

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES OF MEETING HELD MAY 5, 1997

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Agenda

CENTURY CELLUNET (JAMES CRAIG) - SITE PLAN REVIEW - PROPOSED  
CELLULAR ANTENNAE ON EXISTING TOWER - 5088 W. MICHIGAN

SPEEDWAY - VARIANCE REQUEST FROM COMMERCIAL SIGN STANDARDS -  
1250 S. DRAKE ROAD

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A meeting was conducted by the Oshtemo Charter Township Zoning Board of Appeals on Monday, May 5, 1997, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

MEMBERS PRESENT:     Brian Dylhoff, Chairperson  
                           David Bushouse  
                           Thomas Brodasky  
                           Lara Meeuwse

MEMBER ABSENT:       William Saunders

Also present were Rebecca Harvey, Patricia R. Mason, Township Attorney, and seven (7) other interested persons.

**CALL TO ORDER**

The meeting was called to order at 3:08 p.m.

**MINUTES**

The Board considered the Minutes of a meeting of April 21, 1997. The changes proposed by Ms. Harvey were noted. Mr. Brodasky moved to approve the minutes as amended, and Ms. Meeuwse seconded the motion. The motion carried unanimously.

**CENTURY CELLUNET (JAMES CRAIG) - SITE PLAN REVIEW - PROPOSED  
CELLULAR ANTENNAE ON EXISTING TOWER - 5088 W. MICHIGAN**

The next item was consideration of the application of James Craig, representing Century Cellunet, for site plan review of a proposed cellular antennae and 176'-square-foot control building. The proposal represents an antenna collocation on an existing 500' communications tower established by Roe-Comm, Inc. The subject site is located at 5088 West Michigan and is within the "I-1" Zoning District classification.

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

Ms. Harvey noted that there was no need for the Board to consider new variances from the 200' frontage requirement and the paving requirement in that the proposed use was a communications tower antennae and therefore the variances previously granted would be valid. Ms. Harvey suggested that the applicant needed to provide further information with regard to lighting and parking. Additionally, an approval should be subject to the review and approval of the Fire Department.

The Township Attorney suggested that the applicant should provide the documentation evidencing its legal right to utilize the Roe-Comm property.

The applicant was present and submitted a photograph of the typical control building. Also present was an engineer for Century Cellunet and the president of Roe-Comm, John Carnago. The applicant indicated that there was a legal agreement (lease) between the parties allowing for the collocation. Only one outside light would be proposed for the side of the building. He noted that approximately 2-4 vehicles per month would be accessing the site and that parking would be in front of the control building.

In response to a question by the Chairperson, the applicant indicated that they would provide a copy of the agreement between Century Cellunet and Roe-Comm.

Ms. Meeuwse queried as to the appearance of the antenna, and the applicant indicated that there would be six panels arranged around the periphery of the tower at a 100' height. The panels would be gray in color and would be approximately 1' x 8'. A proposed propane tank would be located on the site to provide fuel for the generator in case of power failure.

Mr. Brodasky inquired about the fence, and the applicant indicated that there would be a 6' fence with a razor wire at the top. The drive was gravel.

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

Mr. Bushouse commented that he approved of the clustering of antennas rather than spreading to new sites. Ms. Meeuwse observed that the Planning Commission is working on proposed amendment to the text of the Zoning Ordinance to deal with communication towers, which language would call for collocation.

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

(1) That it was recognized that the additional equipment building was proposed to be located within the tower service area and that no additional access was proposed.

(2) That parking as proposed by the applicant, in front of the control building, was acceptable.

(3) That lighting was subject to the guidelines of Section 78.700 and must be detailed for review and approval by the Township staff pursuant to Section 78.700g.

(4) That the proposed fencing for the communication tower/equipment building was to be extended to encompass the proposed equipment building, generator and propane tank.

(5) That no outdoor storage was proposed; however, the proposal did include placement of a generator and propane tank in the vicinity of the equipment building.

(6) That the subject site is surrounded by industrial zoning and land use, and screening is not required. Existing vegetation on the site in the vicinity of the tower to provide a buffer and maintain the character of the site and the general area was to be retained.

(7) That the previously granted variances were referenced.

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

(9) That the contract/lease/easement or other legal agreement as to collocation was to be provided to the Township.

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

**SPEEDWAY - VARIANCE REQUEST FROM COMMERCIAL SIGN STANDARDS - 1250 S. DRAKE ROAD**

The next item was the application of Matt Wright, representing Emro Marketing (Speedway), for variance approval from the commercial sign standards established by Section 76.125 of the Zoning Ordinance. The subject site is located at 1250 S. Drake Road and is within the "C" Local Business District Zoning classification.

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

Ms. Harvey noted that a corner parcel such as the subject site is allowed two freestanding signs under the Ordinance. One sign was allowed to be 60 square feet and must be placed 60' from the centerline of Drake Road, 105' from the right-of-way line of KL Avenue. The second sign could be 30 square feet if it were serving KL Avenue and 35' from the right-of-way of KL Avenue and 180' from the centerline of Drake Road. The applicant proposed establishing a single 81-square-foot freestanding sign to be located 73' from the centerline of Drake Road and 23' from the right-of-way of KL Avenue.

Ms. Harvey noted that the sign across the street for the 7-11 Store was 30 square feet and was located 60' from the center of Drake Road and 35' from the right-of-way of KL Avenue. This property was in the "R-4" Residence District Zoning classification and

was only allowed one sign. The "We Clean" business had a nonconforming 72-square-foot sign established prior to the Ordinance. It was located "outside the right-of-way." The Stor-N-Lock had a 48-square-foot sign located 68' from the centerline of KL Avenue or 35' from the right-of-way. The existing Speedway sign was 50 square feet located 60' from the centerline of Drake Road.

Ms. Harvey noted that the Migala application was similar to the instant application in that the applicant in that case had sought to establish one corner sign.

Chris Crisenberry was present for the applicant. The applicant stated that, if the setbacks of the Ordinance were met, the sign would be placed within the driveway. Additionally, he urged that the Board note that, since only one sign was being established, the Board should use the setbacks applicable to one sign.

There was discussion of the proposed location of the sign, and it was noted that the setback was measured from the leading edge of the sign. The applicant stated that the proposed location would bring the sign into closer compliance with the setback but that putting the sign in the paved area would interfere with on-site circulation. As to the size of the sign, the applicant indicated that the sign proposed was the "standard" offered by the company. If the "reader board" at the bottom were eliminated, the standard sign would be 63.5 square feet. The applicant stated that they would agree to eliminate the reader board but would prefer not to since the number of uses at this site were being increased.

Mr. Brodasky noted that the applicant would be afforded wall signage on the building and felt that wall signage in addition to the freestanding signage allowed by the Ordinance would be sufficient.

Mr. Brodasky also questioned the applicant as to whether the sign location could be moved further south to come into greater compliance with the ~~required~~ setbacks. Mr. Bushouse was concerned that ~~relocated~~ ~~relocating~~ the sign would limit the ability of eastbound traffic on KL Avenue to see the sign. Mr. Brodasky proposed moving it in line with the canopy, which would therefore allow the sign to be visible.

The Chairperson asked for public comment. None was offered, and the public hearing was closed.

The Chairperson stated he felt that 60 square feet was adequate for a freestanding sign. Mr. Brodasky agreed, stating he felt that the sign could also be brought into greater compliance with the setback. Ms. Harvey noted that, as to location, the Board could condition variance approval on the applicant's proposal that only one freestanding sign be established at the site. Therefore, there would be a rationale for establishing the sign in the similar location to that of the 7-11, i.e., 35' from the KL Avenue right-of-way and 60' from the centerline of Drake Road. This would require moving the proposed location approximately 12' to the south. The Chairperson and Mr. Brodasky agreed that this would be acceptable.

Mr. Bushouse was concerned that the applicant would establish additional directional signage with advertising. Ms. Harvey noted that the Ordinance would allow directional signage but without logo.

In response to questioning by Mr. Bushouse, Ms. Harvey stated that the applicant could leave the existing sign in place since it is a lawful nonconforming sign.

Ms. Meeuwse moved to approve the setback variance to allow one freestanding sign to be established at least 60' from the centerline of Drake Road and at least 35' from the KL Avenue right-of-way (the variance was conditioned on allowing only one freestanding sign at the site) with the following reasoning:

(1) That compliance with the setback standards of the Ordinance was unnecessarily burdensome in that compliance would place the sign in the paved/circulation area. Further, placing the sign in compliance with the setback would impair its visibility due to the placement of the canopy.

(2) That substantial justice would weigh in favor of granting the variance. Other past decisions, such as the Migala application, would support granting the variance. Additionally, since only one sign was being established, the setbacks applicable to a single sign would be reasonable. Further, the sign location would be in character with others in the area, specifically the 7-11 on the opposite corner.

(3) That, as to unique physical circumstances, the existing parking lot and traffic circulation area limits the location options for freestanding signage at the site.

(4) That the hardship was not self-created in that the size of the site and the design of the site predated the Ordinance and limited compliance with setbacks.

(5) That variance would meet the spirit and intent of the Ordinance in that only one sign was being proposed and established, and the sign would meet the setbacks applicable to single signs.

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

Ms. Meeuwse moved to deny the sign size variance requested by the applicant with the following reasoning:

(1) That compliance was not unnecessarily burdensome in that the applicant could comply with the 60-square-foot sign size and have a visible sign. Additionally, other options were available to the applicant in that wall signage on the building and on the canopy would be allowed. Further, the argument as to "standard" signs had not been a basis for past decisions.

(2) That substantial justice required denial of the application in that similar applications, such as that for Meijer and Target, had been denied. Previous applications had

been denied where there was a claim that the company provided a "standard"-size sign. Further, the signage, if in excess of 60 square feet, would be out of character with the area.

(3) That there were no unique physical circumstances limiting the ability to comply with the Ordinance.

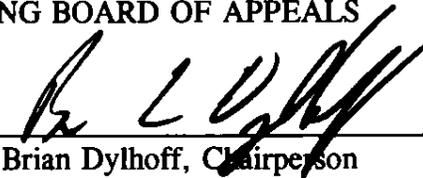
(4) That the hardship was self-created in that the size of the sign was at the applicant's option or discretion. The spirit and intent of the Ordinance would not be served by granting the variance in that it would be out of character with the area and out of character with the Ordinance.

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

**ADJOURNMENT**

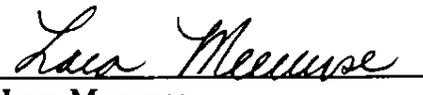
There being no further business to come before the Board, the meeting was adjourned at 4:32 p.m.

OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS

By:   
Brian Dylhoff, Chairperson

By: \_\_\_\_\_  
William Saunders

By:   
Thomas Brodasky

By:   
Lara Meeuwse

By:   
David Bushouse

Minutes Prepared:  
May 6, 1997

Minutes Approved:  
June 2, 1997

AGENDA: \_\_\_\_\_

DATE: May 5, 1997

MINUTES: ZBA

SENT: June 18, 1997

ZBA

PEOPLE

- Lara M.
  - Dave B.
  - Bill S.
  - Brian
  - Tom B.
- } 5-30-97

James S. Craig  
Century Cellunet  
5930 Christie SE  
Kentwood, MI 49508

Matt Wright  
Emro Marketing Company  
539 S. Main Street  
Findlay, OH 45840

PC

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

Home Builders Association  
5700 West Michigan  
Kalamazoo, MI 49009

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

TB

- Fred
- Dave B.
- Marvin
- Norm

John & Judith Carnago  
3087 Sturgeon Bay  
Portage, MI 49024

OFFICE

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

Total

Mike West



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

## NOTICE

### OSHTEMO TOWNSHIP ZONING BOARD OF APPEALS

May 5, 1997  
3:00 p.m.

#### AGENDA

1. Call to Order
2. Approval of Minutes

- April 21, 1997

3. Site Plan Review - James Craig

James Craig, representing Century Cellunet, requests Site Plan Review of a proposed cellular antennae and 176 sq. ft. control building. The proposal represents an antennae co-location on an existing 500 ft. communications tower established by Roe-Comm, Inc.

Subject site is located at 5088 West Michigan and is within the "I-1" District.  
(3905-24-485-011)

4. Variance Request - Speedway

Matt Wright, representing Emro Marketing (Speedway), requests Variance Approval from the commercial sign standards established by Section 76.125, Zoning Ordinance.

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

5. Other Business
6. Adjourn

AGENDA: ZBA  
MINUTES: \_\_\_\_\_

DATE: May 5, 1997  
SENT: April 28, 1997

ZBA

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

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

James S. Craig  
Century Cellnet  
5930 Christie SE  
Kentwood, MI 49508

12 Labels

Matt Wright  
Emro Marketing Co.  
539 S. Main Street  
Findlay, OH 45840

24 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

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

Wightman Ward Corporation  
1818 West Centre Street  
Portage, MI 49024

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



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

**To:** Zoning Board of Appeals

**Meeting Date:** 5-5-97

**From:** Planning & Zoning Department

**Agenda Item:** #3

**Applicant:** James Craig  
Representing Century Cellunet

**Property In Question:** 5088 West Michigan

Reference Vicinity Map

**Zoning District:** "I-1" Industrial District

**Request:** Site Plan Review - Cellular Antennae on Existing 500 Ft Communications  
Tower  
176 Sq Ft Control Building

**Ordinance Section(s):** Section 41.210 - Essential Services  
Section 82.800 - Criteria For Review

***Planning & Zoning Department Report:***

Background Information

- On 2-4-91, Site Plan Approval was granted to locate a 400 ft communications tower and a 300 sq ft equipment building on the subject site.

In conjunction with the approval, variances were granted from the 200 ft frontage requirement and the paving requirement.

Reference 2-4-91 ZBA Minutes

- On 2-24-97 (and 6-5-95), Site Plan Approval was granted to locate a 500 ft communications tower/600+ sq ft equipment building on the subject site. The proposal for a second tower, to be located 150 east and south of the existing tower, included use of the existing gravel access road.

Reference 2-24-97 ZBA Minutes

- Applicant proposes the co-location of a cellular antennae on the 500 ft communications tower under construction. The proposal also includes a 176 sq ft equipment building, generator, and propane tank.

Reference the following application material:

- : 4-7-97 Application Letter
- : Site Plan
- : Photo (typical equipment building)

### Department Review

#### *Site Plan Review - Section 82.800*

- a) - The additional equipment building is proposed to be located within the tower service area under construction. Additional access is not proposed.

- A specific parking proposal to accommodate site visits has not been detailed.

Parking shall be provided sufficient to respond to the needs of the site and shall comply with the 10' x 20' parking space dimensional standards.

- b) - Proposed setbacks comply with Ordinance standards.

- Equipment building lighting has not been detailed.

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).

- Proposed fencing for the communications tower/equipment building under construction shall be extended to encompass the proposed equipment building, generator, and propane tank.

- Outdoor storage is not proposed. The proposal does include the placement of a

generator and propane tank in the vicinity of the equipment building.

- Signage is not proposed.

c)

&d)-The subject site is surrounded by industrial zoning and land use.

- Screening is not required.

- Existing vegetation on the site and in the vicinity of the tower should be retained to provide a buffer and maintain the character of the site and the general area.

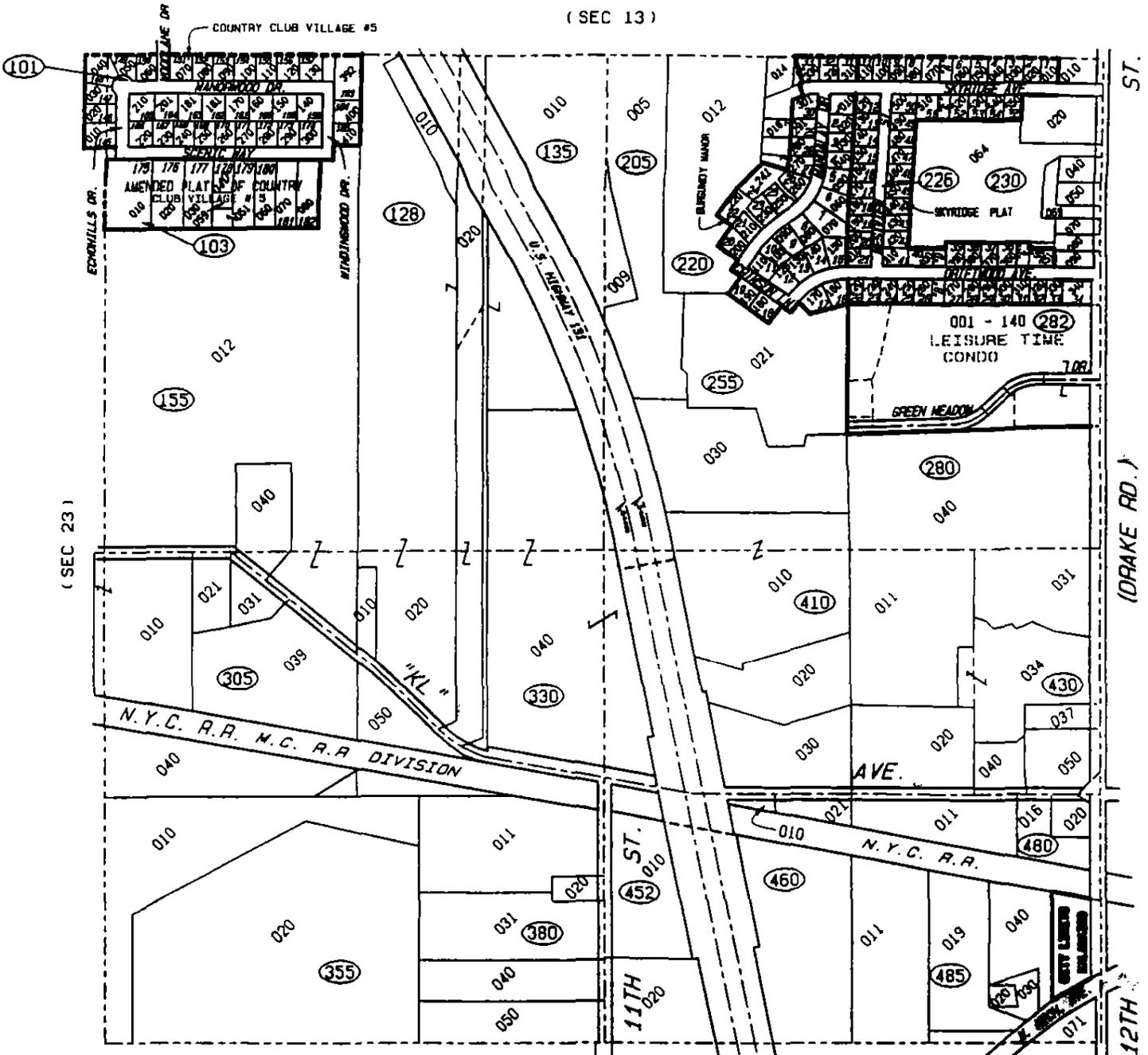
e) - Variance approval has not been requested.

The subject site has received variance approval from the 200 ft frontage requirement and access road paving requirement based upon its use as a tower site.

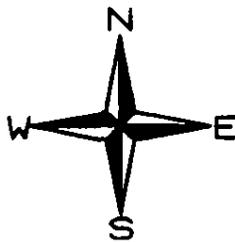
f) - Approval shall be subject to Township Fire Department review/approval.

# SECTION 24

( SEC 13 )



( SEC 25 )



SCALE 1" = 800'

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 CONDUCTED FEBRUARY 4, 1991

Agenda

ROE - COMM., INC - SITE PLAN REVIEW - VARIANCE FROM FRONTAGE REQUIREMENT OF SECTIONS 66.201 - WEST MICHIGAN

WILDWOOD MOBILE HOME COMMUNITY - PRELIMINARY PLAN AMENDMENT - VARIANCE FROM SECTION 25.401 (B).

LANDTECH, INC. - SKETCH PLAN REVIEW - OFFICE PARK AT CORNER OF WEST MAIN AND 10TH STREET.

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A regular meeting of the Oshtemo Charter Township Zoning Board of Appeals was conducted on Monday, February 4, 1991, commencing at approximately 3:00 p.m., at the Oshtemo Charter Township Hall, pursuant to notice.

Members present:     Marvin Block, Chairman  
                          George Vuicich  
                          Ron Zuiderveen  
                          Stan Rakowski  
                          Elaine Branch

Members absent:     None

Also present were Rebecca Harvey, Patricia Mason, and 18 other interested persons.

CALL TO ORDER

The Chairman called the meeting to order at 3:01 p.m.

MINUTES

The Board considered the approval of the Minutes of December 17, 1990. The Chairman suggested that on page 2, in the third full paragraph, a sentence be modified to read "This provision would not be applicable to the site in question if a variance to eliminate one of the access points were granted". The Chairman also suggested a change to page 4. He drew the Board's attention to the third paragraph, indicating that the sentence should be revised to read "The applicant responded that the street width would not be narrow; the developer proposed a 21 foot wide width, ...". Mr. Rakowski moved to approve the Minutes with the changes suggested by the Chairman. The motion was seconded by Mr. Zuiderveen. The motion carried with four voting in favor thereof and Elaine Branch abstaining.

ROE - COMM., INC - SITE PLAN REVIEW - VARIANCE FROM FRONTAGE REQUIREMENT OF SECTIONS 66.201 - WEST MICHIGAN

The Chairman stated that the next item of business was the

application of John Carnago of Roe Comm, Inc., for site plan review of a proposed communications tower and equipment building. The subject site is located on the north side of West Michigan, north of Whitman Saddle (5272 West Michigan) and is in the "I-1" district zoning classification. The applicant also requested variance approval from the 200 foot frontage requirement established by Section 66.201 of the zoning ordinance and from the paving requirement established by Section 68.202 of the zoning ordinance.

The applicant was present.

Ms. Harvey summarized her Planning and Zoning Department report. That report is incorporated herein by reference. She suggested that the Board determine whether a variance from the frontage requirement was appropriate. After such determination, site plan review and the variance as to the paving requirement could be considered. Ms. Harvey noted the maps attached to her report. She indicated that the applicant proposed the combination of those properties marked parcel 1 and parcel 2 so as to form one 20 acre parcel. Ms. Harvey had a question as to whether the "cat hospital" parcel was part of parcel 1. The applicant stated that parcel 1 was separate from the "cat hospital" parcel. The applicant said that the proposed site did not enjoy frontage on any public road. Access to the site would be provided by a 66 foot easement from the parcel to West Michigan Avenue.

Dennis Norman, the owner of the Whitman Saddle parcel to the south, had questions as to the proposed location of the tower. Mr. Norman also asked whether the "tower" was a permitted use. Ms. Harvey replied that the tower was a permitted use, but that the applicant was required to obtain site plan review and approval.

There was no further public comment and the Chairman closed the public hearing. The Board began discussion of the "frontage" variance.

Mr. Zuiderveen noted that, given the proposed use, there would be a need to access the property infrequently. Mr. Zuiderveen noted the similarity of the proposed site to the "Beech Street" TV tower parcel which does not have frontage on a public road.

Ms. Harvey noted that there were no Township records as to how the Beech Street parcel received buildable status. The only Township records pertained to site plan review for the proposed TV tower at Beech Street.

In response to questioning by the Chairman, the applicant indicated that the site would have a security gate at the boundary of "parcel 2" where the parcel met the 66 foot easement.

The Board discussed whether there were other options so as to create a conforming site. It was noted that the property could be platted. Further, the parcel would be made buildable merely by establishing a public road on the 66 foot easement.

The Chairman opined that there was not much reason to plat, or establish a public road, merely to access the communications tower and its equipment building on an infrequent basis.

The Board discussed the current status of parcel 2. After some discussion it was established that parcel 2 and parcel 010 to the east are currently one parcel, which parcel would be split for the site in question. Parcel 2, as combined with parcel 010 was a buildable parcel currently. However, the split and recombination of "parcel 2" with "parcel 1" for the site in question would create a nonbuildable parcel unless the frontage variance were granted.

The Board again discussed the similar sites in the area. The Beech Street tower site was noted. The applicant reminded the Board that Cablevision of Michigan has a similar site just west of 9th Street (on West Michigan). The Cablevision site contained a tower served by an easement; the site had no public road frontage.

The applicant stated that there would be a limited amount of traffic to its site. The operator only had a need to access the site one to two times per month normally, with a maximum of four times per month. There was no reason why the site would need to be accessed by the public in general. Further, the applicant noted that the site is monitored and maintained electronically.

After further discussion, Mr. Zuiderveen moved to grant a variance from Section 66.201, i.e., the requirement of 200 feet of frontage on a public road, for the site in question, conditioned upon its use for a communication tower and equipment building therefore. The following reasons were ~~sited~~<sup>listed</sup>:

- (1) Given the use, there would be no need for, or access by, the general public to the site in question. In fact, the site would be "gated" to keep general public traffic from the site. Further, given the use, the operator would need to access the site only two to four times per month. Therefore, given the use, conformance with the ordinance would be unnecessarily burdensome in that it would require platting of the parcel or the construction of a public road.
- (2) Substantial justice would be done in that there are comparable sites within the Township (i.e., the Stadium Drive a.k.a. West Michigan site and the Beech Street site) within the Township; it appears that a site without frontage served by an easement, which easement is "gated" to prevent public access, is a typical design for this type of use.
- (3) A tower and equipment building would be placed at a distance from the public road.
- (4) Although the hardship was self created, and there were no physical circumstances preventing the site's compliance,

the variance was justified given the circumstances.

The motion was seconded by Mr. Rakowski. The motion carried unanimously.

The Board went on to discuss site plan review and the paving requirement variance. Ms. Harvey commented that the Fire Department required a driving surface sufficient to maintain the weight of its vehicles, but did not necessarily require the paving of the driving surface. A minimum 20 foot drive would be required by the Fire Department. Further, the Fire Department indicated it would require a turnaround.

Ms. Harvey noted that other than the above listed Fire Department requirements, and with the exception that the paving of the driveway was not proposed, the site plan complied with all ordinance requirements.

In response to questioning by the Chairman, the applicant indicated that the proposed equipment building would be "pre-fab" concrete with one entrance. Two gates would be provided at the site, one at the property line (at its boundary with the 66 foot easement) and one at the fence which would be placed around the building. Proposed fencing would be 10 foot high. It was noted that the gate at the building fence was shown on the plan. However, the site plan would have to be revised to show gate and anchor point fencing at the property line of the parcel where said parcel met the 66 foot easement.

Board members concurred that the gravel proposed would be adequate given the proposed use.

Mr. Zuiderveen moved to grant the variance from the paving requirement of Section 68.202 conditioned upon the use of the property for a communications tower and equipment building. Mr. Zuiderveen ~~sited~~ as his reasons those reasons articulated earlier regarding the frontage variance. The motion was seconded by Mr. Rakowski.

Mr. <sup>Vincant</sup>~~Dennis~~ Bianco requested that the Board consider requiring paving to a depth of 20 to 30 feet from the road so as to prevent dust. Board members concurred that dust would not be a problem due to infrequent traffic. Upon a vote, the motion to grant the variance was carried unanimously.

Mr. Rakowski moved to approve the site plan with the following conditions and limitations:

- (1) That fencing be 10 foot in height;
- (2) That in addition to the gate established at the fence surrounding the equipment building, a gate be established at the property line of the parcel where said parcel meets the 66 foot easement and that the site plan be revised to show

same;

(3) That any and all lighting be sharp cut-off in type and comply with Section 78.700 of the zoning ordinance;

(4) That approval be subject to the Fire Department and Township engineer review and approval;

(5) That, given the nature of the use, the angle at which the entrance driveway (where it meets Stadium Drive), is not of concern; however, if a change in use were to take place the "angle" might not be appropriate.

The motion was seconded by Mr. Zuiderveen. The motion carried unanimously.

WILDWOOD MOBILE HOME COMMUNITY - PRELIMINARY PLAN AMENDMENT - VARIANCE FROM SECTION 25.401 (B).

The Board next considered the application of Germano Mularoni of Germano Management Company for preliminary plan amendment regarding the screening requirement for Wildwood Mobile Home Community. The applicant also requests variance approval from the requirement for a minimum of two (2) access streets connecting said park to a public road, established by Section 25.401 (b) of the zoning ordinance. The subject site is located at 4797 South 4th Street and is in the "R-5" Residence district zoning classification. The applicant was present.

Ms. Harvey summarized the Planning and Zoning Department report. Her report is incorporated herein ~~by~~ reference. She indicated that the applicant proposed to formally close the approved 5th Street access point, remove the gate established at that access point, and extend the chain link fence proposed for the east boundary across that area. The applicant was not proposing to establish a second access point at a new location. Therefore, since the ordinance requires that two access points be provided, a variance was necessary. The applicant further proposed, as to screening, that a six foot chain link fence, with no plantings, be established along the entire east property line. This proposal differed from that contained in the applicant's application form and in the letter supplied by the applicant. However, the applicant had changed his proposal after discussions with neighboring property owners.

The applicant indicated that Germano Management Company had had meetings with the owners of neighboring properties, i.e., Mr. and Mrs. Moyle and Mr. and Mrs. Diamond. The applicant submitted a packet of information concerning his request. The Chairman called for public comment on the item. Mr. Roy Moyle presented a letter from Bernard Diamond. Mr. Moyle indicated that the contents of the letter from Mr. Diamond were in accord with his own feelings on the screening requirement. Both property owners preferred a chain link fence (rather than plantings). The property owners,

**ZONING BOARD OF APPEALS MINUTES - FEBRUARY 24, 1997**  
**EXCERPTS**

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Ms. Harvey stated that she had received a revised site plan and a traffic report from the applicant. However, these items had been received only a few days before and there was insufficient time to obtain a review of the traffic report by the Township Traffic Consultant (KATS). The applicant understood that the recommendation to the Board would be that the item be tabled to allow for the Township Traffic Consultant to have an opportunity to review the traffic report. Ms. Harvey suggested tabling the item to the meeting of March 17, 1997. She stated that the applicant was in agreement with this proposal.

Mr. Saunders moved to table the item to the meeting of March 17, 1997.  
Mr. Brodasky seconded the motion. The motion carried unanimously.

**ROE COMM, INC. - SITE PLAN REVIEW - COMMUNICATIONS TOWER/EQUIP.  
BUILDING - 5088 W. MICHIGAN; VARIANCES FROM FRONTAGE AND PAVING  
REQUIREMENTS**

The next item was the application of John Carnago of Roe Comm, Inc., for site plan review of a proposed communications tower and equipment building on an existing 22-acre tower site located at West Michigan and US 131. The applicant also requested variance approval from the 200' frontage requirement established by Section 66.201 of the Zoning Ordinance and the paving requirement established by Section 68.202 of the Zoning Ordinance. The subject site is located at 5088 W. Michigan and is within the "I-1" Industrial District Zoning classification.

Ms. Harvey stated that the applicant had been approved for the first tower located on the site in the early 1990's. At that time, the Zoning Board of Appeals had approved a variance to allow an unpaved driveway and as to frontage. In 1995, the applicant had applied for and was approved for a second tower at the site. Reference was made to the minutes of the meeting of June 5, 1995. At that time, again, variances from the 200' road frontage requirement and from the paving requirement of the Zoning Ordinance were granted. Site plan approval was also granted. However, since the second tower had not been established within the one-year period allowed by the Ordinance, the site plan approval had expired. The applicant now sought approval for the same project as was approved in 1995. Ms. Harvey pointed out that there had been no changes in the Ordinance which would

impact the review of this site. Ms. Harvey stated she had noticed the item for variance in case it was needed. The Township Attorney stated she felt that the variance granted in 1995 remained effective since it had been granted for the same application.

Will Saleske was present representing the applicant. He stated that he was a service manager for Roe Comm. Mr. Saleske stated that the one year had expired because the applicant had been awaiting specifications for the second tower. The applicant was now ready to proceed. In response to questioning by Mr. Brodasky, the applicant stated that there had been no changes from the original application. Ms. Meeuwse asked what type of tower would be established, and the applicant responded that a commercial two-way radio tower would be placed on the site.

The Chairperson called for public comment, and none was offered. The public hearing was closed.

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

- (1) That the additional tower would be served by the existing site access and no changes were proposed or approved.
- (2) That the parking area in front of the building to accommodate 2-3 vehicles, as proposed by the applicant, was approved.
- (3) That site lighting as proposed by the applicant was approved.
- (4) That no signage had been proposed or approved.
- (5) That existing vegetation on the site and in the vicinity of the tower should be retained to provide a buffer and maintain the character of the site and the general area.
- (6) That approval was subject to the Township Fire Department review and approval.
- (7) That the access point would only be used on a limited basis and not for heavy equipment; the access point would be made dust free.

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

**PROSOURCE - VARIANCE FROM SECTIONS 82.900/84.200 - TIME EXTENSION FOR COMPLETION OF SITE - 5400 W. MICHIGAN**

The next item was the application of Jack Vandenberg, representing ProSource, for variance approval from Sections 82.900 and 84.200 of the Zoning Ordinance as they relate to



April 7, 1997

Mrs. Rebecca Harvey, AICP, PCP  
Oshtemo Township  
7275 W. Main Street  
Kalamazoo MI 49009

Dear Mrs. Harvey,

I spoke with you earlier this year when you answered questions for me about your ordinance. Your township staff was one of the most helpful and courteous I've visited.

Enclosed is a a site plan for 5088 West Michigan, the Roe-Comm., Inc. communication tower project which was approved by the Oshtemo Township ZBA on February 24, 1997.

As Acquisition Agent for Faulk & Foster Real Estate Services, who is headquartered in Monroe, Louisiana, I am representing Century Cellunet, who has finalized an agreement with Roe-Comm., Inc. to add a small accessory building on site (highlighted in yellow). This building is not higher or larger than existing buildings on the site and complies with the zoning ordinance requirements. Due to minimal traffic to and from this site, no new or additional means of access to West Michigan Avenue is required. It is my understanding that Section 82.200 paragraph (b) allows your department to approve this type of minor change to an existing approved site plan without an additional public hearing before the Zoning Board of Appeals.

I am also enclosing a site plan review application and a \$500 check which I believe is the correct fee for the site plan approval process. We have copies of the application for building permit and would like to submit that after this site plan is reviewed and approved.

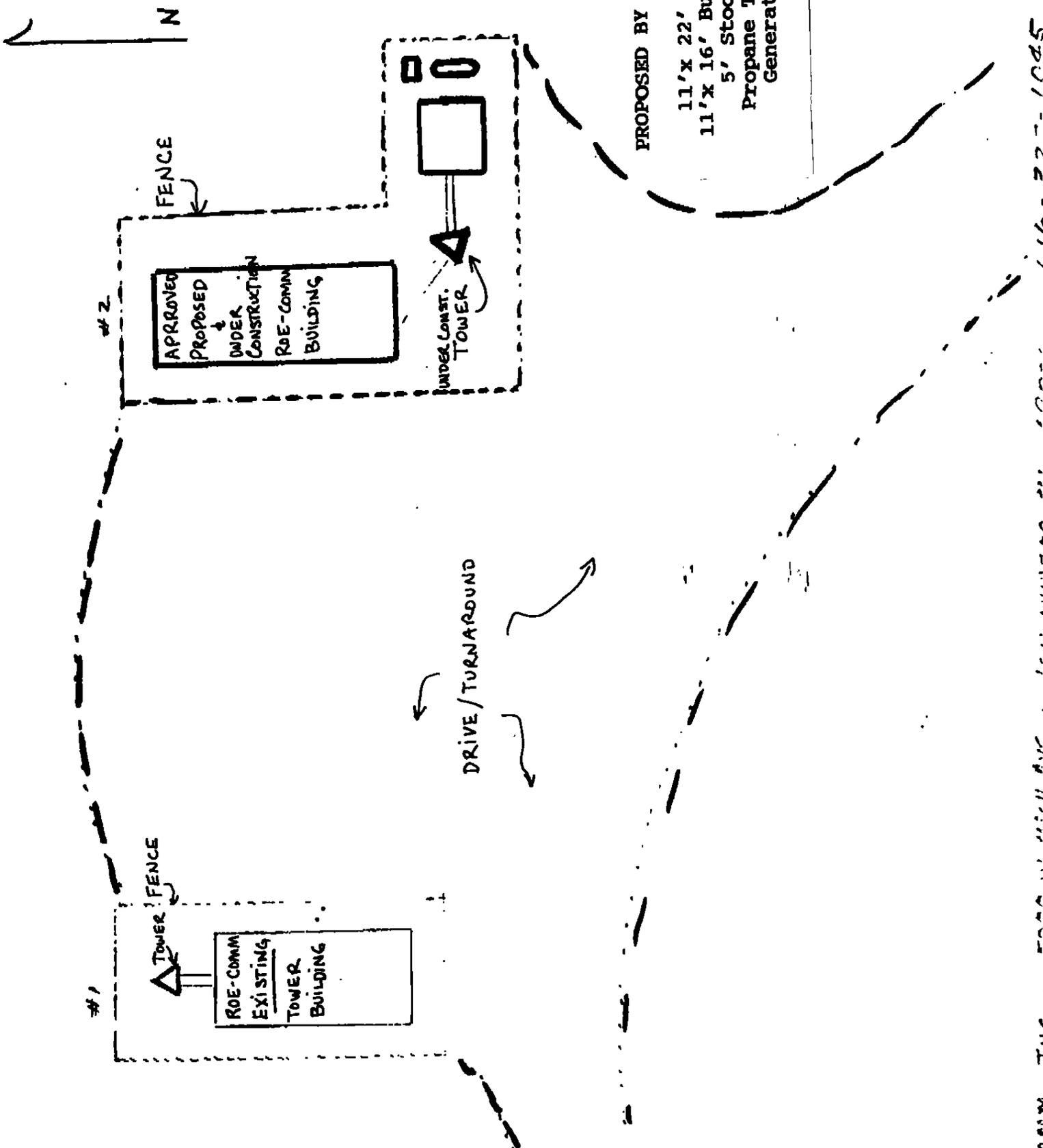
I appreciate your continued assistance in the township permitting procedures. I am available to answer any questions you may have or provide additional information required.

Respectfully submitted,

CRAIG REALTY COMPANY

James S. Craig

copy to John Carnago  
enclosed site plan and check



N

FENCE

#2

APPROVED  
PROPOSED  
UNDER  
CONSTRUCTION  
ROE-COMM  
BUILDING

UNDER CONST.  
TOWER

PROPOSED BY CENTURY  
11'x 22' Slab  
11'x 16' Building  
5' Stoop  
Propane Tank  
Generator

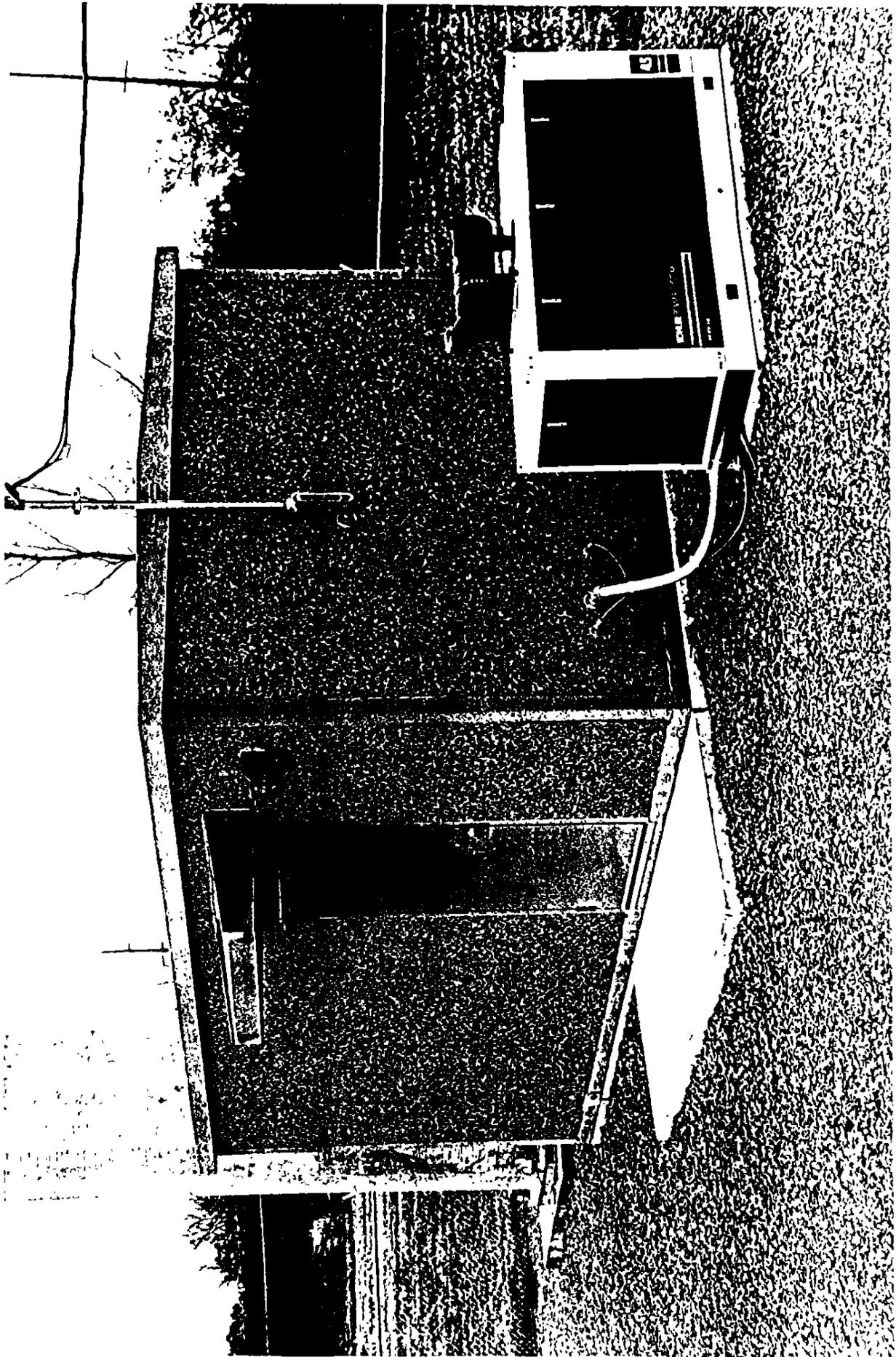
DRIVE/TURNAROUND

TOWER FENCE

#1

ROE-COMM  
EXISTING  
TOWER  
BUILDING

E-DRAWING TITLE - FENCE TO NORTH SIDE OF EXISTING ROE-COMM BUILDING - 1045



CENTURY CELLUNET



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

**To:** Zoning Board of Appeals

**Meeting Date:** 5-5-97

**From:** Planning/Zoning Department

**Agenda Item:** #4

**Applicant:** Matt Wright  
Representing Emro Marketing Co. (Speedway)

**Property In Question:** Speedway  
1250 Drake Road

Reference Vicinity Map

**Zoning District:** "C" Local Business District

**Request:** Variance Approval - Sign Standards

**Ordinance Section(s):** Section 76.125 - Commercial Sign Standards

***Planning/Zoning Department Report:***

***Background Information***

- On 3-17-97, the ZBA granted Site Plan Approval for the proposed reconstruction of the Speedway facility on the subject site.

In conjunction with the building/site renovation, replacement of the existing freestanding sign on the site is proposed.

- Section 76.125 permits the placement of 2 signs on a parcel abutting two public streets, subject to the following:

: each sign shall be located so as to serve traffic along a different street;

: each sign shall be located no closer than ½ the required building setback from the street it serves and no closer than 1 ½ the required building setback from the other public street abutting the property.

- Application of the sign standards permits the following freestanding signage on the subject site:

: 1 60 sq ft sign (serving Drake Road)  
60 ft from centerline of Drake Road  
105 ft from right-of-way of KL Avenue

: 1 30 sq ft sign (serving KL Avenue)  
35 ft from right-of-way of KL Avenue  
180 ft from centerline of Drake Road

- Applicant proposes the establishment of a single 81 sq ft freestanding sign to be located 73 ft from centerline of Drake Road/23 ft from right-of-way of KL Avenue.

Reference Proposed Sign Graphic and Location Plan

- Variance Approval from the sign size and setback standards set forth in Section 76.125 is requested.

### Department Review

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

#### 1. *Conformance Unnecessarily Burdensome*

: Are reasonable options for compliance available?

: Does reasonable use of the property exist with a denial of the variance?

- Freestanding signage serving Drake Road can be established at the site in compliance with setback standards.

- The Township has not generally considered it to be 'unreasonable' to limit signage to sizes outside of those offered by a franchise.

- The commercial district permits both freestanding and wall signage options to provide flexibility in designing adequate site signage.

2. *Substantial Justice*

Consider past decisions in similar requests:

***Sign Size Variances***

11-4-84	McDonald's	Denied
11-2-87	Family Foods	Denied
12-7-87	Dick Loehr's	Denied
5-1-89	Imperial Oil	Denied
8-21-89	Meijer Square	Denied
8-21-89	Bob & Kays	Denied
12-4-89	On Target	Granted
10-7-91	Shell Oil	Denied
<b>3-1-93</b>	<b>Meijer</b>	<b>Denied</b>
<b>2-7-94</b>	<b>Target</b>	<b>Denied</b>

***Sign Setback Variances***

3-3-86	DeVisser	Denied
8-4-86	Movie Outpost	Granted
2-2-87	A & B Septic	Denied
12-7-87	Crystal Circle	Denied
11-7-88	Four Seasons	Granted
7-10-89	Deep Sea Aquarium	Granted
7-10-89	Summer Ridge	Denied
9-11-89	Bertolissi	Denied
10-2-89	Home Builders	Granted
3-4-91	Clayton Estates	Denied
1-9-95	Huntington Run	Granted
6-5-95	Vanderweele	Granted
6-26-95	Breckenridge	Denied
<b>11-6-95</b>	<b>Midwest Auto Body</b>	<b>Denied</b>
<b>8-5-96</b>	<b>Migala Law Office</b>	<b>Granted</b>
12-16-96	Springwood Hills	Denied
2-3-97	Whitegate	Granted

: Consider the character of the surrounding land use and the location/size of existing signs in the general area.

(Sign size/location information on area parcels to be submitted)

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3. *Unique Physical Circumstances*

- : The existence of the parking lot *limits* location options for freestanding signage on the site.
- : No unique topographic or vegetation situations exist on the site limiting location or visibility.

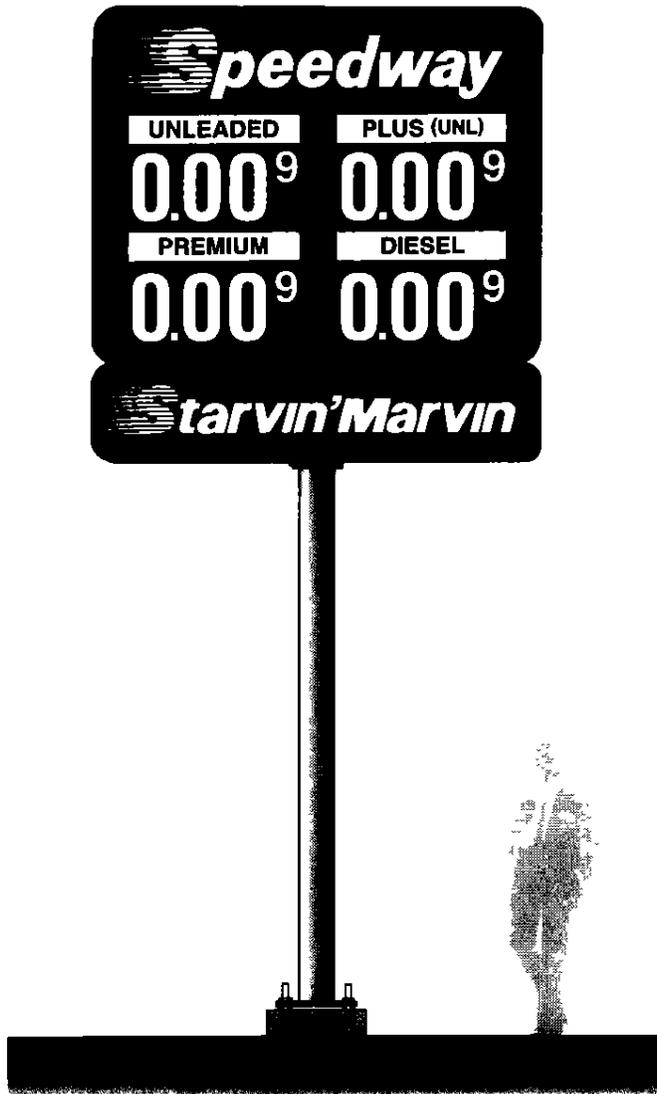
4. *Self-Created Hardship*

- : Sign design and placement are at the discretion of the applicant.
- : The subject site is currently under renovation; site designs that predate the Ordinance and serve as limitations to sign compliance could be modified in conjunction with the site redesign.

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



**STREET SIGNS**



**81 SQ. FT. SIGN  
CENTERMOUNT**

**Note:** This sign is double faced and internally illuminated.

Total sign area = 81.3 sq. ft.

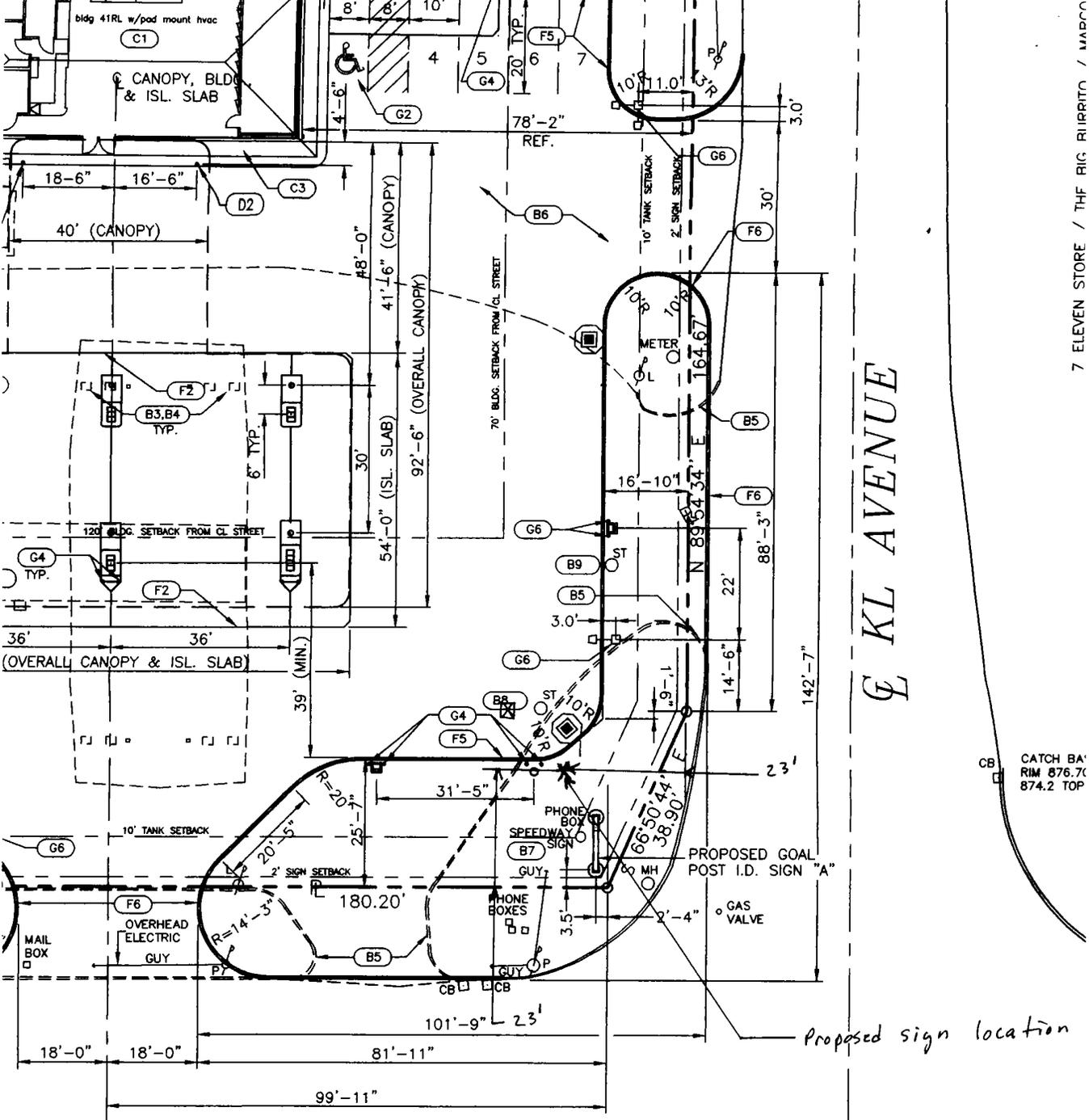
63.5 sq. ft. (Speedway I.D./Price Sign)  
17.8 sq. ft. (Starvin'Marvin I.D.)  

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81.3 sq. ft.

Refer to the Emro Marketing Company Commercial Services Department for details regarding the design of this sign and its required foundation.

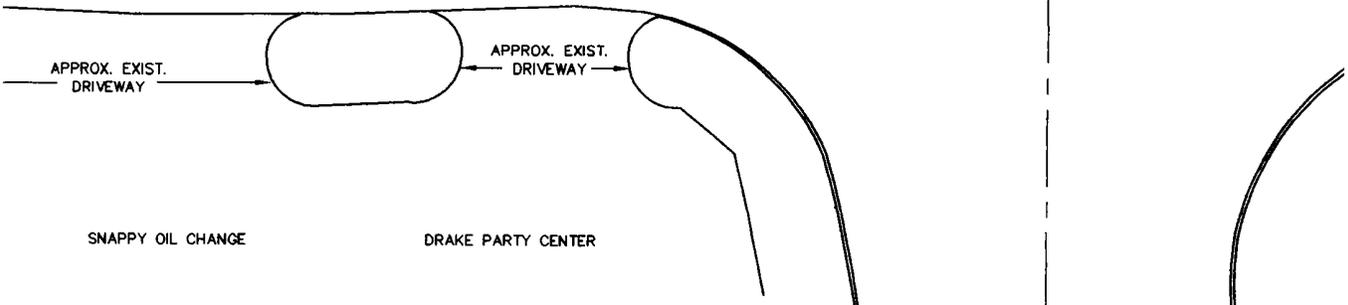
7 ELEVEN STORE / THE RIG RIURITO / MADCO



KL AVENUE

CATCH BASIN  
RIM 876.70  
874.2 TOP

DRAKE ROAD



PROPOSED PARKING SPACE TABULATION

SPACES REQUIRED = 1 PER 150 SQ. FT. RETAIL

PROPOSED STORE HAS ~1,700 SQ. FT. RETAIL AREA,

REQUIRED SPACES = 1,700/150 ~ 12 SPACES

SPACES PROVIDED = 8 AT BUILDING.

EXCERPTS

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**MEIJER, INC., VARIANCE APPROVAL FROM THE SIGN SIZE AND HEIGHT REQUIREMENTS OF SECTION 76.125**

The next item of business was the application of Mike Kinstle, representing Meijer, Inc., for variance approval from the commercial sign size and height requirements established by Section 76.125 of the Zoning Ordinance. The subject site is located at the northeast corner of West Main and North 9th Street and is within the "C" Zoning District classification.

The applicant was present.

The report of the Zoning and Planning Department is incorporated herein by reference. Ms. Harvey emphasized the previous decisions of the Board, particularly that with regard to Family Foods and Spring Harbor, in that both requests had dealt with corner parcels in which the applicant had proposed combination of two signs as a basis for variance. It was noted that the Meijer Development Plan consisted of two parcels, the main store parcel and the gas station/convenience store parcel. Each parcel, under Section 76.125, was entitled to two signs to be located so as to serve traffic along a different street. The first sign was permitted to be 60 square feet in area and 20' high and the second sign was permitted to be 30 square feet in area with a height of 20'. The applicant had proposed no North 9th Street signage for either parcel; the applicant sought one free-standing sign for each parcel located along West Main. The main store parcel sign was proposed to be 150 square feet and 30' in height, and the gas station/ convenience store parcel sign was proposed to be 120 square feet and 23'4" in height.

The applicant indicated that it would like to eliminate two signs along 9th Street. The applicant said that, in view of the residential character of 9th Street, it was desirable to eliminate signage on 9th Street and combine it with the West Main signs. The applicant opined that it was difficult to see the signs along West Main at the size and height allowed by the Township Ordinance. The applicant hypothesized that increased sign size and height would allow the traffic along West Main to have better "reaction time" for turning into the development.

Mr. Rakowski questioned the applicant as to how the decision had been made with regard to the size and height of signage and the basis for the proposed sign size and height. The applicant responded that in this case the real estate representative, i.e., Mr. Kinstle, had suggested the sign size and height. He was concerned that traffic would not be able to see the sign until they were right on top of the entrance point.

The Chairperson called for public comment, and Mr. Jameson expressed concerns about the proposal. He stated that he felt it was ironic that the applicant was now sensitive to the

residential nature of 9th Street. He commented that the applicant should be afforded the signage permitted under the Ordinance and not granted a variance. He felt that there were no "large signs" west of US 131 and to grant a variance of this magnitude would be "destructive" to the Ordinance. He did not feel there was any justification to deviate from Ordinance provisions. In his opinion the berm, in that it was tapered and would only be 13' high at its highest point, would not interfere with the visibility of a 20'-high sign. Bigger was not better, in his opinion, and he was concerned about setting a bad precedent.

Jim English of the Oshtemo Citizens Association agreed with Mr. Jameson's comments and also requested that the Board deny the variance.

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

Mr. Rakowski commented that he felt that the Township would get criticism if signage were established on 9th Street. However, it was pointed out that this was permitted by the Ordinance. The Chairperson wondered whether the citizens along 9th Street would not prefer the elimination of the signage.

Ms. Branch commented that she did not feel the 9th Street signage was the issue. She was concerned about setting a bad precedent for development in the area. She felt that by trading signage on 9th Street for a variance allowing signage on West Main so far in excess of what was allowed by the Ordinance would be tantamount to throwing the Ordinance out. She could not see how, in light of past precedents, the Board could grant the variance.

The applicant noted that he felt it was appropriate to determine signage size based on the size of a project.

Ms. Harvey stated that the comments of the applicant with regard to general visibility of signage and with regard to determination of signage based on size of the project were comments directed at whether or not the text should be changed rather than whether a variance was appropriate in this case. Board members commented that they felt that the signage would be visible as permitted by the Ordinance. However, if the signage, coming from the east, was not seen until the entrance drive, a customer could turn in at 9th Street.

Ms. Branch moved to deny the variance for both proposed signs with the following reasoning:

(1) That compliance was not unnecessarily burdensome. It was noted that §76.125 permits both free-standing and wall signage in the "C" District to provide flexibility in designing adequate site signage.

(2) That substantial justice would not be served by granting the variance. It was noted, with regard to past precedents of the Board in similar applications, variance had been denied. Ms. Branch specifically cited the Board's action with regard to Spring Harbor and Family Foods. Further, considering other commercial signage in the area was largely within Ordinance requirements. Therefore, a variance here would not provide substantial justice to other area property owners.

(3) That there no unique topographical or vegetational circumstances at the site which would justify a variance. It was noted that a review of the Site Plan showing the berm and location of the existing house indicated that they did not prevent visibility of the signs in the locations proposed. Variance would not serve the spirit of the Ordinance.

(4) That the hardship was self-created in that the proposed sign dimensions were at the discretion of the applicant.

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

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 4:50 p.m.

OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS

By: Marvin Block  
Marvin Block, Chairperson

By: Stanley X Rakowski  
Stanley Rakowski

By: \_\_\_\_\_  
George Vuicich

By: Ron Zuiderveen  
Ron Zuiderveen

By: \_\_\_\_\_  
Elaine Branch

Minutes prepared:  
March 3, 1993

Minutes approved:  
March 15, 1993

EXCERPTS

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**TARGET STORES, INC. - VARIANCE APPROVAL FROM COMMERCIAL SIGN SIZE AND HEIGHT REQUIREMENTS OF SECTION 76.125**

The next item of business was the application of Target Stores, Inc., for variance approval from the commercial sign size and height requirements established by Section 76.125 of the zoning ordinance. The subject site is located at 5350 West Main and is within the "C" Local Business District Zoning classification.

Ms. Harvey made reference to her report concerning the item. That report is incorporated herein by reference.

Richard Nattila was present on behalf of the applicant. He stated that the Target site is set approximately 10-15' below the road grade. Moreover, there are trees along the frontage. These two factors reduce the visibility of the building and, therefore, building signage is not as visible and effective as it might otherwise be. Mr. Nattila stated that the applicant proposed a 10' x 10' sign, which is one of Target's standard sign sizes. The sign would be 25' in height. He emphasized that he felt that the sign size and height requested was necessary for visibility at the entrance point. He stated that the applicant wished to direct as much traffic as possible to the Target site. Moreover, given the speed limit of 50 m.p.h., he felt it was important to give the traffic as much notice as possible of the location of the entrance. Mr. Nattila presented photographs with a drawing of the sign to scale. He stated that the photos represented the sign as proposed.

Mr. Nattila stated that the Target site would have frontage on both Maple Hill Drive and M-43. Two free-standing signs would be allowed at the site. Moreover, in answer to a question by the Chairperson, Mr. Nattila stated that the building would have wall signage which represented approximately 1% of the wall area.

No public comment was offered, and the Chairperson closed the public hearing.

The Chairperson stated that he felt the issue was analogous to the application presented by Meijer, Inc. The Meijer site was also below road grade. The Chairperson also noted the Board's actions with regard to McDonald's and Meijer Square. He observed that the Board had a lot of precedents with regard to denial of applications under similar circumstances. The Chairperson stated that his belief was that the general public was aware of the location of the new Target store.

Ms. Branch noted that she felt it was important to consider the previous precedents of the Board, particularly those in the general area of Maple Hill Mall. She, too, noted that the McDonald's application had been denied, as had the application of Shell Oil, which was located on the opposite side of M-43. Ms. Branch felt that the Board would have a hard time justifying a grant of variance in this case where the Board had denied variance under the same circumstances in the past. As to visibility, Ms. Branch stated that it was her belief that the signage, if placed in compliance with the ordinance, would be visible, as would the

Target building. Moreover, the general public is aware of the location of the Target building. She did not feel there were any unique physical circumstances at the site which justified variance; the Board had not granted variances in the past due to the "trees" along the frontage of Maple Hill Mall.

The applicant stated that the five-foot height variance was more necessary than the size variance in order for the sign to be visible due to the location of the trees.

Mr. Miller stressed that in his opinion the trees would grow more than 5' 2" in a year's period. Mr. Miller also concurred with the comments of Ms. Branch.

Ms. Harvey directed the Board's attention to the decision of August 21, 1989, with regard to Meijer Square; the Meijer Square store was located in Target's current location. Variance was denied with regard to that application.

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

(1) That compliance was not unnecessarily burdensome. Section 76.125 of the ordinance permits both free-standing and wall signage in the "C" Local Business District to provide flexibility in designing adequate site signage.

(2) That substantial justice would not be served by granting the variance. Past precedents of the Board, particularly those with regard to McDonald's and Meijer Square, dictated denial of the variance. ~~Reference was made to the character of the signage in the area, i.e., size and height, and said character would require denial.~~

(3) That there were no unique physical circumstances justifying the variance; the depression in topography and vegetation have not been considered justifications for sign size and height variances in the past.

(4) That the hardship was self-created in that proposed sign dimensions and height are at the applicant's discretion.

(5) That variance would not be in the spirit of the ordinance. Again, past precedents of the Board were cited.

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

**SCOTT HUSTED - VARIANCE APPROVAL FROM 200' FRONTAGE REQUIREMENT OF SECTION 66.201**

The next item of business was the application of Scott Husted for variance approval from the 200' frontage requirement established by Section 66.201 of the zoning ordinance.

ZONING BOARD OF APPEALS MINUTES - AUGUST 5, 1996

EXCERPTS

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Attorney Pat Lennon was present and stated that the matter had originally been tabled in that a full Board was not present and there was a division among the Board with regard to how to deal with the item. The applicant requested that the item again be tabled to a meeting at which a full Board would be present. It was noted that a special meeting was scheduled for August 26, 1996. Ms. Meeuwse moved to table the item to the meeting of August 26, 1996. Mr. Saunders seconded the motion, and the motion carried unanimously.

**MIGALA LAW OFFICE - VARIANCE REQUEST FROM SIGN SETBACK REQUIREMENTS - 6523 STADIUM DRIVE**

The next item was the application of Mike Hopson, representing Migala Law Office, for variance approval from the sign setback requirements established by Section 76.125 of the Zoning Ordinance. The subject site is located at 6523 Stadium Drive and is within the "C" Local Business District Zoning classification.

The report of the Planning and Zoning Department is incorporated herein by reference. The applicant indicated that the variance was sought for establishment of a free-standing sign. He noted that, if setback requirements were met, the sign would have to be placed within the parking lot, which would interfere with onsite circulation and eliminate one or more parking spaces. The applicant requested that the sign be permitted to be no higher than 6', each panel be 24 square feet, and that the sign be set back 50' from the centerline of Stadium Drive and 0' from the South 9th Street right-of-way. The applicant commented that it would be a "low-profile" sign. The applicant felt that the signs in the area are in character with his proposed sign. The applicant stated that wall signage had been considered but, due to the design of the building, a number of large windows and the door would interfere with wall signage. Such signage would have to be so small that it would not be visible from the street.

The Chairperson was concerned about the visibility for traffic at the corner of Stadium Drive and South 9th Street. The applicant presented a drawing of the intersection, which satisfied the Chairperson's concern. The applicant expressed that he felt the signage was within the intent of the Village Focus Area Development Plan. And, because the sign would be 50' from the centerline of Stadium Drive, visibility would not be impeded.

Ms. Meeuwse commented that she also felt the sign would be in keeping with the Village Focus Area plan. Mr. Brodasky felt it would be significant that the sign would be in closer compliance with the Zoning Ordinance than the existing free-standing Dairy King sign at the site.

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

Mr. Brodasky moved to grant the variance with the limitation that the sign not exceed 6' in height. He reasoned as follows:

(1) That conformance was unnecessarily burdensome in that a sign could not be located at the site out of the existing parking area, which would comply with the Ordinance setback standards.

(2) That substantial justice would favor granting the variance in that the sign would be in character with the Village Focus Area Development Plan and that other similar applications had been granted.

(3) That, as to unique physical circumstances, the existing parking lot and size of the parcel limit the location options for free-standing signs.

(4) That the hardship was not self-created in that the subject site and the building/paving arrangement of the site predate the adopted signage and setback standards.

(5) That the spirit of the Ordinance would be observed and the public health, safety and welfare secured if the variance was granted. Again, consistency with the Village Focus Area Development plan was cited. Further, the proposed sign location would bring the free-standing signage on the site in greater compliance with setback standards.

Ms. Meeuwse seconded the motion, stating that, in her opinion, the proposed sign achieved the objectives of the Village Focus Area Development Plan. Upon a vote on the motion, the motion carried unanimously.

**HOUSING RESOURCES, INC. - SITE PLAN REVIEW/VARIANCE REQUEST - 96-UNIT TOWNHOME RENTAL DEVELOPMENT - 6794 STADIUM DRIVE**

The next item was the application of Ellen Kisinger-Rothi, Executive Director, Housing Resources, Inc., for site plan review of a proposed 96-unit townhome rental development on approximately 14 acres. The applicant also requested variance approval from the following Zoning Ordinance provisions: (1) The 2.5-space/unit parking requirement established by Section 68.302 and (2) access street requirement applicable to multi-family dwellings established by Section 24.207(d). The subject site is located at 6794 Stadium Drive and is within the "R-4" Residence District.

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

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES OF MEETING HELD NOVEMBER 6, 1995

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Agenda

KALAMAZOO CHINESE CHRISTIAN FELLOWSHIP - SITE PLAN REVIEW -  
PARKVIEW AVENUE EAST OF 11TH STREET

MIDWEST COLLISION CENTER - VARIANCE APPROVAL - 35' SIGN SETBACK  
REQUIREMENT OF SECTION 76.130

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A meeting was conducted by the Oshtemo Charter Township Zoning Board of Appeals on Monday, November 6, 1995, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

MEMBERS PRESENT:      Brian Dylhoff, Chairperson  
                                 Thomas Brodasky  
                                 William Miller  
                                 William Saunders

MEMBER ABSENT:        Elaine Branch

Also present were Rebecca Harvey, Township Planning and Zoning Department representative, Patricia R. Mason, Township Attorney, and one (1) other interested persons.

**CALL TO ORDER**

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

**MINUTES**

The Board considered the minutes of the meeting of October 16, 1995. Mr. Miller moved to approve the minutes as submitted. Mr. Brodasky seconded the motion, and the motion carried unanimously.

**KALAMAZOO CHINESE CHRISTIAN FELLOWSHIP - SITE PLAN REVIEW -  
PARKVIEW AVENUE EAST OF 11TH STREET**

The application of Kalamazoo Chinese Christian Fellowship for site plan review of a proposed 5,600 sq. ft. building to be located on the north side of Parkview Avenue, approximately 750' east of 11th Street, within the "R-2" Zoning District, had been withdrawn by the applicant.

**MIDWEST COLLISION CENTER - VARIANCE APPROVAL - 35' SIGN SETBACK REQUIREMENT OF SECTION 76.130**

The Board next considered the application of E. Schippers, representing Midwest Collision Center, for variance approval from the 35' sign setback requirement established by Section 76.130 of the Zoning Ordinance. The subject site is located at 6415 West KL Avenue and is within the "I-1" Zoning District.

The report of the Planning and Zoning Department is incorporated herein by reference. Ms. Harvey stated that the applicant proposed a variance to allow a sign established 3' from the road right-of-way, i.e., a variance of 32'. She noted that a sign permit had been approved for the site which specified the location as 35' from the road right-of-way. This sign permit had been renewed in 1989 and 1992 and each time stated that the sign was to be located 35' from the right-of-way. In 1993, an application was made for a new sign permit. This permit was not issued for a relocated sign; however, subsequent to its establishment, recently when a new fascia was put on the sign, it was learned that the sign was approximately 3' from the road right-of-way. It was the Township's belief that the sign had been relocated to 3' from the road right-of-way in 1993.

Mr. Miller questioned Ms. Harvey as to whether the new business being established to the west had received a permit for their sign. Ms. Harvey responded that Blackberry Systems was the most recently granted permit and the sign was to be established 35' from the road right-of-way. She noted that the free-standing signs located in the area, which were noted in her report, pre-existed the Ordinance restriction of 35'.

The applicant was present and stated that in 1993 he had called and spoken with Bob Horton, and he understood at that time that he was to put the sign at 35' from the centerline. He had misread the building permit and believed that the sign was to be set 35' from the centerline rather than from the road right-of-way. He felt it would be expensive to change the sign, and to relocate it 35' from the right-of-way would have put it in the business's parking lot. He also felt that trees might block the view as approaching the sign from the east.

There was no public comment offered, and the Chairperson closed the public hearing. It was noted that the Township might own the property adjacent to the instant site and that the applicant should contact the Township about trimming the trees on that lot. However, it was the Board's consensus that there was no visibility problem posed by the trees as they currently exist. It was felt it was possible to locate a sign on the site which would be in compliance with the Ordinance and which would be visible.

The applicant indicated that he would be adding to the building in the near future and they might wish to relocate the sign anyway, depending upon the signage established by Blackberry Systems. He stated that he hoped to have proposed a building expansion within six months.

There was discussion of the time frame for compliance, and it was the consensus of the Board that the applicant could work with the Township to obtain a reasonable time period in which to comply with the requirements of the Ordinance if the variance were denied.

Mr. Brodasky reviewed the criteria for nonuse variance, first stating that the compliance was not unnecessarily burdensome in that there were reasonable options available to the applicant for placement of the sign in compliance with Ordinance requirements. Additionally, he felt substantial justice required denial of the variance in that no variance of this magnitude had been granted except in very extreme cases. He felt the hardship was self-created and that there were no unique circumstances, i.e., no physical limitations on the subject site, which prevented compliance. He also felt that the spirit and intent of the Ordinance would be served by denial. Mr. Brodasky, therefore, moved to deny the variance. Mr. Saunders seconded the motion. The motion carried unanimously.

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 3:30 p.m.

OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS

By:   
Brian Dylhoff, Chairperson

By: \_\_\_\_\_  
Elaine Branch

By:   
William Miller

By:   
William Saunders

By:   
Thomas Brodasky

Minutes Prepared:  
November 7, 1995

Minutes Approved:

December 4, 1995



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9330  
616-375-4260 FAX 375-7180 TDD 375-7191

**SITE PLAN REVIEW APPLICATION**

Date: 4/7/97 Present Zoning: I-1 INDUSTRIAL Fee: \$500 CHECK ENCLOSED

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

JOHN R. & JUDITH J. CARNAGO  
3087 STURGEON BAY  
PORTAGE MI 49024

DOCUMENTATION ON FILE WITH TOWNSHIP

Person Making Request: JAMES S. CRAIG, AGENT FOR CENTURY CELLUNET

Address: 5930 Christie SE, Kentwood MI <sup>49508</sup> Phone: (616) 827-0445

Interest in Property: LEASEHOLD INTEREST

Size of Property Involved: approximately 50'x50' on a 22 acre parcel

Legal Description of Property Involved: lengthy legal on file with township

PP#'s 3905-24-485-011  
and 3905-90-808-160

General Description of the Proposed Development: An 11'x16' fiberbond accessory building on an 11'x22' slab with a 5' concrete stoop.

Also, 1 small generator and 1 propane tank as an auxiliary power supply.

List supporting Documents attached to the application, if any: Site plan provided by ROE-COMM and sample photo of proposed improvements.

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

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

4/22/97 JF  
052689 SITE PLAN/CENT.CELU 500.00  
TOTAL PAID 500.00

James S. Craig, Agent  
Owner/Agent

THANK YOU

Century Cellnet

3905 - 24 - 485 - 011

Carnage

24 - 485 - 019

Taplin/FMB/Fitch

24 - 460 - 010

Swafford

021

Name

24 - 480 - 011

Progro

24 - 410 - 030

Audrey Homes

25 - 310 - 026

Norman

25 - 230 - 011

Great Lakes

020

Taplin/FMB/Fitch

James S. Craig  
Century Cellunet  
5930 Christie SE  
Kentwood, MI 49508

24-485-011

CARNAGO JOHN R & JUDY  
1400 RAMONA AVENUE  
KALAMAZOO MI 49002

24-485-011

OCCUPANT *Returned*  
5088 WEST MICHIGAN  
KALAMAZOO, MI 49006

24-485-019

TAPLIN A R & P J & S B  
FMB ARCADIA BANK (LARRY FITCH)  
251 EAST MICHIGAN AVENUE  
KALAMAZOO MI 49007

24-460-010

SWAFFORD WAYNE E & JOAN L  
13830 20 MILE ROAD  
MARSHALL MI 49068

24-410-030

AUDREY HOMES  
PHASE I  
PO BOX 3015  
KALAMAZOO MI 49003

24-460-021

DAME & UPDIKE CO-PARTNERSHIP  
5040 MEREDITH ROAD  
KALAMAZOO MI 49002

25-210-026

NORMAN DENNIS L  
5272 WEST MICHIGAN  
KALAMAZOO MI 49007

24-460-021

OCCUPANT  
5263 WEST KL AVENUE  
KALAMAZOO, MI 49009

25-230-011

GREAT LAKES PARTNERS  
5220 WEST MICHIGAN  
KALAMAZOO MI 49007

24-480-011

PROGRO DEVELOPMENT LLC  
PO BOX 327  
OSHTENO MI 49077

25-230-020

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

24-480-011

OCCUPANT  
5169 WEST KL AVENUE  
KALAMAZOO, MI 49009

25-230-020

OCCUPANT  
5100 WEST MICHIGAN  
KALAMAZOO, MI 49006



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334  
616-375-4260 FAX 375-7180 TDD 375-719E

REQUEST FOR ZONING BOARD OF APPEALS MEETING

Date 4-3-97 Present Zoning C-1 Fee \$100

Land Owner Emro Marketing Co.

Address 539 S. Main St. Findlay, OH Phone 419 427-0659

Person Making Request Matt Wright

Address 539 S. Main St. Findlay OH Phone same  
45840

Interest in Property Owner

Size of Property Involved 182' x 200'

Reason for Request Variance for size of sign (81 SF)  
and location - 23' off Drake Rd. property  
line and 23' off KL Ave. property line.

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

4/03/97 JF

052449 ZBA REQUEST/EMRO 100.00  
TOTAL PAID 100.00

THANK YOU

Speedway

3905-24-480-020 Marathon  
24-480-011 Progro  
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 " "  
0433463 Grover Brussee Jr.  
0443461 Eric Kitchen  
0443466 Jamshidi Kourush  
0432500 Dr. E. Safapour

Matt Wright  
Emro Marketing Co.  
539 S. Main Street  
Findlay, OH 45840

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

24-480-020  
BARKER B & ET AL  
MARATHON OIL/PROP TAX DEPT  
539 SOUTH MAIN STREET  
FINDLAY OH 45840

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

24-480-020  
OCCUPANT  
1250 SOUTH DRAKE  
KALAMAZOO, MI 49009

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

24-480-011  
PROGRO DEVELOPMENT LLC  
PO BOX 327  
OSHTENO MI 49077

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

24-480-011  
OCCUPANT  
5169 WEST KL AVENUE  
KALAMAZOO, MI 49009

Paul DeHaan  
6420 Saybrook Drive  
Kalamazoo, MI 49009

24-480-016  
REYNARD'S LAUNDRIES INC  
1300 SOUTH DRAKE ROAD  
KALAMAZOO MI 49006

Occupant  
4717 West "KL" Avenue  
Kalamazoo, MI 49007

24-485-040  
TAPLIN ALBERT R & MARGARET A  
PO BOX 19160  
KALAMAZOO MI 49019

Occupant  
1325 South Drake Road  
Kalamazoo, MI 49007

24-485-040  
OCCUPANT  
5070 WEST MICHIGAN  
KALAMAZOO, MI 49006

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

24-430-040  
AUDREY HOMES INC  
P.O. BOX 3015  
KALAMAZOO, MI 49003

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

24-430-050  
INDY-C-KAL INC  
37027 HACKER  
STERLING HEIGHTS MI 48310

Eric Kitchen  
930 Westfall Avenue  
Kalamazoo, MI 49006

24-430-050  
OCCUPANT  
5034 WEST KL AVENUE  
KALAMAZOO, MI 49009

Occupant  
1441 South Drake Road  
Kalamazoo, MI 49006

Dr. E. Safapour  
326 Grandview  
Kalamazoo, MI 49001

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

Occupant  
1381 South Drake Road  
Kalamazoo, MI 49007