviation of the access management guidelines for the proposed access - Reference 3-2-92 ZBA Minutes.

- The proposed parking layout is satisfactory and has been provided in compliance with Ordinance standards. All parking shall be subject to compliance with parking space dimensional standards. (10 ft x 20 ft)**
- Barrier-free parking has been adequately provided. Said parking shall be subject to ADA and MI Barrier Free Guidelines and be designated by signage and pavement logo.**

The following barrier-free parking standards should be noted:

- : 1 van accessible parking space shall be provided for every 8 barrier-free parking spaces**
- : the van accessible parking space shall be 8 ft in width (10 ft depth) with an 8 ft aisle width**
- : the standard barrier-free parking space shall be 8 ft in width (10 ft depth) with a 5 ft aisle width**

- b) - A 70 ft front building setback (from r.o.w.) is required; a 66 ft front building setback is proposed. Remaining building setbacks comply with Ordinance standards.**

- Any proposed loading facilities should be detailed for review/approval.
- The proposed dumpster/enclosure arrangement is satisfactory.
- A detailed outdoor lighting proposal has not been provided.

All proposed lighting shall be subject to compliance with the lighting guidelines set forth in Section 78.700 and be detailed for review/approval pursuant to Section 78.700 (g).

- Outdoor display/storage is not proposed.
- Signage shall comply with Section 76.130 and be reviewed/approved through the permit process.

c)

&d)-The subject site is surrounded by industrial zoning. Adjacent properties are currently occupied by industrial (Whitman Saddle, Great Lakes Marketing) and vacant land use. Opposite the subject site is residential zoning ("R-3") occupied by several multiple-family dwellings and the Century-Highfield residential neighborhood.

- Screening is not required.
- The existing vegetation on the rear portion of the site is proposed to remain. A conceptual landscape plan has been provided identifying general landscape ideas for the 'developed portion' of the site.

Proposed land cover schemes should be reviewed for consistency with the character of area developments and the objectives of the corridor.

- Approval should recognize the proposal to retain the natural character of the rear portion of the site until the development of the 'Future Building' in any excavation and restoration efforts related to the 'New Building'.

e) - Variance approval has not been requested.

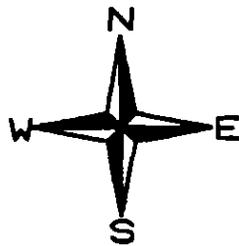
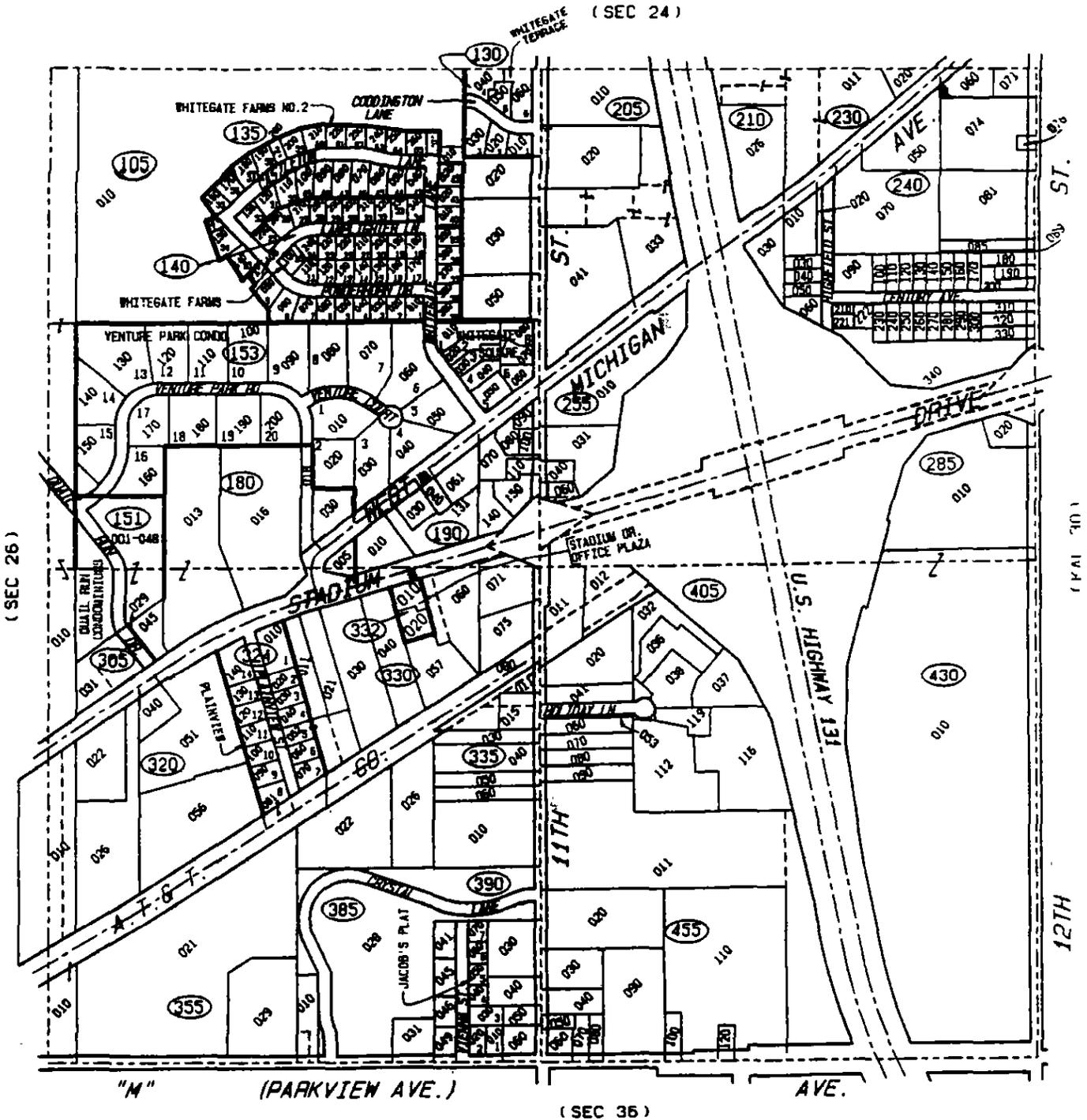
f) - Approval shall be subject to Township Fire Department review/approval.

g) - Approval shall be subject to Township Engineer review/approval.

l) - Information shall be provided adequate to determine compliance with Section 69.200 3.) - 8.) - Groundwater Protection Standards.

- : Public sewer and water will service the subject site.
- : The proposed loading facilities should be reviewed for compliance with groundwater protection standards.

SECTION 25



DATE: AUGUST 25, 1993

REVISED DATE: MARCH 8, 1996

PRINTED DATE: MARCH 21, 1996

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES OF REGULAR MEETING HELD MARCH 2, 1992

AGENDA

GREAT LAKES MARKETING - SITE PLAN REVIEW - WEST MICHIGAN AVENUE

A regular meeting of the Oshtemo Charter Township Zoning Board of Appeals was conducted on Monday, March 2, 1992, commencing at approximately 3:00 p.m., at the Oshtemo Charter Township Hall, pursuant to notice.

Members present: Marvin Block, Chairman
 Ron Zuiderveen
 Elaine Branch

Members absent: Stan Rakowski
 George Vuicich

Also present were Rebecca Harvey, Planning and Zoning Department, Patricia Mason, Township Attorney, and 6 other interested persons.

CALL TO ORDER

The Chairman called the meeting to order at 3:03 p.m.

MINUTES

The Board first considered the minutes of the meeting of January 20, 1992. Ms. Branch moved to approved the minutes as submitted. Mr. Zuiderveen seconded the motion and the motion carried unanimously. The Chairman indicated that the minutes of February 3 and February 10, 1992, would be considered at the next meeting.

GREAT LAKES MARKETING - SITE PLAN REVIEW - WEST MICHIGAN AVENUE

The next item of business was the application of Bruce Kuipers, representing Great Lakes Marketing, for Site Plan Review of a proposed 4,320 sq. ft. Automobile Protection Service and Sale Office facility. The subject site is located on the north side of West Michigan Avenue, approximately 343' east of US 131, and is within the "I-1" Industrial District Zoning Classification; the subject site is approximately 3.8 acres.

The applicant, along with Ed Overbeck, the owner of Great Lakes Marketing, was present concerning the item.

The Chairman called upon Ms. Harvey to summarize her report concerning the application. That report is incorporated herein by reference. Ms. Harvey noted that the Board should make a determination as to whether the proposed use was permitted in the "C" District under Section 30.204, or in the "I-1" District under Section 41.202 or 41.204. The Board should determine which Ordinance provision is applicable to the proposed use.

The applicant proposed that the site be utilized for a sales office and service base for the undercoating, finish sealing and upholstery sealing of cars. No dust, dirt, gases, etc., were generated by the use, according to the applicant.

Section 30.204 of the Ordinance permits, as a use in the "C" District, "public garages or service stations, excluding body shops". Section 41.202 of the Ordinance permits, in "I-1" Districts, "...treatment of articles wherein all work is carried on within an enclosed building...". Section 41.204 of the Ordinance permits "autobody and paint shops", in the "I-1" Zoning District.

Ms. Branch moved to interpret the proposed use as falling within Section 41.202. Mr. Zuiderveen seconded the motion and the motion carried unanimously.

Ms. Harvey indicated that the subject site was located on the vicinity map attached to her report; she stated that the portion outlined in yellow, to the west of the dotted line, was a proposed split-off. That split-off would be combined with parcels 021, 010 and 210, to make up the subject site.

Ms. Harvey noted that the Board should take action on the site plan, excluding the proposed future addition. The applicant did not seek action on the future addition and Township staff had not yet reviewed same.

Ms. Harvey indicated that she would make comments concerning the access arrangements when the Board began discussing the site plan.

The Chairman sought public comment on the item and none was offered. The public hearing was closed and Board comment on the item began.

The Board discussed the criteria set forth in Section 82.800. As to sub-part a, Ms. Harvey made the following comments regarding access. She indicated that the design of the access point did meet the guidelines set forth in the Ordinance. However, as to location, the proposed access drive did not meet the spacing guidelines as set forth in the Access Management Plan or Access

Management Guidelines of the Ordinance. She noted that the spacing guidelines, based on speed limit, indicated that the proposed access point falls short and did not meet the requirements of Section 67.500, with regard to the distance between the subject site's access point and the access point of Whitman Saddle. Moreover, the access drive was "too close" to the Highfield intersection. Therefore, the Board should discuss and consider the access arrangement. Ms. Harvey indicated that ideally the access point should line up with the Highfield intersection. However, an additional 40 to 50 feet would be needed on the east side of the parcel.

The applicant indicated that he does not own the property to the east. Further, he did not know whether the owner would be receptive to a shared access arrangement. Further, the applicant pointed out that the location of the access point was limited because of the topography and terrain of the area.

The applicant and the Board discussed whether the drive could be moved to the west side of the parcel. The Board members concurred, however, that moving the access drive west would be harmful in that it would interfere with the three existing drives in that area.

Since the applicant proposed deviation from the Access Management Guidelines, the Board considered the standards of Section 67.700. The Board considered whether the alternative access arrangement was warranted and complied with the Township access management objectives, based on the following criteria:

- (1) Traffic conditions and/or site restrictions. As to site restrictions, the Board noted the unique topography changes which occurred in the area, the existing three drives to the west, and the Highfield intersection. The Board members felt that given these unique circumstances, deviation from the guidelines was justified in this particular case. As to traffic considerations, Board members concurred that given the nature of the facility involved, minimal trip generation could be expected.
- (2) Justification of need. The Board members felt that there was no better alternative location on the site. Further, a shared drive arrangement did not appear feasible given topography restraints.
- (3) Impact of the development and proposed access facilities on the operation of the abutting street. Again, due to the nature of the facility, which was "wholesaling" services for automobiles, minimal trip generation was expected. Further, the Board again noted that the location of the drive seemed to be the "best possible" given the limitations imposed by topography and parcel boundaries.

- (4) Internal circulation and parking system. Board members felt that the internal circulation and parking at the site was satisfactory, and therefore would not interfere with the operation of the abutting street or the access point.
- (5) Compliance with the objectives of the Township's Access Management guidelines. It was noted that the Board had discussed the uniqueness of this particular situation. Further, the Board had discussed its concern regarding the development of the property to the east; it was felt that the proposed location was the best possible considering the circumstances. However, to make this access point workable, and not interfere with the operation of the abutting street, the Board encouraged a shared access arrangement be developed for the property to the east if said parcel were split.

After discussion of the remaining provisions of Section 82.800, Mr. Zuiderveen moved to approve the Site Plan with the following conditions, limitations and notations:

- (1) That one barrier-free parking space be established, said space to be dimensioned at 12 ft. by 20 ft., and designated with signage and pavement logo.
- (2) That all proposed lighting be sharp cut-off in type (i.e., sharp cut-off fixtures and angled at 90° downward), and that lighting comply with Section 78.700 of the Ordinance.
- (3) That the proposed dumpster be enclosed on three sides and enclosure should be large enough to accommodate possible recycling containers.
- (4) That no outdoor storage of vehicles or materials was proposed or approved.
- (5) That no signage was approved; all signage shall be reviewed and approved through the permit process.
- (6) That the applicant submit a landscape plan, which shall be reviewed and approved by the Planning and Zoning Department.
- (7) That the approval be subject to the review and approval of the Township Fire Department.
- (8) That the approval be subject to the review and approval of the Township Engineer.

- (9) That the Board found that deviation from the Access Management Guidelines was warranted, pursuant to Section 67.700, as set forth above.
- (10) That the approval did not include review or approval of the "future addition".

Ms. Branch seconded the motion. The motion carried unanimously.

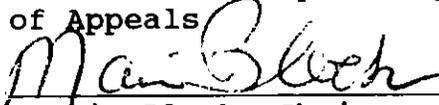
OTHER BUSINESS

It was noted that the Board would conduct a special meeting on March 5, 1992, at 7:30 p.m. The Board would convene at the site of Budgetel Inn.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 4:20 p.m.

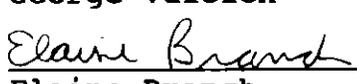
Oshtemo Township Zoning Board
of Appeals



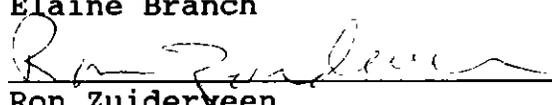
Marvin Block, Chairman

Stanley Rakowski

George Vuicich



Elaine Branch



Ron Zuiderveen

Minutes prepared:
March 3, 1992

Minutes approved:
April 20, 1992



**WILKINS & WHEATON
ENGINEERING CO., INC.**

169 PORTAGE STREET • KALAMAZOO, MICHIGAN 49007-4881
PHONE: (616) 345-1158

February 27, 1997

Mrs. Becky Harvey
Zoning Administrator
Charter Township of Oshtemo
7275 W. Main Street
Kalamazoo, MI 49009

Re: AM Supply

Dear Mrs. Harvey:

At your request, we have examined the subject site plan located on West Michigan Avenue. As a result of the review, we find that the plan is incomplete. There are no proposed elevations for the proposed parking lot or a method shown for conveying the storm water from the parking lot to the retention area.

It is recommended that soil boring data be submitted for the retention area.

If there are any questions, please contact our office.

Sincerely,

WILKINS & WHEATON ENGINEERING CO., INC.

George G. Boyce, P.E.

GGB:dlj



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
616-375-4260 FAX 375-7180 TDD 375-7198

To: Zoning Board of Appeals

Meeting Date: 3-17-97

From: Planning/Zoning Department

Agenda Item: #6

Applicant: Ken Drayer, Owner
Dunshee Body & Frame

Property In Question: 6585 West KL Avenue

Reference Vicinity Map

Zoning District: "I-1" Industrial District

Request: Variance Approval - 70 Ft Front Setback Requirement

Ordinance Section(s): Section 64.100 - Setback Standards

Planning/Zoning Department Report:

Background Information

- On 5-1-95, the ZBA conducted Sketch Plan Review of proposed building additions and related site modifications on the site of Dunshee Body & Frame.

At that time, the Board also considered a request from the applicant for variance approval from the 20 ft rearline setback requirement to allow the placement of the south building addition up to the south property line (0 ft setback). The requested setback variance was granted.

Reference 5-1-95 ZBA Minutes

- On 8-19-96, the Board granted Site Plan Approval for the (previously) proposed

building additions, incorporating the 20 ft rearline setback variance granted on 5-1-95.

Reference 8-19-96 ZBA Minutes

- Phase 1 of the approved project (south -or- rear addition) has been completed and occupied. The construction of Phase 2 (north -or- front addition) is scheduled to commence Spring '97.
- Due to floor plan limitations and operational constraints, the north (-or- front) building addition has been redesigned and is now proposed to be located 64 ft from the KL Avenue r.o.w. line.

A 6 ft variance from the 70 ft front setback requirement from KL Avenue is requested.

Reference 2-25-97 Application Letter

- The proposed setback amendment will not significantly alter the previously approved site plan for Phase 2 (north -or- front addition).

Department Review

Reference Standards of Approval of a Nonuse Variance ('practical difficulty' criteria):

1. *Conformance Unnecessarily Burdensome*

- : Do alternate locations exist on the site in compliance with setback standards?
 - Consider the relationship between the existing floor plan of the facility and the proposed building expansion.
- : Does reasonable use of the property exist with a denial of the variance?
 - The site is currently occupied by a body and frame shop (Dunshée's) and has received approval for a front building expansion.

2. *Substantial Justice*

- : Consider past decisions in similar requests. (Since 1984 Ordinance)
 - Reference compilation of ZBA action on similar front setback variance requests.

: Consider existing (and future) front building setbacks on surrounding properties to determine consistency with the general character of the area.

3. *Unique Physical Circumstances*

: There are no unique physical limitations (ie. topography, vegetation) that exist on the subject site preventing compliance.

4. *Self-Created Hardship*

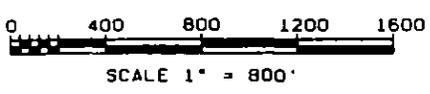
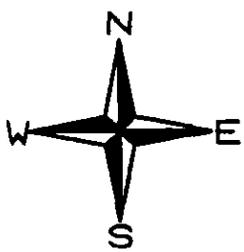
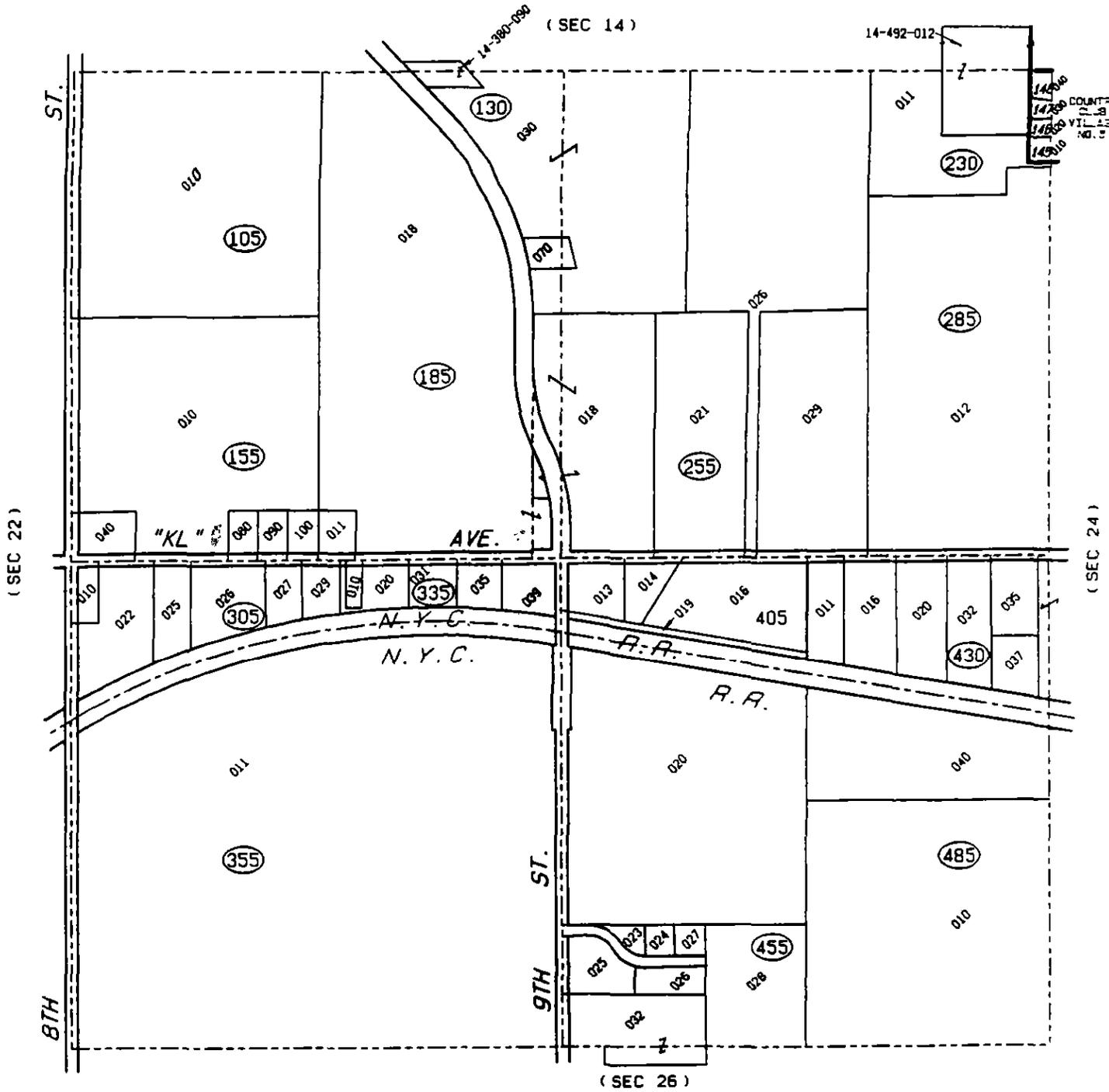
: The proposed building design is at the discretion of the applicant.

: Consider the presence of the railroad r.o.w. to the rear of the site and the nature/permanency of the existing floor plan.

5. *Will the spirit of the Ordinance be observed, the public health, safety, and welfare secured, and substantial justice done if the variance was granted?*

: Variance approval should be subject to Township Fire Department review/approval.

SECTION 23



DATE: AUGUST 25, 1993
 REVISED DATE: MARCH 8, 1996
 PRINTED DATE: MARCH 21, 1996

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES OF MEETING HELD MAY 1, 1995

Agenda

DUNSHEE BODY & FRAME - SKETCH PLAN REVIEW AND VARIANCE -
6585 WEST "KL" AVENUE

STATUS REPORT - SHARED DRIVE - 7162 STADIUM DRIVE

A meeting was conducted by the Oshtemo Charter Township Zoning Board of Appeals on Monday, May 1, 1995, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

MEMBERS PRESENT: Brian Dylhoff, Chairperson
 William Miller
 Elaine Branch
 Thomas Brodasky

MEMBER ABSENT: William Saunders

Also present were Rebecca Harvey, Township Planning and Zoning Department representative, Patricia Mason, Township Attorney, and ten (10) other interested persons.

CALL TO ORDER

The Chairperson called the meeting to order at 3:04 p.m.

MINUTES

The Board discussed the minutes of the meeting of April 17, 1995. Mr. Brodasky suggested a change to page 5 thereof to indicate, in (4), that the facility would have parking to meet its needs. Mr. Miller moved to approve the minutes as amended. Mr. Brodasky seconded the motion. The motion carried unanimously.

**DUNSHEE BODY & FRAME - SKETCH PLAN REVIEW AND VARIANCE -
6585 WEST "KL" AVENUE**

The next item was the application of Terry Schley of Service and Design Group Architects, representing Dunshee Body & Frame, for sketch plan review of proposed 5,800 sq. ft. building addition to the existing facility. The applicant also requested variance

approval from the 20' rear line setback requirement established by Section 64.300 of the Zoning Ordinance. The subject site is located at 6585 West "KL" Avenue and is within the "I-1" Zoning District classification.

The report of the Planning and Zoning Department is incorporated herein by reference.

The applicant proposed improvements to the existing site in two phases. In the first phase, the applicant wants to remove 860 sq. ft. of the existing building and establish 3,530 sq. ft. of building in its place. In Phase II, a 2,235 sq. ft. body shop addition would be added. Moreover, a parking lot expansion and repaving would be completed.

The applicant sought a sketch plan review of the proposed site changes. The 3,530 sq. ft. paint shop addition in Phase I was proposed to be extended to the south property line. Therefore, the applicant had requested a variance from the 20' rear line setback requirement. It was pointed out that the south line of the property abuts the N.Y.C. Railroad right-of-way.

The Planning and Zoning Department report included past decisions of the Board regarding rear-line setback requirements. She felt that four decisions were particularly similar, i.e., the decisions of December 2, 1985; June 6, 1988; February 6, 1989; and June 5, 1989. In each case, a right-of-way line was adjacent to the property line from which a variance from the setback requirement was requested.

Ms. Harvey further noted she had provided the Fire Department review to the Board. She stated that the Fire Department would require an access road surrounding the building unless the building contained a fire suppression system, such as a sprinkler. Therefore, Ms. Harvey suggested that the Board condition any variance on the requirements of the Fire Department.

The applicant was present, along with Ken Dunshee Draayer. The applicant, Mr. Schley, indicated that the existing building is approximately 23' from the property line. Mr. Dunshee Draayer reiterated the proposed two-phase building addition project requested by the applicant. He stated that the 3,530 sq. ft. building addition which was proposed to be extended to the south property line had been located as proposed due to the "flow" of activities inside the building. Two paint booths would be located in this building addition. He stated that, to meet EPA and other regulations, this business was moving to a "water-borne paint system" which needs to be located at the "discharge" end of the business. The Chairperson questioned the applicant with regard to the area opposite the paint booth in the proposed addition area. Mr. Schley responded that these were the "last prep" areas for cars.

Mr. Brodasky questioned the applicant with regard to the plan to move parking toward "KL" Avenue. This proposal was being made due to the need for an entry into the building in this area of the site.

In response to comments from Mr. Brodasky, the applicant indicated that it recognized it was common that a fire department would require an access road 360° around a

building unless a fire suppression system was installed. The applicant indicated they had no problem with the Fire Department's requirement.

The applicant was questioned by Ms. Branch with regard to the possibility that the addition could be added to the east side of the building. Mr. ~~Dunshee Draayer~~ responded that this proposal had been pursued and that it would be less costly to the applicant to establish a building addition in that location. However, an addition to the east side of the property would not allow the cars to flow through the building. Cars would have to be taken outside in order to get to the paint-booth area, and this is a quality-control problem when such cars are already prepped. It was pointed out by the applicant that the inside of the building could not be easily reconfigured in that the equipment presently in the eastern part of the building could not be relocated due to the height in the remainder of the building.

The applicant, in response to a question from Mr. Brodasky, said that it was proposing to pave the employee parking area.

Mr. Miller questioned the applicant with regard to the parking of vehicles outside which were awaiting repair. The applicant responded that generally parts were ordered in advance of a scheduled repair. However, if vehicles are towed to the site, they are stored in the fenced area to the back of the site.

There was no public comment, and the public hearing was closed.

Mr. Brodasky commented that, if the applicant were willing to meet Fire Department requirements, he would "feel comfortable" with the variance. He was also in favor of the variance due to the existence of the railroad right-of-way on the south side of the property.

Ms. Branch agreed with Mr. Brodasky's comments, however, was concerned about the size of the variance requested. She noted that, in other cases wherein a similar variance request had been granted, the degree of variance was smaller.

Mr. Miller stated that, in his opinion, the use in question was distinguishable in that it was somewhat of a "manufacturing type of process" which required an internal building "flow."

There was discussion of the four similar variance applications included in the packet.

Ms. Branch then reviewed the non-use variance criteria.

(1) As to whether conformance was unnecessarily burdensome, Ms. Branch stated that, given the business and the internal "flow" necessary and given the existing building, she was satisfied that the applicant had reviewed other options and that there was no other place to locate the proposed addition. However, she recognized that there would still be reasonable use of the site even without the variance and the addition. Further, the degree of variance was much higher than had been granted in the past.

(2) She felt that substantial justice would weigh in favor of granting the variance in that variance had been granted in similar situations where the rear yard line was located adjacent to a utility or railroad right-of-way. Due to the fact that the rear yard abutted the right-of-way, there would be no negative impact on adjacent properties. Further, she felt that Fire Department concerns could be addressed with an indoor fire suppression system.

(3) It was recognized that there were no unique circumstances with regard to the property itself.

(4) The hardship was self-created in that the design was at the applicant's discretion.

(5) Ms. Branch, however, felt that the spirit of the ordinance would be observed and the public health, safety and welfare secured if the variance were granted due to the fact that the rear line abutted the railroad right-of-way and due to the fact that the Fire Department concerns could be met with an indoor fire suppression system. She recognized that setbacks are traditionally required for security, safety and aesthetics with relation to adjoining properties. Because of the road right-of-way, concern for security, safety and aesthetics was satisfied.

Based upon the above reasoning, and the weight she accorded to criteria (1), (2) and (5), Ms. Branch moved to grant the variance conditioned upon the applicant meeting the requirements of the Fire Department. Mr. Brodasky seconded the motion. The motion carried unanimously.

The Board next discussed sketch plan review.

Ms. Branch observed that, by changing the parking area, the greenspace currently existing at the site would be paved. Ms. Branch stated she would like to see more greenspace at the site. Mr. Schley and Mr. ~~Dunshie~~ ~~Draayer~~ indicated that the applicant felt it was possible to work on the site to soften the effects of the asphalt and add greenspace. The applicant indicated there might be a way to reconfigure the parking area to retain greenspace. Board members were in favor of the applicant reconfiguring the area to retain as much greenspace as was practicable and felt that it was important that a landscape plan be developed and submitted.

Mr. Miller questioned the applicant with regard to whether any drains would be located inside the building. The applicant responded that it would meet Federal, state and local standards with regard to such drains.

In response to an observation from the Chairperson, the applicant indicated it was aware of the lighting standards of the Township and would meet them. Ms. Branch had a question with regard to water runoff, and the applicant responded that water currently goes into a low area which feeds into a drywell.

With regard to outdoor storage, it was noted that the applicant would need to meet the criteria of Section 41.403. The Township Attorney and Ms. Harvey felt that outdoor storage

of vehicles awaiting repair would be accessory to this use. The size of such storage and its location, as well as other features regarding the storage, would be subject to site plan review.

Mr. Miller moved to approve the sketch plan, noting the points of the Board's discussion with the applicant. Mr. Brodasky seconded the motion, and the motion carried unanimously.

STATUS REPORT - SHARED DRIVE - 7162 STADIUM DRIVE

The next item was the Planning and Zoning Department's status report regarding the shared-drive-arrangement negotiations related to the approved site plan for the proposed conversion of an existing residence located at 7162 Stadium Drive to a hair salon.

Ms. Harvey noted that she had had conversations with the property owner to the west, i.e., Auto Trim Design. The owner was not interested in shared access. He felt the design of his site would not lend itself to a shared-drive system. However, with regard to the owner of the property to the east, i.e., the City of Kalamazoo, the City and its representatives were willing to meet with Ms. Harvey at the site of the City's property to determine whether a shared-drive arrangement would be possible. The City did have some concerns about liability and were discussing these concerns with its attorney.

Mr. Hill was present, representing the applicant, and indicated that he was concerned as to the time the process was taking. It was noted that Mr. Hill had not yet submitted a revised plan as required by the Board. However, he indicated it was forthcoming. Ms. Harvey suggested that Mr. Hill submit the revised plan and that review of this plan could take place while the discussion process with regard to the shared drive was ongoing. Ms. Harvey believed that the issue could be resolved within two weeks, and she expected that the inspection or meeting with City personnel at the City property would take place within the week. Mr. Hill was invited to attend the inspection.

There was no other public comment, and the item was tabled to the Board's meeting of May 15, 1995.

OTHER BUSINESS

Ms. Harvey updated the Board with regard to the progress of items which had received approval.

DUNSHEE BODY AND FRAME - SITE PLAN REVIEW - PROPOSED BUILDING ADDITIONS - 6585 WEST KL AVENUE

The next item was the application of Terry Schley of Service & Design Group Architects, Inc., representing Dunshee Body and Frame, for site plan review of a proposed addition to the existing facility. The addition involved 2,580 sq. ft. as a north building addition and 2,475 sq. ft. as a south building addition. The building expansions were proposed to accommodate body shop/painting/office renovation. The subject site is located at 6585 West KL Avenue and is within the "I-1" Industrial District Zoning classification.

Ms. Harvey noted that the site plan was in keeping with the setback variance granted to the site and the sketch plan review of May 1, 1995. Ms. Harvey also noted that the outdoor parking/storage of vehicles should be discussed with the applicant. Further, she noted that in sketch plan review the applicant had been asked to consider reconfiguration of the parking area so as to retain greenspace as far as was practicable. The report of the Planning and Zoning Department is incorporated herein by reference.

Terry Schley was present on behalf of owner Ken Draayer. He noted that the application involved a two-phase plan for addition to the existing building. Phase 1 would consist of the addition to the south side of the building. The second phase would consist of the addition to the north side. Mr. Schley further stated that phase 1 would involve employee parking on the east side. As to screening, the applicant indicated that they would be willing to add plantings and possibly fencing to make the site more aesthetically pleasing. A landscape plan would be submitted to Township staff.

In response to questions by Ms. Meeuwse, the "building flow" was reviewed. Mr. Schley stated there was an intention to put in two paint booths. Ms. Branch referenced the minutes of the meeting involving sketch plan review, noting that there seemed to be a "natural flow" inside the building.

As to the timing of phases, the applicant stated that the first phase would be begun immediately, and the second phase would be commenced next year.

Ms. Harvey questioned the applicant as to the site improvements involved in each phase. With regard to phase 1, Mr. Schley stated that the addition to the rear and the work on site in this area would be completed. Further, there would be changes to the fencing in the rear and changes to the employee parking area. In phase 2, changes would be made in the office/prep area and the north parking area.

Ms. Meeuwse questioned the applicant as to the gravel located on the east/south portion of the site. Mr. Schley stated that this area would be converted to asphalt. Further, new drywells would be added in phase 2. Ms. Meeuwse was concerned with regard to the hazardous substances which would be utilized at the site. Ms. Harvey noted that the Board

could make compliance with the Groundwater Protection Standards a condition of approval. As to lighting, the applicant stated that Ordinance standards would be met.

Outdoor storage was discussed, and it was noted that a solid/siding fence would be located on the south side of the site. The applicant indicated that there would be no long-term storage. Customer vehicles awaiting repair would be located in this area. These vehicles would primarily be those severely damaged which were in such a condition that they could not immediately be taken into the shop and needed to await appraisal and/or parts.

Ms. Meeuwse noted she had observed damaged cars outside of the storage area the previous weekend. The applicant responded that occasionally, without permission of the owner, damaged cars were dropped off during the weekend. These cars were immediately moved to the appropriate area on Monday morning.

There was no public comment offered, and the public hearing was closed.

Ms. Branch expressed satisfaction that the applicant had followed the request of the Board in sketch plan review with the exception that a landscape plan had not yet been prepared. However, she noted that the applicant had indicated a willingness to do so; therefore, she was satisfied with the applicant's proposal.

Ms. Branch moved to approve the site plan with the following conditions, limitations and notations:

- (1) That the existing access arrangement was not supposed to be altered.
- (2) That the proposed parking lot improvements provided parking in compliance with Ordinance standards. All parking was subject to compliance with parking-space dimensional standards of 10' x 20'.
- (3) That all barrier-free parking be subject to ADA and Michigan Barrier-Free Guidelines and be designated by signage and pavement logo.
- (4) That the proposed dumpster arrangement, including a dumpster, recycling bin and a scrap iron dumpster to be located at the southeast corner of the outdoor storage area, was satisfactory.
- (5) That, as to outdoor storage, the applicant had indicated the area was not intended for long-term storage of inoperable vehicles but those awaiting repair/ appraisal.
- (6) That all lighting be subject to compliance with the lighting guidelines of Section 78.700 and that a detailed plan be submitted to Township staff for review and approval.

- (7) That signage comply with Section 76.000 and be reviewed and approved through the permit process.
- (8) That no additional screening was required.
- (9) That a landscaping plan be submitted to Township staff for review and approval.
- (10) That the site comply with Groundwater Protection Standards.
- (11) That the two-phase proposal was approved.
- (12) That approval was subject to the review and approval of the Township Fire Department and Engineer.
- (13) That compliance with the conditions of the variance previously granted to the site was required.

Mr. Saunders seconded the motion, and the motion carried unanimously.

**ROGER LEONARD - VARIANCE REQUEST FROM 40' FRONT SETBACK -
2848 S. 8TH STREET**

The next item was the application of Roger Leonard for variance approval from the 40' front setback requirement of Section 64.200 of the Zoning Ordinance. The subject site is located at 2848 S. 8th Street (northwest corner of S. 8th Street/Baton Rouge Avenue, LaSalle Estates) and is within the "AG"-Rural Zoning District classification.

The report of the Planning and Zoning Department is incorporated herein by reference.

Ms. Harvey noted that the property had been developed prior to the development of the road (Baton Rouge) and therefore prior to the application of a 40' setback standard. Since the lot had bordered an outlot, it had enjoyed a 10' sideline setback requirement at the time of this development. The applicant was requesting a variance so as to establish an accessory building 26' from the road right-of-way, a 14' variance.

The applicant was present and stated that, if the accessory building/shed was placed in compliance with Ordinance standards, it would be located over the septic tank. This would inhibit his ability to access the septic tank if necessary. Further, he felt that the location was compatible with the character of his site and with the general neighborhood.



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
 616-375-4260 FAX 375-7180 TDD 375-7198

REQUEST FOR ZONING BOARD OF APPEALS MEETING

Date 2/24/97 Present Zoning I-1 Fee \$100

Land Owner Ken Draayer

Address 6585 West KL Avenue Phone 375-2100

Person Making Request Ken Draayer

Address 6585 West KL Avenue Phone 375-2100

Interest In Property Owner/Dunshee Body & Frame, Inc.

Size of Property Involved 1.7 Acres (West Parcel)

Reason for Request See attached

February 25, 1997

To: Zoning Board of Appeals
Charter Township of Oshtemo

Dunshee Body and Frame previously received a variance for its south addition and the related site plan was approved with the planned north body shop and office additions. This north addition was developed with respect of the front setback (as a limit) but without adequate priority on the optimum potential for the space use.

Please refer to the attached **Sheet 1** illustrating the building's Floor Plan. The area of concern to Dunshee requiring extra space and the requested variance is primarily #107 **Body Shop and Appraisal**. Optimum configuration will allow each of our service technicians to service two cars (1 tech./2 work stations). For safety of workers and protection of vehicles these stations should be minimally 11 feet wide. If at previous dimensions, within setback, this inside area was around 38' +. This allows only 3 vehicle spaces. Three spaces cannot be serviced by one technician (2 is maximum for efficiency) and a second technician will have inadequate space to warrant themselves at only 1 space (the third car spot). Four spaces are desired by the business and the setback requirement directly limits this potential.

Dunshee is also an existing business with fixed building elements too difficult to move. Vehicles must move from Body Shop and Appraisal #107 through and out via Painting Area #108. The Frame and Alignment area (a heavily damaged vehicle's first stop) has fixed pits and lifts and would be a major cost to reconfigure with the proper business flow. No other opportunity exists at Dunshee to address the growing business needs but to expand as was recently completed, and with the currently proposed north addition (note also Dunshee is as west as possible, see **Sheet C1**).

The request of Dunshee Body and Frame is therefore to ask the Township for a 6' variance on its north front yard set back. This adjustment will be from the required 70' setback to 64'.

Dunshee notes for your additional consideration:

A. The building itself generally encroaches only about 4' into setback. The proposed overhanging canopy at office entry (to cover door) extends about 2' further.

B. The request is fundamental to mitigate the hardship imposed on the business in the area of its growth, the Body Shop. As the Body Shop area is

brought out it is only logical to extend and take similar advantage at the office addition.

C. KL Avenue, appears to have other structures which are not set back 70'. Known is that Midwest Collision (6415 West KL) was sited at 65' front setback. This precedent should be fairly considered in respect of the real need at Dunshee.

In conclusion we believe a hardship is imposed at Dunshee upon its business growth with the 70' setback. A change by 6' at front setback to 64' will greatly alleviate the problem and will allow an optimum building addition to occur which will enhance Dunshee's business in the Community.

Respectfully,

A handwritten signature in black ink, appearing to read "Terry E. Schley". The signature is written in a cursive style with a horizontal line above the first few letters.

Terry E. Schley, AIA
President

Service & Design Group * Architects, Inc.

1-6-86 Diekema/Hamann Architects, Inc.

After further discussion, Mr. Greenberg moved that the Board deny the applicant's request for a front yard setback variance. Mr. Greenberg noted that the applicant had previously requested and been granted a rear and side yard setback variance and that now, after having obtained such relief, the applicant was nonetheless returning and requesting a further variance, in essence a variance on the variance previously granted. In response to a question from the Township Attorney, Mr. Greenberg also indicated as reasons for his motion the fact that the hardship being alleged by the applicant in support of the requested variance was a self-created hardship since the parcel in question had been created within the past year. Mr. Greenberg further indicated in response to a question from the Township Attorney that it was not believed that requiring compliance with the Township Zoning Ordinance setback requirement would unreasonably prevent the owner from using the property for a permitted purpose or being unnecessarily burdensome.

Ms. Brown seconded the motion and the motion passed unanimously.

1-6-86 Grover Brussee Jr. (Steve Brussee)

After general discussion, Mr. Vuicich moved that the Board deny the application for a variance from the 20-foot side line setback requirement so as to allow a zero foot side line setback. Mr. Vuicich cited as reasons for his motion the fact that compliance with the strict letter of the Zoning Ordinance restrictions pertaining to setback would not unreasonably prevent the owner from using the property for a permitted purpose or render conformity unnecessarily burdensome. He noted that there are several existing businesses on the property and that it is accordingly being put to reasonable use. Mr. Vuicich further noted that the applicant had not presented unique circumstances of the property that would justify a variance. Mr. Vuicich further cited the report of the Township Fire Chief recommending against the requested variance. Mr. Vuicich further stated that the mere lack of an adjoining building on the abutting property could not be relied upon as a factor for the granting of the requested variance since the use of the abutting property and location of structures on that property could change in the future. Mr. Greenberg seconded the motion and the motion passed unanimously.

4-7-86 Jim McCorrey

After general discussion, Mr. Vuicich moved that the Board grant the requested the variances and grant site plan approval. He cited his reasons for his motion the fact that the requested variances would not have major detrimental effect upon the surrounding neighborhood, the fact that the requested variances would not cause any major change in the pattern of land use in the surrounding area, and the fact that the changes in the width of the roads abutting the subject site came after the building had been established on the site and that those road expansions were in no way under the applicant's control.

Mr. Greenberg seconded the motion and the motion passed unanimously.

5-5-86 Sam Visser

Mr. Gemmill stated that he believed that the situation described by the applicant met the criteria for the granting of the requested variances. Mr. Gemmill stated that he believed the unique circumstances of the property were such that, unless the requested variance were granted, the applicant would be unreasonably prevented from using his property for a permitted purpose. Mr. Gemmill noted that the topography of the site would prevent the property from being used for a permitted purpose unless the requested setback variance were granted. Mr. Gemmill then moved that the Board grant the requested variances for Lot 316 and 317 so as to permit a 20-foot front yard setback from the right-of-way line for those two lots. Mrs. Brown seconded the motion and the motion passed unanimously.

6-19-86 Jack Keiser

After general discussion, Mrs. Brown moved that the Board grant the requested setback variance. She cited as reasons for her motion the fact that it would be virtually impossible to situate the building addition structure any other way. She further stated that the requested variance was consistent with development in the general area and that the setback variance would not interfere with traffic safety concerns.

Mr. Gemmill seconded the motion and the motion passed unanimously.

7-7-86 Michael Shields (40' setback)

After further discussion, Mr. Gemmill moved that the Board grant the applicant a 13 foot setback variance so as to allow the proposed house to be located no closer than 27 feet from the right-of-way line of Thunderbluff. Mr. Gemmill stated that he believed requiring compliance with the strict letter of the zoning ordinance restrictions governing setback would in this instance unreasonably prevent the owner from using the property for its permitted purpose and render conformity with such restrictions unnecessarily burdensome. In response to a question from the Township Attorney, Mr. Gemmill stated that he was basing these conclusions upon the unusual topography of the site.

Mr. Greenberg seconded the motion. After general discussion, a vote was held on the motion and the motion passed unanimously.

7-7-86 Richard Wolthuis (40' setback)

After further discussion, Mrs. Brown moved that the Board deny the requested variance for the reason that there had been no showing of unique circumstances or hardship warranting the grant of the requested variance. Mr. Gemmill seconded the motion and motion passed unanimously.

2-2-87 Mark Visser

Mr. Hamilton made the motion to grant the five foot variance for Mr. Visser for the reasons that there was only a minimum amount for a variance requested and secondly due to the unique circumstances and difficulty of the topography of the property. Mr. Rakowski seconded the motion. Discussion ensued and Mr. Vuicich voiced his objections because he did not feel that any of the four standards for granting a variance were met. Mr. Block explained that he did not feel that this was self-imposed and saw this as a hardship. A vote was taken and failed 2 - 3. Mr. Vuicich then made the motion to deny the request for a variance for the following reasons: (1) That denial of the variance would not unreasonably prevent the owner from using his parcel; (2) that placement of the road did not make this property unique; and (3) that the applicant was really involved in a self-created situation. Lois Brown seconded the motion and the motion passed 3 - 2 with Mr. Hamilton and Rakowski voting against.

5-4-87 Dick Lochr's Inc.

After further general discussion, Mr. Vuicich moved that the Board deny the variance request. Mr. Vuicich stated that compliance with the 70-foot setback requirement would not be unnecessarily burdensome for the property owner and that there were not unique circumstances justifying the granting of a variance. Mr. Rakowski seconded the motion. A vote was then held on the motion and the motion passed unanimously.

10-5-87 Four Seasons Builders

Mr. Vuicich made a motion to deny the request for the reasons stated, those being that the restrictions were not unnecessarily burdensome; that it was more consistent based upon past practice to deny the request and therefore consistent with justice to other property owners, it was a self-created problem and that it would not deny the applicants the use of their property.

Ms. Harvey told the Board if they felt that there was a trend and desire as indicated by the applicant for a larger back yard and a smaller front yard seeking a variance was not the way to proceed but that the ordinance itself should be changed by the legislative body of the Township. Mr. Block indicated he would like to see something done on this and Ms. Harvey said the Zoning Board could request that this be reviewed. Mr. Vuicich said he would consider taking a look at the situation to determine whether or not there should be a change in the setback requirements.

Mr. Rakowski supported the motion. Mr. Block asked for discussion and hearing none called for a vote. The Motion passed unanimously.

6-6-88 Marshburn/Bunkley (Proposed Carwash/Gas Station)

Ms. Brown then made a motion to deny the request for a variance based on the fact that the setback requirements are not found to be unnecessarily burdensome on the developer, nor are the setback requirements unreasonable and, even though it was a uniquely shaped piece of property, this would not disallow the property owner from developing it for their intended use.

It was also noted that the situation was found to be self created in that the applicants were proposing a building of a size that would not conform to the setback requirements. Further, because of (~~delete: the uniqueness of the property and~~) its high visibility it was determined that this was another reason to develop it according to the Township standards. It was also found that a variance of 80% from the required setback was too large a consideration. The motion was seconded by Mr. Rakowski.

Mr. Marshburn responded that he did not feel that the building could be diminished in size and still provide the services that the owners calculated were necessary. He noted that the circulation system was developed because of the need for a large car wash line and that they could not do a substandard building to provide the needs that have been anticipated by the owners. He further noted that he felt that the building was designed for the site and that he felt that the closeness to the property line would not have any adverse effects on the neighboring property.

Following Mr. Marshburn's comments, a vote was called for and the Board voted 5-0 in favor of the motion to deny the variance request.

12-5-88 Daryl Rynd (Sheldon Cleaners)

Mr. Vuicich then made a motion to approve a 6' setback variance for 9th Street on the basis that this represented approximately a 10% variance for setback, and that this was not a self-created situation in that the highway had been previously widened. The Board took into consideration the unique circumstances of the property and thought it would be unreasonable to require strict compliance with the ordinance. A variance would operate as justice to the applicant and to others in the area. Further, it would not alter the essential character of the property which the applicant desires to improve. The motion was seconded by Mr. Ballo and carried unanimously.

3-9-89 Nationwide General Rental Center

Ms. Brown then made a motion to deny the variance request for the following reasons:

1. That the Board has found that this was a self-created situation.
2. That upon examining the topography, vegetation and other physical characteristics of the property, it did not lend itself to any unusual or unique circumstances when compared with other lots.
3. That denial would not unreasonably prevent the applicant from developing the site.
4. That the Board recognized this was a new developing business area and by granting this variance it would not be fair to other similar uses when applied to other businesses in the area.

The motion was supported by Mr. Vuicich who also commented that the variance was a 40% variance which he felt was too large to consider, especially given the fact that there were no unique physical considerations. Upon a vote, the motion carried 3-0.

7-17-89 MBH Design Group

Mr. Ballo then made a motion to deny all 4 variance requests for the following reasons:

1. The Board felt the property could be utilized for a use for which it is presently zoned and still meet the requirements of the ordinance, and approving the variances would not do justice to other business in the area.
2. The Board did not find any unique circumstances regarding the property.
3. The Board found that the problem was self-created since the applicant wished to put a large building on a small piece of property.
4. The Board found that the variances requested were significantly large, such as:
 - a) a variance of 15' from the 70' required from the 11th Street right-of-way, or 21%;
 - b) a variance of 24' from the 54' required from the east property line, or 44%;
 - c) a variance of 10' from the required 15' south property line for the parking lot setback, or 67 %; and
 - d) a variance of 1/2' from the required width size of the parking spaces.

The Board found that the percentages of these variances were too large to grant. The motion was seconded by Mr. Rakowski and carried 3-0.

10-2-89 Home Builders Association

Mr. Ballo then made a motion to deny the 10' building setback on West Michigan for the following reasons:

1. That the building could be located on the site to be in compliance with the ordinance.
2. That neither the site nor the circumstances were found to be unique. (enough to prevent compliance with the ordinance)
3. That the Board found this was a self-created situation in that the applicant was requesting a very large building on the location and that the parcel had been created under the existing setback requirements.
4. That this denial would work substantial justice for the applicant, neighbors and the Township.
5. That the Board had denied a similar request previously and this denial would be consistent with decisions in the past on this property.

The motion was seconded by Mr. Vuicich and carried 4-0.

7-16-90 Continental Designs, Inc.

Mr. Rakowski moved to grant a variance so as to allow a setback of 40 feet from the right-of-way line of Erie Street for the following reasons:

1. The character of the surrounding parcels.
2. The nature of Erie Street, i.e., that it was not a through artery.
3. The decision would be consistent with that of October 3, 1988, with regard to Sheldon Cleaners.
4. The size of the subject site, i.e., that compliance with ordinance provisions would unduly restrict the size of the buildable area for the site.
5. The building size, which could be located at the site, would be unduly restricted if a variance was not granted.
6. The parcel pre-existed current ordinance provisions, and the 40 foot setback was consistent with ordinance requirements prior to those in effect at present.
7. The Fire Department indicated that access would not be interfered with by granting the variance.

Mr. Zuiderveen seconded the motion. The motion carried unanimously.

10-1-90 Margaret Watson (Front Setback)

At this point the public meeting was closed. Mr. Vuicich made a motion to deny the variance for the following reasons:

1. The problem was self-created based upon all the information received during the public hearing;
2. There were no unique circumstances at this site which would justify granting the variance;
3. Substantial justice did not require a variance when adjoining homes were in compliance with the setback requirements;
4. Denial of the variance would not be unnecessarily burdensome because the house could be placed on the lot within the applicable setback requirements.

The motion was seconded by member Rakowski, and the motion carried unanimously.

12-3-90 Design Plus Architects

Mr. Rakowski moved to deny the variance for the following reasons:

- (1) That the hardship, if any, was self created in that the applicant had selected the site and had selected the design.
- (2) That there were no unique circumstances topographical, or other, which would prevent compliance with ordinance; the layout of the site could be redesigned to accommodate the use in question and still comply with ordinance setback requirements.
- (3) That conformance was not unnecessarily burdensome in that the area, as designed, offered alternative display areas and in that the site could be redesigned to comply with ordinance requirements.
- (4) That conformance would not be unnecessarily burdensome in that the applicant would still have reasonable use of the site as its intended or other use.
- (5) That substantial justice would not be served by granting the variance in question.

Ms. Brown seconded the motion of Mr. Rakowski. The motion carried unanimously.

1-6-92 Marshburn/Bunkley (Medical Offices)

Mr. Rawkowski moved to approve the variance requested by the applicant for the following reasons:

- (1) That compliance was unnecessarily burdensome in that compliance could not be achieved given the parcel's size and the existing zoning limitations.
- (2) That substantial justice required that the variance be granted given the surrounding circumstances.
- (3) That unique circumstances existed given that the parcel's size had been reduced recently as a result of the widening of South 9th Street. Further, unique circumstances existed in that the parcel's boundaries were established prior to the enactment of the Zoning Ordinance which required increased parking lot setback requirements. In addition, the applicant's need to preserve the vegetation and open space on the site in compliance with zoning limitations was recognized.
- (4) That the hardship was not self-created in that it was created due to the reduction in parcel size which resulted from the South 9th Street widening. Further, the parcel had been established prior to the enactment of more stringent setback requirements. The parcel had previously been subject to setback requirements applicable in Commercial Zoning. Further, the parcel previously enjoyed the repealed corner lot setback relief formula adopted in 1967.

Ms. Branch seconded the motion and the motion carried unanimously.

11-9-92 George + Sandra Strong

Mr. Vuicich moved to deny the variance for the following reasons:

- (1) That it had not been proven that compliance with the Ordinance would be unnecessarily burdensome in that ~~there would be some reasonable use of the property~~ no evidence had been submitted suggesting reasonable use of the site was not available.
- (2) That substantial justice would be done by denial of the variance in that there was a reasonable use of said parcel without the variance.
- (3) That unique circumstances did not apply.
- (4) That the hardship had been partially self-created in that the Applicant had chosen the particular development proposal offered.

Mr. Rakowski seconded the motion.

Upon a vote on the motion, the motion carried with Ms. Branch and Mr. Zuiderveen voting in opposition thereto.

4-3-95 Robert & Candis Warner

Mrs. Branch felt, based upon the substantial justice, the facts that the hardship was not self-created and that the intent and spirit of the ordinance was met, that variance was appropriate due to the weight she accorded these factors. She moved to grant variance. Mr. Saunders seconded the motion and the motion carried unanimously.

5-22-95 Richard Modderman

After further discussion, Mr. Brodasky moved to deny the variance with the following reasoning:

(1) That compliance was not unnecessarily burdensome in that there were other options for compliance, i.e., the building could be located on the lot in compliance with setback requirements. Further, the site would continue to be buildable and therefore there was reasonable use.

(2) That substantial justice would demand denial of the variance, given the denial of similar variance applications in the past.

(3) That there were no physical limitations on the property which would prevent compliance with the Ordinance, and therefore there were no unique circumstances.

(4) That the hardship was self-created in that, although established by mistake, the foundation was established with knowledge of the required setbacks.

(5) That the spirit of the Ordinance would not be met by granting the variance in that the Board must consistently apply the Ordinance and variance criteria to all applicants.

The motion was seconded by Mr. Miller. Upon a vote on the motion, the motion carried unanimously.

The applicant was upset with the decision of the Board. The Board members and the Township Attorney clarified that the Board was bound by Michigan law to consistently apply the Ordinance and the variance criteria and that the criteria were provided in law. The Township Attorney indicated that a financial hardship was not a hardship which could be taken into account by the Board in determining whether to grant a variance.

8-19-96 Roger Leonard (Front Setback)

The Board reviewed the nonuse variance criteria.

(1) As to whether conformance was unnecessarily burdensome, it was noted that possible other locations had been discussed. However, the building could not be placed to the north, given the septic system, could not be placed north of the home, given the applicable sideline setback requirement, and could not be moved to the northwest without the removal of several trees. Therefore, the possible location was limited.

(2) As to substantial justice, it was felt it was significant that Baton Rouge had been developed as a public road after the home was built on the subject site. Therefore, at the time the house was developed, the required setback was 10' rather than 40'. It was further felt that, since the shed location was at the same setback as the home, substantial justice would be furthered by the variance.

(3) As to unique circumstances of the property, the location of the septic and the trees were noted.

(4) As to whether the hardship was self-created, again it was noted the development of the subject site predated the establishment of outlot A as a public road and therefore predated the increase in the building's setback requirement from 10' to 40'.

(5) As to whether the spirit of the Ordinance would be observed, Board members felt it would be, given the previously identified circumstances.

Ms. Branch, therefore, moved to approve the variance. Mr. Saunders seconded the motion. The motion carried unanimously.

6-3-96 Steve Visser (Front Setback)

Ms. Meeuwse moved to deny the variances for all four lots. Mr. Saunders seconded the motion. The Acting Chairperson called for discussion, and Mr. Saunders noted that the variance was simply too great for the Board to grant.

The applicant asked the Board if anyone had viewed the site. Both Mr. Brodasky and Ms. Meeuwse said they had visited the sites before the hearing. Mr. Visser asked if they would want all those trees taken out if it were their property.

The Acting Chairperson pointed out to the applicant that the homes in the immediate area were in compliance. Mr. Saunders also noted that someone had created the plat within the year and that the Board had recently not granted these types of variances to other applicants within the Township. Mr. Saunders again noted that the request for variance was simply too great. Ms. Meeuwse noted that the lots were buildable when they were approved and they remain buildable as of the date of the hearing.

The Acting Chairperson asked if there was anything further and, hearing none, called for a vote on the motion to deny the variance. The motion carried unanimously.

9-9-96 Universal Images

Ms. Branch moved to approve the sideline and front setbacks as requested with the following reasoning.

(1) That compliance was unnecessarily burdensome in that building additions could not be made to the existing building in compliance with setback standards and continue to meet site circulation needs. It was further noted that the building had been constructed prior to the existing Zoning Ordinance provisions and was in compliance with the setbacks as they existed at the time of the original construction. As to the sideline setback, the addition would continue the existing line of the building. It was noted that the Board had a history of granting such variances. As to the front setback, the lot and building had been established prior to the current Zoning Ordinance standards and the variance was in keeping with the neighboring properties and buildings thereon. She further felt there was a small degree of variance involved.

(2) That substantial justice would be served by granting the variance and, again, the establishment of the lot and building on the lot prior to the present Zoning Ordinance standards was noted. Similar variances had been granted in the past, and Ms. Branch felt this was a significant factor in favor of granting this variance.

(3) That there were unique circumstances at the property in that the design of the subject site is limited by the 50'-wide access easement that extends the length of the lot.

(4) That it was felt the hardship was not self-created in that the subject site and existing building were established prior to the adoption of the applicable setback standards. The proposed sideyard building expansion represented an extension of the existing wall.

(5) That it was felt the spirit and intent of the Ordinance would be satisfied by the variance.

Mr. Brodasky seconded the motion, and the motion carried unanimously.



7275 W. MAIN STREET, KALAMAZOO, MI 49009-933-
616-375-4260 FAX 375-7180 TDD 375-7199

SITE PLAN REVIEW APPLICATION

Date: 2-17-97 Present Zoning: R-4 Residential Fee: \$600.00

Land Owner: Including the names & addresses of any officers of a corporation or partners of a partnership). Documentation is required.

Hospice of Greater Kalamazoo

301 West Cedar

Kalamazoo, MI 49007

Person Making Request: Larry L. Harris, L.L. Harris and Assoc.

Address: 3503 Greenleaf, Kalamazoo, MI Phone: 616-375-6859

Interest in Property: Deed Holder

Size of Property Involved: 8.90 acres

Legal Description of Property Involved: See sheet 1 of the plans

General Description of the Proposed Development: 16,500 Sq. Ft.

Hospice Residential Facility

List Supporting Documents attached to the application, if any: _____

See Enclosed Statements.

I, the undersigned, acknowledge that approval of this site plan constitutes Charter Township of Oshtemo, that all improvements developed in strict compliance with the approved plans or conditions imposed, and shall be specified under Site Plan Review.

Larry L. Harris
owner/Agent

Hospice

3905-13-205-050

Bronson

13-205-010

"

No 0

030

"

No 0

13-230-012

WMU

13-255-012

Goodwill

016

CTC

018

Goodwill (Dup.)

No 0

071

Dayton Hudson

13-130-011

Assoc Estates

019

Two Squared

13-180-033

Ash. Ltd. Div.

Larry L. Harris
L.L. Harris & Associates
3503 Greenleaf
Kalamazoo, MI 49008

13-205-050

BRONSON PROPERTIES CORP
ONE HEALTHCARE PLAZA
KALAMAZOO MI 49007

13-205-050

OCCUPANT *Returned*
1430 BRONSON WAY
KALAMAZOO, MI 49009

13-230-012

WMU FOUNDATION
KALAMAZOO MI 49008

13-255-012

GOODWILL COMPANY INC
2929 WALKER AVENUE NW
GRAND RAPIDS MI 49544

13-255-016

CTC PROPERTIES INC
625 N MICHIGAN AVE SUITE 930
CHICAGO IL 60611

13-255-071

DAYTON HUDSON CORP T901
PROPERTY TAX DEPARTMENT
777 NICOLLET MALL
MINNEAPOLIS MN 55402

13-255-071

OCCUPANT
5350 WEST MAIN
KALAMAZOO, MI 49009-1002

13-130-011

ASSOC ESTATES REALTY CORP
ATTN: SUE MORAN
5025 SWETLAND COURT
RICHMOND HEIGHTS OH 44143

13-130-011

OCCUPANT
5545 SUMMER RIDGE BOULEVARD
KALAMAZOO, MI 49009

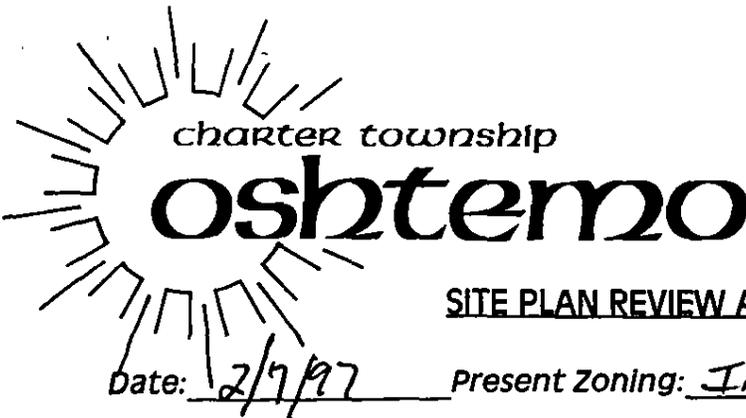
13-130-019

TWO SQUARED DEVELOPMENT CO
900 COMERICA BUILDING
KALAMAZOO MI 49007

13-180-033

OSHTMO LTD DIV HSY ASSN *Returned*
600 WEST ST JOSEPH STREET
LANSING MI 48933

3-17-97 ZBA



7275 W. MAIN STREET, KALAMAZOO, MI 49009-933-
616-375-4260 FAX 375-7180 TDD 375-7190

SITE PLAN REVIEW APPLICATION

Date: 2/7/97 Present Zoning: INDUSTRIAL 1 Fee: _____

Land Owner: Including the names & addresses of any officers of a corporation or partners of a partnership). Documentation is required.

A.M. Supply Co. 345-9927

OWNER: TERRY STUART

616 ~~ROBERT~~ Centre St, Portage MI

Person Making Request: MICHAEL ARENS (ARENS CONST, INC.)

Address: 2513 N. BORDYK ST. Phone: 616 345-9925

Interest in Property: GENERAL CONTRACTOR

Size of Property Involved: _____

Legal Description of Property Involved: (see ATTACHED)

General Description of the Proposed Development: NEW 5000 SQ. FT. WHOLESALE HARDWARE SUPPLY COMPANY.

List Supporting Documents attached to the application, if any: SITE PLAN C-1, C-2, ARCH PLANS A-1, A-2.

CHARTER TOWNSHIP OF OSHTEMO
7275 W. MAIN STREET
KALAMAZOO, MI 49009-933-
616-375-4260

that approval of this site plan constitutes Township of Oshtemo, that all improvements be made in strict compliance with the approved plan or conditions imposed, and shall be maintained under Site Plan Review.

Michael Arens
Owner/Agent

A M. Supply

3905-25-230-011

Great Lakes

25-230-020 Taplin/FMB/Fitch

050 Weber

060 Bianco

074 Gesmundo

25-210-026 Norman

030 Farrington

25-240-010

25-240-010 Jimmy/Eckenstein

020 Soo

070 Gesmundo (Dup.)

No 0

24-485-011 Carnago

020 Taplin

030 "

No 0

Michael Ahrens
Ahrens Construction
2513 N. Burdick Street
Kalamazoo, MI 49007

FARRINGTON NANCY
P O BOX 50348
KALAMAZOO MI 49005

25-210-030

Mr. Terry Stuart
A. M. Supply Company
616 W. Centre Street
Kalamazoo, MI 49002

OCCUPANT
5271 WEST MICHIGAN
KALAMAZOO, MI 49006

25-210-030

25-230-011

GREAT LAKES PARTNERS
5220 WEST MICHIGAN
KALAMAZOO MI 49007

TIMMER D & A & N/DEBAT M
FLECKENSTEIN MICHAEL
5101 WILLOW BEND TRAIL
KALAMAZOO MI 49009

25-240-010

25-230-020

TAPLIN INVESTMENTS
FNB ARCADIA BANK (LARRY FITCH)
251 EAST MICHIGAN
KALAMAZOO MI 49007

OCCUPANT
5227 WEST MICHIGAN
KALAMAZOO, MI 49006

25-240-010

25-230-020

OCCUPANT
5100 WEST MICHIGAN
KALAMAZOO, MI 49006

SOO VINCENT
791 TOPVIEW DRIVE
OTSEGO MI 49078

25-240-020

25-230-050

WEBER MAXINE S
11709 RIVERVIEW BLVD
OSCEOLA IN 46561

OCCUPANT
1928 HIGHFIELD STREET
KALAMAZOO, MI 49006

25-240-020

25-230-050

OCCUPANT
5109 WEST MICHIGAN
KALAMAZOO, MI 49006

CARNAGO JOHN R & JUDY
1400 RAMONA AVENUE
KALAMAZOO MI 49002

24-485-011

25-230-060

BIANCO VINCENT J & IRENE M
5093 WEST MICHIGAN
KALAMAZOO MI 49006

OCCUPANT
5088 WEST MICHIGAN
KALAMAZOO, MI 49006

24-485-011

25-230-074

GESMUNDO JOSEPH TRUSTEE
4200 WEST CENTRE
PORTAGE MI 49002

TAPLIN AL & MARGARET
22763 CR 354
LAWTON MI 49065

24-485-020

25-210-026

NORMAN DENNIS L
5272 WEST MICHIGAN
KALAMAZOO MI 49007

OCCUPANT
5086 WEST MICHIGAN
KALAMAZOO, MI 49006

24-485-020



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9300
616-375-4260 FAX 375-7180 TDD 375-7180

SITE PLAN REVIEW APPLICATION

Date: 12/12/96 Present Zoning: Commercial Fee: \$600.00

Land Owner: Including the names & addresses of any officers of a corporation or partners of a partnership). Documentation is required.

Emro Marketing Company
500 Speedway Drive
Enon, Ohio 43523-1056

Person Making Request: Christopher E. Crisenbery, P.E.

Address: 209 East Washington Avenue, Suite 234 Phone: (517)783-0710
Jackson, MI 49201

Interest in Property: Owner's Agent

Size of Property Involved: 0.89 Acres

Legal Description of Property Involved: That part of the Southeast Quarter of the Southeast Quarter of Section 24, Township 2 South, Range 12 West, Oshtemo Township, Kalamazoo County, Michigan.

General Description of the Proposed Development: fuel sales and convenience store

List Supporting Documents attached to the application, if any: _____

CHARTER TOWNSHIP
OF OSHTEMO
7275 W. MAIN STREET
KALAMAZOO, MI 49009
616-375-4260

I hereby certify that approval of this site plan constitutes the final approval of the Charter Township of Oshtemo, that all improvements proposed shall be completed in strict compliance with the approved site plan and its terms, conditions or conditions imposed, and shall be subject to the specifications specified under Site Plan Review.

Owner/Agent

1-9077-03
049430 2016 PLAN APPLICATION
CHARTER TOWNSHIP

Speedway

3905-24-480-020

Marathon

24-480-011

Progio

016

Reynard's

24-485-040

Taplin

24-430-040

Audrey Homes

050

Andy - C-Kal

City of Kalamazoo

0432003

City of Kalamazoo

0432508

Penn Central Co.

0432265

Paul DeHaan

0432255

" "

0443463

Shover Brussee, Jr.

0443461

Eric Kitchen

0443466

Jamshidi Kousush

043.2500

Dr. E. Safapour

Christopher E. Crisenbery, P.E.
209 E. Washington Ave. Ste.234
Jackson, MI 49201

24-430-050

INDY-C-KAL INC
37027 HACKER
STERLING HEIGHTS MI 48310

24-480-020

BARKER B & ET AL
MARATHON OIL/PROP TAX DEPT
539 SOUTH MAIN STREET
FINDLAY OH 45840

24-430-050

OCCUPANT
5034 WEST KL AVENUE
KALAMAZOO, MI 49009

24-480-020

OCCUPANT
1250 SOUTH DRAKE
KALAMAZOO, MI 49009

City of Kalamazoo
241 W. South Street
Kalamazoo, MI 49007

24-480-011

PROGRO DEVELOPMENT LLC
PO BOX 327
OSHTENO MI 49077

Occupant *Returned*
4728 West "KL" Avenue
Kalamazoo, MI 49007

24-480-011

OCCUPANT
5169 WEST KL AVENUE
KALAMAZOO, MI 49009

Penn Central Co
1 Tax Dept. *Returned*
Room 217 Union Station
Chicago, IL 60606

24-480-016

REYNARD'S LAUNDRIES INC
1300 SOUTH DRAKE ROAD
KALAMAZOO MI 49006

Occupant *Returned*
1533 South Drake Road
Kalamazoo, MI 49007

24-485-040

TAPLIN ALBERT R & MARGARET A
PO BOX 19160
KALAMAZOO MI 49019

24-485-040

OCCUPANT
5070 WEST MICHIGAN
KALAMAZOO, MI 49006

24-430-040

AUDREY HOMES INC
P.O. BOX 3015
KALAMAZOO, MI 49003

Paul DeHaan
6420 Saybrook Drive
Kalamazoo, MI 49009

Occupant
4717 West "KL" Avenue
Kalamazoo, MI 49007

Occupant
1325 South Drake Road
Kalamazoo, MI 49007

Grover Brussee Jr.
P.O. Box 327
Oshtemo, MI 49077

Occupant *Returned*
1401 South Drake Road
Kalamazoo, MI 49006

Eric Kitchen
930 Westfall Avenue
Kalamazoo, MI 49006

Occupant
1441 South Drake Road
Kalamazoo, MI 49006

Jamshidi Kourush
4705 West "KL" Avenue
Kalamazoo, MI 49006

Dr. E. Safapour
326 Grandview
Kalamazoo, MI 49001

Occupant
1381 South Drake Road
Kalamazoo, MI 49007



3-17-97
ZBA Mtg.

7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
616-375-4260 FAX 375-7180 TDD 375-7198

REQUEST FOR ZONING BOARD OF APPEALS MEETING

Date Feb. 24, 1997 Present Zoning I-1 Fee \$100

Land Owner Ken Draayer

Address 6585 West K.L. Ave. Phone 375-2100

Person Making Request Ken Draayer

Address Same Phone Same

Interest in Property Owner/Dunshee Body & Frame, Inc.

Size of Property Involved 1.7 Acres

Reason for Request Specifics of Request to be included with revised site plan on 2/25/97

**CHARTER TOWNSHIP
OF OSHTEMO
7275 W. MAIN STREET
KALAMAZOO, MI 49009
616-375-4260**

2/27/97 JF

052040 ZBA REQUEST/DUNSHEE 100.00
TOTAL PAID 100.00

THANK YOU

Dunshie Body & Frame

3905-23-335-035
039

Drayer
"

No 0

23-335-020
031

Ruimveld
North Star

23-355-011

Clayton Holigan

23-405-013
020

Blackberry
Heritage

23-185-018

Buckham

23-255-018

Khaj

Terry E. Schley, AIA
Service & Design Group*Arch.
3900 W. Michigan Avenue
Kalamazoo, MI 49006

23-335-035
DRAAYER KENNETH F & SHERRIE R
6585 WEST KL AVENUE
KALAMAZOO MI 49009

23-335-020
RUIVELD DONALD & ROSE M
6715 WEST KL AVENUE
KALAMAZOO MI 49009

23-335-031
NORTH STAR MOLDING
6611 WEST KL AVENUE
KALAMAZOO MI 49009

23-355-011
CLAYTON-HOLIGAN JOINT VENTURE
P O BOX 15169
KNOXVILLE TN 37901

23-355-011
OCCUPANT
1410 SOUTH 9TH STREET
KALAMAZOO, MI 49009

23-405-013
SCHMITT RICHARD N & JEAN T
BLACKBERRY SYSTEMS INC
4211 EAST CENTRE STREET
KALAMAZOO MI 49001

23-405-013
OCCUPANT
6477 WEST KL AVENUE
KALAMAZOO, MI 49009

23-405-020
HERITAGE BAPTIST ACADEMY ASSOC
8828 NORTH DOUGLAS AVENUE
KALAMAZOO MI 49004

23-185-018
BUCKHAM GEORGE K & THELMA L
5661 WEST U AVENUE
SCHOOLCRAFT MI 49087

23-255-018
KHAJ ZAFAR V & BARBARA A
2125 OAKLAND DRIVE
KALAMAZOO MI 49008

February 25, 1997

To: **Zoning Board of Appeals**
Charter Township of Oshtemo

Dunshee Body and Frame previously received a variance for its south addition and the related site plan was approved with the planned north body shop and office additions. This north addition was developed with respect of the front setback (as a limit) but without adequate priority on the optimum potential for the space use.

Please refer to the attached **Sheet 1** illustrating the building's Floor Plan. The area of concern to Dunshee requiring extra space and the requested variance is primarily #107 Body Shop and Appraisal. Optimum configuration will allow each of our service technicians to service two cars (1 tech./2 work stations). For safety of workers and protection of vehicles these stations should be minimally 11 feet wide. If at previous dimensions, within setback, this inside area was around 38' +. This allows only 3 vehicle spaces. Three spaces cannot be serviced by one technician (2 is maximum for efficiency) and a second technician will have inadequate space to warrant themselves at only 1 space (the third car spot). Four spaces are desired by the business and the setback requirement directly limits this potential.

Dunshee is also an existing business with fixed building elements too difficult to move. Vehicles must move from Body Shop and Appraisal #107 through and out via Painting Area #108. The Frame and Alignment area (a heavily damaged vehicle's first stop) has fixed pits and lifts and would be a major cost to reconfigure with the proper business flow. No other opportunity exists at Dunshee to address the growing business needs but to expand as was recently completed, and with the currently proposed north addition (note also Dunshee is as west as possible, see Sheet C1).

The request of Dunshee Body and Frame is therefore to ask the Township for a 6' variance on its north front yard set back. This adjustment will be from the required 70' setback to 64'.

Dunshee notes for your additional consideration:

- A. The building itself generally encroaches only about 4' into setback. The proposed overhanging canopy at office entry (to cover door) extends about 2' further.
- B. The request is fundamental to mitigate the hardship imposed on the business in the area of its growth, the Body Shop. As the Body Shop area is

brought out it is only logical to extend and take similar advantage at the office addition.

C. KL Avenue, appears to have other structures which are not set back 70'. Known is that Midwest Collision (6415 West KL) was sited at 65' front setback. This precedent should be fairly considered in respect of the real need at Dunshee.

In conclusion we believe a hardship is imposed at Dunshee upon its business growth with the 70' setback. A change by 6' at front setback to 64' will greatly alleviate the problem and will allow an optimum building addition to occur which will enhance Dunshee's business in the Community.

Respectfully,

A handwritten signature in black ink, appearing to read "Terry E. Schley". The signature is written in a cursive, flowing style with a horizontal line above the first few letters.

Terry E. Schley, AIA
President

Service & Design Group * Architects, Inc.