

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES OF MEETING HELD SEPTEMBER 8, 1997

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Agenda

WOODLAND ESTATES - VARIANCE FROM SIGN REQUIREMENTS - 4797 S. 4<sup>TH</sup> ST.

MILL CREEK APARTMENTS - VARIANCE FROM DWELLING UNIT DENSITY  
STANDARD AND FRONTAGE REQUIREMENT - 3080 MILL CREEK DR./  
6672 STADIUM DR.

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A meeting was conducted by the Oshtemo Charter Township Zoning Board of Appeals on Monday, September 8, 1997, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

MEMBERS PRESENT:     Thomas Brodasky, Acting Chairperson  
                              William Saunders  
                              David Bushouse  
                              Lara Meeuwse (after 3:50 p.m.)

MEMBER ABSENT:        Brian Dylhoff

Also present were Rebecca Harvey on behalf of the Planning and Zoning Department, Patricia R. Mason, Township Attorney, and four (4) other interested persons.

**CALL TO ORDER**

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

**MINUTES**

The Board considered the minutes of the meeting of August 4, 1997. Mr. Bushouse noted that the references on pages 4, 5 and 10 should refer to Phil Hassing. The Acting Chairperson suggested amending page 8 in the sixth paragraph to refer to "running out." Mr. Bushouse moved to approve the minutes as amended. Mr. Saunders seconded the motion, and the motion carried unanimously.

The Board next considered the minutes of the meeting of August 18, 1997. Mr. Bushouse moved to approve the minutes as submitted, and Mr. Saunders seconded the motion. The motion carried unanimously.

**WOODLAND ESTATES - VARIANCE FROM SIGN REQUIREMENTS - 4797 S. 4<sup>TH</sup> ST.**

The next scheduled item was the application of Germano Mularoni of Germano Management Co., representing Wildwood Mobile Home Community, LTD (aka Woodland Estates), for variance approval from the sign requirement applicable to "R-5" District established by Section 76.120 of the Zoning Ordinance. The subject property is located at 4797 S. 4<sup>th</sup> Street and is within the "R-5" Residence District Zoning classification.

The Acting Chairperson noted that the applicant had requested that the item be tabled due to his unavailability; the applicant indicated that there had been a death in his family.

Mr. Saunders moved to table the item to the meeting of September 22, 1997. Mr. Bushouse seconded the motion, and the motion carried unanimously.

**MILL CREEK APARTMENTS - VARIANCE FROM DWELLING UNIT DENSITY STANDARD AND FRONTAGE REQUIREMENT - 3080 MILL CREEK DR./ 6672 STADIUM DR.**

The next item was the application of Matt Weaver of Campbell Caron Group, LLC, representing Mill Creek Apartments, for variance approval from the dwelling unit density standard applicable to multiple-family dwellings established by Section 24.207(a) and (b) of the Zoning Ordinance. The applicant also requested variance approval from the 200' contiguous road frontage requirement established by Section 66.201 of the Zoning Ordinance. The subject site includes the site of Mill Creek Apartments (3080 Mill Creek Dr.) and Fieldstone Builders (6672 Stadium Dr.) and is within the "R-4" and "C" Districts.

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

The Acting Chairperson pointed out that there were only three members present and that all three members would have to vote in favor of the item to approve the variances. The applicant responded that he wished to go forward.

Ms. Harvey emphasized that this was not a request for site plan review. The applicant was seeking variance approval so that they could proceed to the design stage. Again it was emphasized that the applicant was seeking variance from the multiple-family density limitation and from the 200' contiguous road frontage requirement of the Zoning Ordinance. Ms. Harvey stated that the Mill Creek complex currently has eleven units per acre. The development predates Ordinance requirements, which are currently at eight units per acre. She noted that the portion highlighted in blue on the plan is limited to six units per acre due to its proximity to property which is in the "R-2" Zoning District. The applicant seeks to construct another building at the site with 24 units. The applicant proposed adding more land to the Mill Creek parcel and thus increase site acreage. Density as proposed would remain at eleven

units per acre. However, since the acreage would be added and an additional building constructed, a variance from the density limitation in the Ordinance is needed. It was noted that the parcels designated A and C on the plan are now currently occupied by the Fieldstone Building. It is proposed that these parcels would be divided in half. Parcel C would continue to be owned and occupied by the Fieldstone Building. Parcel A is proposed to be combined with the Mill Creek property.

As to the frontage variance, the Mill Creek property currently has a frontage variance allowing 185' of noncontiguous road frontage. However, since additional land was never added to the Mill Creek parcel, it currently has 114' of noncontiguous road frontage. The applicant is asking that parcel B be added to the site which would provide a total of 207' of noncontiguous road frontage.

The applicant was present and referred to a colorized version of the site plan. He noted that the applicant has the opportunity to buy 1.83 acres from the owners of the Fieldstone Building. The applicant also owns .68 acres along Stadium Drive. The 1.83 acres which they would be purchasing is zoned within the "R-4" District. The remaining Fieldstone parcel, which is zoned "C," would comply with Township Ordinance requirements. Ms. Harvey noted that the remaining Fieldstone property would comply with Ordinance requirements in all respects except that it would require a variance from the 200' road frontage provision. The existing parcel predates the Ordinance.

The applicant indicated that the addition of the acreage, even with the construction of the proposed building, would result in slightly less than eleven units per acre for the entire project. Additionally, parking would be added, along with a "loop" in the existing internal street network. This would allow for greater emergency vehicle access. He felt that variance would allow reasonable use of the property.

Attorney Tom King was present on behalf of the applicant. He noted again that the zoning of the parcel to be added to the Mill Creek property is "R-4." At present this land is not usable. He felt that, when it became part of an existing parcel developed with apartments, the result would be a "superior planning feature." It would allow use of the property and access thereto. The proposed overall density of the Mill Creek project would not increase but would slightly decrease. Further, traffic safety would be enhanced. He felt also that use of this small parcel would be consistent with the Master Land Use Plan. Again he noted that, without variance, nothing could be built upon this "R-4"-zoned property. He emphasized that, at the time each phase of the Mill Creek property was established, it complied with Ordinance requirements then in effect. As to the frontage variance, he felt it was significant that the proposed frontage arrangement would provide more noncontiguous road frontage than exists currently.

In response to questioning by Mr. Saunders, the applicant stated that the Mill Creek property had been built in phases. The prior owner had built two of the buildings, and the

current owners had built phase II. Mr. Saunders referred to the proposed plan and noted that parcel A, if considered alone, would not be in compliance with Ordinance density requirements. He noted that, if that acreage was added to the .68 acres of parcel B, there would be sufficient acreage to allow for 20 units if parcels A and B were considered alone and not in combination with the entire Mill Creek acreage.

The applicant's attorney, in response to comments by Mr. Bushouse, stated that the applicant was willing to commit to retaining parcel B as open greenspace and that same would not be sold. The Township Attorney stated that, if the Board chose to grant a variance, this requirement could be a condition of the variance.

Mr. Bushouse questioned Ms. Harvey as to whether there would be a connection between the Mill Creek property and adjacent multi-family developments. Ms. Harvey noted that, at the time of site plan review, the Board could look at the issue of cross-access. Mr. Bushouse also had questions with regard to parking arrangements and whether any parking reduction had been granted to the Mill Creek project. Ms. Harvey noted that Mill Creek does operate with a parking variance but that the applicant is not asking that that variance be modified. The applicant responded that additional parking would be added with the proposed building and that, since the time of the variance, additional parking had been constructed at the site. The applicant would be seeking to alleviate parking congestion with the development proposed.

After additional discussion, Mr. Saunders stated that he would feel comfortable with granting a variance if the acreage upon which the building was established were, when judged separately, in compliance with current Ordinance standards. This would allow for 20 units maximum. He felt this was consistent with the spirit of the Ordinance, noting that, as each phase of the property had developed, it complied with the then-existing Ordinance density standards. If this "phase" as judged alone were in compliance with Ordinance standards, by itself, he would feel that the intent and spirit of the Ordinance had been served.

The applicant's attorney felt that the Board could provide variance allowing for 24 units as requested, justified by the unique location of the property.

Mr. Bushouse questioned whether the Village Square Apartments and the Pinehurst complex were in compliance with density standards. Ms. Harvey was unsure as to Village Square but noted that it predated the Ordinance and probably was lawfully nonconforming. The Pinehurst development was in compliance with Ordinance limitations on density.

The Acting Chairperson sought public comment, and Mr. Ted Corakis stated that he has an interest in property located across the street. He noted that phases I and II of the project had been built in compliance with the Ordinance. A neighboring project was built in compliance with the Ordinance. He felt that the Board should not set a precedent in allowing deviation from Ordinance standards.

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

Ms. Meeuwse entered the meeting.

Mr. Bushouse felt troubled in that the property to the west is in compliance with density standards, and he did not feel that it would be equitable to require that project to comply but allow this project to deviate.

After further discussion, the Board began review of the nonuse variance criteria. The Board first considered whether conformance would be unnecessary burdensome. It was noted that, if the parcel were divided from the Fieldstone property, it could not be built upon separately due to insufficient frontage, etc. If combined with the existing Mill Creek property, it could not be built upon in compliance with Ordinance standards since previous phases, although built in compliance at the time, would render the project out of compliance as a whole with current standards. Therefore, Board members felt that compliance was unnecessarily burdensome.

As to substantial justice, it was noted that the Board had not previously granted a density variance. Ms. Meeuwse expressed that she was concerned about setting a precedent.

As to unique circumstances, it was felt that the situation of the property, which was currently joined to a commercial use, frontages separated, was somewhat unique in that there was a possibility of combining the parcel with a larger "R-4"-zoned property which had been previously developed.

The Board members felt the hardship was not self-created in that previous phases had been developed by the applicant in compliance with Ordinance standards in effect at the time.

It was felt that the spirit and intent of the Ordinance would be met if the variance granted were such that the acreage, if developed separately, would in and of itself comply with density standards. It was noted that, under this computation, a maximum of 20 units could be established. It was also noted that the addition would result in better traffic circulation at the site. Further, the variance would allow use of this now-vacant parcel in compliance with the "R-4" zoning.

Based upon the preceding discussion, Mr. Saunders moved to approve variance from the density limitation established by the Ordinance for the project as a whole; however, development was limited to 20 additional units on the acreage which would be added to the Mill Creek property. The variance was conditioned upon the retention of the .68-acre parcel (identified in the Planning and Zoning report as parcel B) as undeveloped and under common ownership with the Mill Creek property.

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

The Board next discussed frontage variance. Again, Ms. Harvey noted that the Fieldstone property would require variance to render it in conformance with current Ordinance standards. It was noted that the new Land Division Act, and Land Division Ordinance of the Township, required that, when a division of property is made, the resulting parcels comply with Ordinance standards. Variance would allow the Fieldstone property to remain in compliance with the existing frontage situation.

Mr. Bushouse had questions with regard to the abutting drainage easement, and it was noted that this easement was on separate property to the west, which was approximately 30' in width.

There was discussion of the Mill Creek frontage variance, and it was noted that the Township had previously granted a variance for noncontiguous frontage to the Mill Creek property where there was less noncontiguous road frontage.

Ms. Meeuwse moved to approve the Mill Creek variance to allow 207' of noncontiguous road frontage with the following reasoning:

(1) That conformance was unnecessarily burdensome in that the land had been developed previously and could not comply with the 200' of contiguous frontage requirement.

(2) That substantial justice would require variance in that similar applications had been granted. It was noted that this parcel had been granted a variance previously with less contiguous frontage.

(3) It was recognized that there were no unique physical circumstances limiting compliance.

(4) It was recognized that the hardship was somewhat self-created in that the expansion of the project was at the discretion of the applicant.

(5) That the spirit and intent of the Ordinance would be served in that the additional frontage added along Stadium Drive would result in frontage along Stadium greater than that which was previously approved for the site, ~~and there would be no modification to the existing access arrangement.~~

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

Ms. Meeuwse moved to approve the Fieldstone parcel variance to allow frontage of 158.37' with the reasoning that it maintains the existing frontage at the site and that the parcel complies with Ordinance standards in all other respects. The variance was conditioned upon no further development on the Fieldstone parcel.

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

**OTHER BUSINESS**

Ms. Harvey noted that Board members should have received a notice or announcement regarding the "Rural by Design" program which was being co-sponsored by the Township. There was a discussion of this program.

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 4:30 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:  
September 9, 1997

Minutes Approved:  
9-22-97

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

DATE: September 8, 1997

MINUTES: ZBA

SENT: October 2, 1997

ZBA

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

PEOPLE

Germano L. Mularoni  
Germano Management Company  
32540 Schoolcraft, Suite 110  
Livonia, MI 48150

Campbell Caron Group LLC  
P.O. Box 437  
Oshtemo, MI 49077

Home Builders Association  
5700 West Michigan  
Kalamazoo, MI 49009

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

PC

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

TB

- Fred
- Dave B.
- Marvin
- Norm

OFFICE

- Becky
- Bob
- Marci
- Lois
- Ron
- Elaine
- Jim
- Attorney's
- Mike
- Ken
- Tobey
- Cathy
- Scott P.



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

## **NOTICE**

### **OSHTEMO TOWNSHIP ZONING BOARD OF APPEALS**

September 8, 1997  
3:00 p.m.

### **AGENDA**

1. Call to Order

2. Approval of Minutes

- August 4, 1997
- August 18, 1997

3. Variance Request - Woodland Estates

Germano Mularoni of Germano Management Company, representing Wildwood Mobile Home Community LTD (aka Woodland Estates), requests Variance Approval from the sign requirements applicable to an "R-5" District established by Section 76.120, Zoning Ordinance.

Subject property is located at 4797 South 4th Street and is within the "R-5" District. (3905-33-355-022/031 & 3905-33-335-029)

4. Variance Requests - Mill Creek Apartments

Matt Weaver of Campbell Caron Group, LLC, representing Mill Creek Apartments, requests Variance Approval from the dwelling unit density standard applicable to multiple-family dwellings established by Section 24.207 (a) & (b), Zoning Ordinance.

Applicant also requests Variance Approval from the 200' contiguous road frontage requirement established by Section 66.201, Zoning Ordinance.

Subject property includes the site of Mill Creek Apartments (3080 Mill Creek Drive) and Fieldstone Builders (6672 Stadium Drive) and is located within the "R-4" and "C" Districts. (3905-26-380-062/068 and 3905-35-130-032)

5. Other Business

6. Adjourn

AGENDA: ZONING BOARD OF APPEALS

DATE: September 8, 1997

MINUTES: \_\_\_\_\_

SENT: August 29, 1997

ZBA

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

PC

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

TB

X Fred  
- Dave B.  
X Marvin  
X Norm

OFFICE

X Becky  
X Bob  
X Marci  
X Lois  
X Ron  
X Ken  
x Jim  
x Attorney's  
Index  
x Elaine

Total  
X Mike West  
X Kathy

PEOPLE

Germano L. Mularoni  
Germano Management Company  
32540 Schoolcraft, Suite 110  
Livonia, MI 48150  
37 Labels

Campbell Caron Group LLC  
P.O. Box 437  
Oshtemo, MI 49077  
64 Labels

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

Home Builders Association  
5700 West Michigan  
Kalamazoo, MI 49009

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

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

Cripps Fontaine Excavating  
7729 Douglas Avenue  
Kalamazoo, MI 49004

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

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



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334  
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**To:** Zoning Board of Appeals

**Meeting Date:** 9-8-97

**From:** Planning/Zoning Department

**Agenda Item:** #3

**Applicant:** Germano L. Mularoni  
Germano Management Company

**Property In Question:** Wildwood Mobile Home Community (Woodland Estates)  
4797 South 4th Street

Reference Vicinity Map

**Zoning District:** "R-5" Residence District

**Request:** Board Interpretation - Sign Setback Standards Applicable to a Mobile Home  
Community  
Variance Approval - "R-5" Sign Standards (Number of Signs, Size, Setback)

**Ordinance Section(s):** Section 76.120 - "R-4" and "R-5" Sign Standards  
Section 64.100 - Setback and Side Line Spacing Standards

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

**Board Interpretation**

- Prior to consideration of the variance requests, the Planning & Zoning Department requests ZBA Interpretation as to the setback standard applicable to signs for a mobile home community located within the "R-5" District.

- Board Interpretation should consider the following:

: Section 76.120, Zoning Ordinance requires the setback of a sign located within an "R-4" or "R-5" District to be *"½ the distance of the required building setback."*

- : Section 64.100, Zoning Ordinance establishes a minimum building setback of 70 feet from the South 4th Street ROW line for property located within the "R-5" District.
- : Where a mobile home community is developed within an "R-5" District, the Mobile Home Commission (MHC) regulates building setback [MHC Rule 944(2) establishes a minimum front setback standard of 50 feet from the abutting road ROW line].
- : The MHC does not regulate the placement of identification signs within a mobile home community.
- : ZBA Interpretation requested pertains to which "*required building setback*" standard should be applied to sign placement - that applicable to a mobile home community (a use option in the "R-5" District), or that applicable to the "R-5" District as a whole.
  - 1) Mobile Home Commission Rule 944(2): ½ of 50 feet from row line (25 feet)
  - or
  - 2) Section 64.100, Zoning Ordinance: ½ of 70 feet from row line (35 feet)

**Background Information (Variance Requests)**

- Two signs identifying "Woodland Estates" are currently located in the vicinity of the subject site:
  - : An existing 24 sq ft sign is located at the entrance of Woodland Estates I (off South 4th Street), while a larger billboard type sign (less than 100 sq ft) is located at the southeast intersection of Stadium Drive and South 4th Street on Parcel #3905-33-315-010.
  - : The larger billboard type sign (less than 100 sq ft) is a non-conforming sign which is located approximately 20 ft from the ROW line of Stadium Drive (approximately 70 ft from centerline).
- The Applicant proposes to construct an additional 25 sq ft sign at the entrance of Woodland Estates II. The sign is proposed to be situated 20 ft from the right-of-way of South 4th Street (53 ft from the centerline).

- Sign setback standards which apply to the subject site, pursuant to Sections 76.120 and 64.100, Zoning Ordinance, are as follows:
  - : one freestanding sign - not exceeding 30 sq ft
  - : sign setback standard of " $\frac{1}{2}$  the distance of the required building setback"
  - : sign height not greater than 8 ft above grade level of abutting street/highway
- Based upon the Applicant's proposal, the following variances are being requested:
  - 1) Placement of second sign upon premises - one sign permitted.  
[variance from Section 76.120, Zoning Ordinance]
  - 2) Sign size/area - 30 sq ft permitted/49 sq ft proposed (total from two signs)  
[variance from Section 76.120, Zoning Ordinance]
  - 3) Sign setback from South 4th Street - 20 ft from ROW line proposed  
[variance from Sections 76.120 and 64.100, Zoning Ordinance]

Reference Application and Sign Proposal/Plot Plan

Department Review (Second Sign Variance Request)

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

1. *Conformance Unnecessarily Burdensome*

: Are reasonable options for compliance available?

- Two signs identifying Woodland Estates are currently present in the vicinity of the subject site.

- Conformance with current Ordinance standards would allow for the placement of one sign (maximum 30 sq ft) on the premises in conformance with the required setback distance from the ROW line of South 4th Street.

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

- The 24 sq ft conforming sign located off South 4th Street is permitted by Ordinance.

- The non-conforming sign (less than 100 sq ft) located at the southeast corner of South 4th Street and Stadium Drive can continue to be utilized under the regulations of Section 62.000, Zoning Ordinance.

2. *Substantial Justice*

: Consider past ZBA decisions in similar requests:

***Second Sign Variance Requests*** (since 1984 Ordinance)

|         |                             |                       |
|---------|-----------------------------|-----------------------|
| 4-2-97  | Summer Ridge                | Denied                |
| 1-9-95  | Huntington Run              | Granted               |
| 3-4-91  | Clayton Estates (Southfolk) | Denied (third sign)   |
| 8-10-88 | Clayton Estates (Southfolk) | Granted (second sign) |

Reference ZBA Minutes (excerpts)

: Consider the general character of the surrounding area and the circumstances and site conditions of the above referenced past decisions.

3. *Unique Physical Circumstances*

: There are no unique physical limitations on the subject site preventing compliance with Ordinance standards.

4. *Self-Created Hardship*

: Sign design and placement are at the discretion of the Applicant.

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?*

*Department Review (Sign Size/Area Variance Request)*

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

1. *Conformance Unnecessarily Burdensome*

: Are reasonable options for compliance available?

- Two signs identifying Woodland Estates are currently present in the vicinity of the subject site (a 24 sq ft sign along South 4th Street and a larger non-conforming billboard type sign listed as "less than 100 sq ft" at the southeast corner of South 4th Street and Stadium Drive).

- Conformance with current Ordinance standards would allow for the placement of one sign (maximum 30 sq ft) on the premises in conformance with the required setback distance from the ROW line of South 4th Street.

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

- The 24 sq ft conforming sign located off South 4th Street is permitted by Ordinance.
- The non-conforming sign located at the southeast corner of South 4th Street and Stadium Drive can continue to be utilized under the regulation of Section 62.000, Zoning Ordinance.

2. *Substantial Justice*

: Consider past ZBA decisions in similar requests:

**Sign Size Variance Requests** (since 1984 Ordinance)

|         |                             |        |
|---------|-----------------------------|--------|
| 5-5-97  | Speedway                    | Denied |
| 2-7-94  | Target                      | Denied |
| 3-1-93  | Meijer                      | Denied |
| 10-7-91 | Shell Oil                   | Denied |
| 3-4-91  | Clayton Estates (Southfolk) | Denied |
| 8-21-89 | Bob & Kays                  | Denied |
| 8-21-89 | Meijer Square               | Denied |
| 5-1-89  | Imperial Oil                | Denied |
| 8-10-88 | Clayton Estates (Southfolk) | Denied |
| 12-7-87 | Dick Loehr's                | Denied |
| 11-2-87 | Family Foods                | Denied |
| 11-4-84 | McDonald's                  | Denied |

Reference ZBA Minutes (excerpts)

: Consider the general character of the surrounding area and the circumstances and site conditions of the above referenced past decisions.

3. *Unique Physical Circumstances*

: There are no unique physical limitations on the subject site preventing compliance with Ordinance standards.

4. *Self-Created Hardship*

: Sign design and placement are at the discretion of the Applicant.

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?*

Department Review (Sign Setback Variance Request)

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

1. *Conformance Unnecessarily Burdensome*

: Are reasonable options for compliance available?

- Two signs identifying Woodland Estates are already present in the vicinity of the subject site.
- The placement of the proposed additional sign at the entrance of Woodland Estates II can be located in compliance with setback standard.  
(Reference Plot Plan)
- Conformance with current Ordinance standards would allow for the placement of one sign (maximum 30 sq ft) on the premises in conformance with the required setback distance from the ROW line of South 4th Street.

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

- The 24 sq ft conforming sign located off South 4th Street is permitted by Ordinance.
- The non-conforming sign located at the southeast corner of South 4th Street and Stadium Drive can continue to be utilized under the regulation of Section 62.000, Zoning Ordinance.

2. *Substantial Justice*

: Consider past ZBA decisions in similar requests:

**Sign Setback Variance Requests (since 1984 Ordinance)**

|        |              |         |
|--------|--------------|---------|
| 6-2-97 | Delta Design | Granted |
| 5-5-97 | Speedway     | Granted |

|          |                   |         |
|----------|-------------------|---------|
| 2-3-97   | Whitegate         | Granted |
| 12-16-96 | Springwood Hills  | Denied  |
| 12-2-96  | Summer Ridge      | Denied  |
| 8-5-96   | Migala Law Office | Granted |
| 11-6-95  | Midwest Auto Body | Denied  |
| 6-26-95  | Breckenridge      | Denied  |
| 6-5-95   | VanderWeele       | Granted |
| 10-2-89  | Home Builders     | Granted |
| 9-11-89  | Bertolissi        | Denied  |
| 7-10-89  | Summer Ridge      | Denied  |
| 7-10-89  | Deep Sea          | Granted |
| 11-7-88  | Jim Karczewski    | Granted |
| 12-7-87  | Crystal Circle    | Denied  |
| 2-2-87   | A & B Septic      | Denied  |
| 8-4-86   | Movie Outpost     | Granted |
| 3-3-86   | DeVisser          | Denied  |

Reference ZBA Minutes (excerpts)

: Consider the general character of the surrounding area and the circumstances and site conditions of the above referenced past decisions.

3. *Unique Physical Circumstances*

: There are no unique physical limitations on the subject site preventing compliance with Ordinance standards.

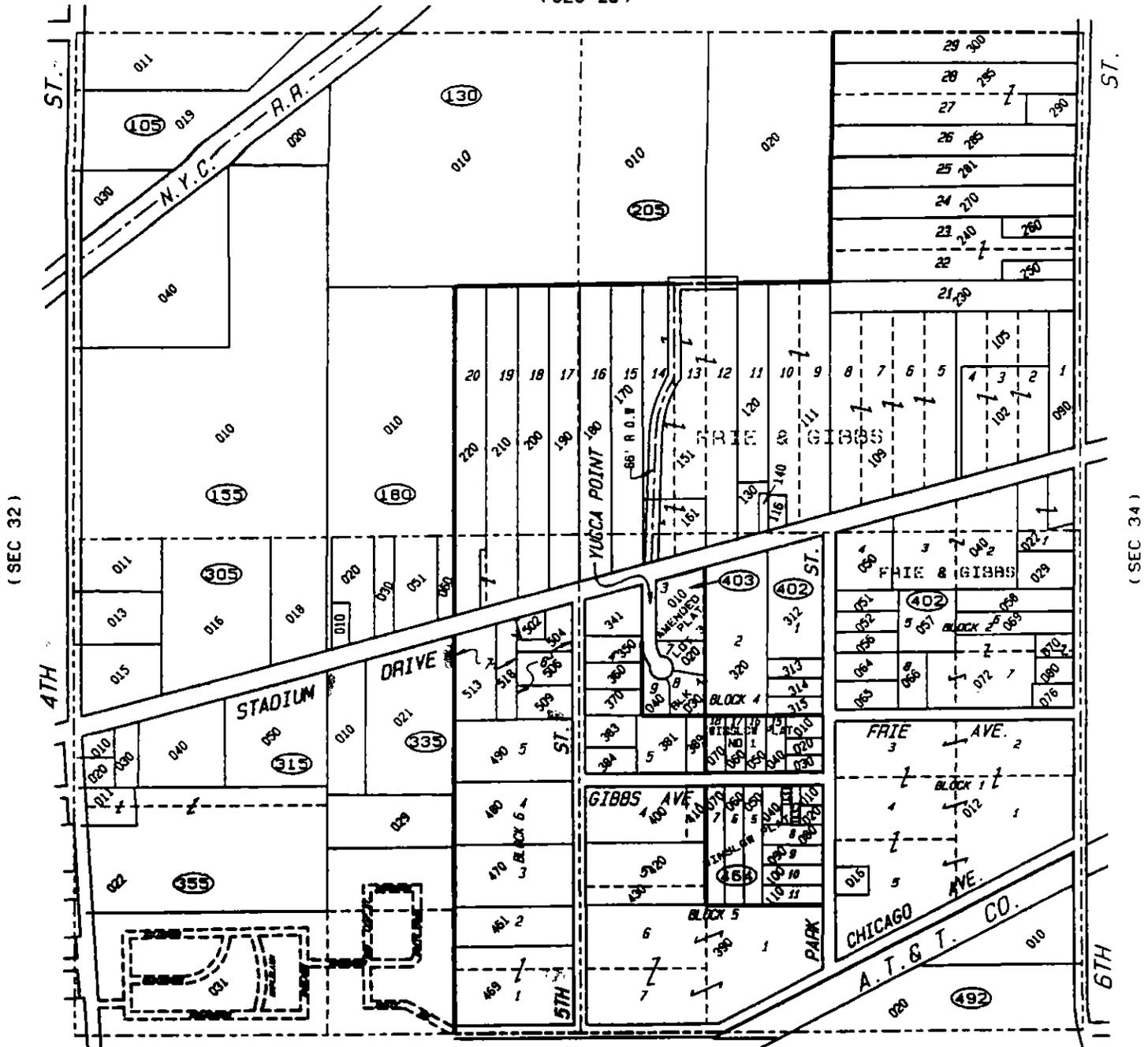
4. *Self-Created Hardship*

: Sign design and placement are at the discretion of the Applicant.

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?*

# SECTION 33

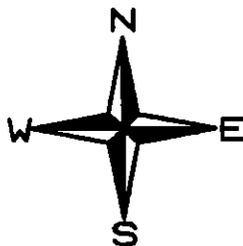
( SEC 28 )



( SEC 32 )

( SEC 34 )

( TEXAS 4 )



SCALE 1" = 800'

DATE: AUGUST 25, 1993

REVISED DATE: MARCH 11, 1996

PRINTED DATE: MARCH 22, 1996



7275 W MAIN STREET, KALAMAZOO, MI 49009-9307  
616-375-4260 FAX 375-7180 TDD 375-7190

REQUEST FOR ZONING BOARD OF APPEALS MEETING

Date JUL 24, 1997 Present Zoning R-5 Fee \$100  
Land Owner WILDWOOD MOBILE HOME COMMUNITY LTD  
aka WOODLAND ESTATES

PROPERTY Address 4797 S. 4TH ST., OSHTEMO TWP. Phone (616) 375-3083

Person Making Request GERMANO MANAGEMENT COMPANY/GERMANO L. MULARONI  
32540 SCHOOLCRAFT, SUITE 110 (313) 261-5595  
Address LIVONIA, MI 48150 Phone FAX (313) 261-5494

Interest in Property GENERAL PARTNER/OWNER

Size of Property Involved 22+ AC.

Reason for Request VARIANCE OF SET BACK DISTANCE FOR ENTRANCE SIGN.

SEE ATTACHED

**CHARTER TOWNSHIP  
OF OSHTEMO**

7275 W. MAIN STREET  
KALAMAZOO, MI 49009  
616-375-4260

8/07/97 JF

054058 ZBA REQUEST/WOODLAND 100.00  
TOTAL PAID 100.00

THANK YOU

RECEIVED JUL 31 1997

# Germano Management Company

32540 SCHOOLCRAFT, SUITE 110 LIVONIA, MICHIGAN 48150

July 28, 1997

Oshtemo Township  
Zoning Board of Appeals  
7275 W. Main Street  
Kalamazoo, Michigan 49025

Re: Entrance sign at the second entrance for Woodland Estates II, 4797  
S. 4<sup>th</sup> Street

Dear Sirs:

We are requesting a sign-set back from centerline of road variance for the entrance to Woodland Estates II based on the following:

- Oshtemo Township's Mobile Home Park Ordinance 24.401 (b) requires "every mobile home park to have two access streets entrances connecting said park to a public highway".
- Attached is a letter from the Michigan Mobile Home Commission indicating that in a mobile home park the building set-back from the road right of way is 50 ft. this in effect pre-empts the Township's building set back requirement for 4<sup>th</sup> Street of 70 ft.
- The sign set-back requirement in a R-5 district is "1/2 the distance of the required building set-back". Therefore at Woodland Estates the sign set-back would be from the centerline of the road  $\frac{1}{2}$  the road right of way plus  $\frac{1}{2}$  the building set-back which equals  $\frac{66'}{2} + \frac{50'}{2} = 58'$
- We are requesting a variance of 5 ft, that is the distance from the centerline for the road to the sign would be 53 ft.
- The sign we propose on installing would be 25 sq. ft.

Entrance sign  
Page 2 cont.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Germano L. Mularoni', with a long horizontal line extending to the right.

Germano L. Mularoni  
For Woodland Estates

GLM/bm

Attached

entsignww.doc



State of Michigan  
John Engler, Governor

Department of Consumer & Industry Services  
Kathleen M. Wilbur, Director

Corporation, Securities and  
Land Development Bureau

6546 Mercantile Way  
P.O. Box 30222  
Lansing, Michigan 48909  
517-334-6213

Enforcement Division  
517-334-6209

Broker Dealer, Agent and  
Investment Adviser  
517-334-6215

Securities Examination Division  
517-334-6200

Property Development Division  
517-334-6200

Manufactured Housing Division  
517-334-6203

Corporation Division  
P.O. Box 30054  
Lansing, MI 48909  
517-334-6327

Records Information and  
Certification Units  
1-900-555-0031

Document Review Section  
517-334-6302

Annual Report Section  
517-334-6300

July 11, 1997

Mr. Germano L. Mularoni  
Germano Management Company  
32540 Schoolcraft  
Suite 110  
Livonia, Michigan 48150

RE. YOUR JULY 3, 1997, LETTER

Dear Mr. Mularoni

Per your letter regarding Oshtemo Township's mobile home park sign setback requirements, please note that the sign setback formula in Section 76.120, p.68, of the enclosed excerpt was photocopied from the materials in Oshtemo Township's 1984 park ordinance file. It is identical to the asterisked version, 76.120, p.421, you submitted with your letter. Also enclosed is the Mobile Home Commission's March 14, 1984, Order approving the township's attached February 27, 1984, proposal.

Mobile Home Commission Rule 944(2) establishes a 50-foot setback between a mobile home park structure abutting a public right-of-way (R.O.W.) and the R.O.W. line, if the park boundary line runs through the center of the public road. Otherwise, the prevailing setback is measured from the park boundary. The 4th Street R.O.W. setback referenced in Section 64.100, p.309, of the excerpt you sent is identical to that cited in attached Section 64.100, p.56, of the 1984 version, but it doesn't reflect the paragraph in the unabridged text which speaks of "...the minimum setback for all buildings constructed along the highways above designated." Based on the available information, I do not see how a sign setback falls within this context, given the interpretation you describe in your letter and the township's seemingly unrelated 1984-vintage definition of a building (Section 11.240, p.2).

In any event, Rule 944(2) given the township's Commission-approved adoption by reference of the regulations established in the Act [see Section 25.401(a)]--appears to govern sign-to-R.O.W. mobile home park setbacks.

44

Mr. Germano L. Mularoni  
July 11, 1997  
Page Two

I hope this letter clarifies this matter. If you have any questions, feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin G. DeGroat", with a long horizontal line extending to the right from the end of the signature.

Kevin G. DeGroat  
Manufactured Housing Division  
(517) 334-6203

Enclosures

SECTION 76  
SIGNS AND BILLBOARDS

76.000

## 76.100 Regulations.

No signs or billboards of any kind or nature shall be permitted except as follows:

## 76.110

Platted Land In "AG" Or "R-2" Residence District; Home Occupation Signs.

In platted land in a "AG" or "R-2" Residence District, a sign not exceeding one square foot in area containing the name and the home occupation of the occupant of the premises may be installed or constructed.

(ord. no. 206 eff. Aug. 23, 1984)

## 76.115

"R-3" Residence District Or Unplatted Land In "AG" Or "R-2" Residence District.

In an "R-3" Residence District or on unplatted land in an "AG" or "R-2" Residence District, a sign not exceeding 30 square feet in area advertising permitted uses rendered or offered upon or from the premises where the same is situated (except for home occupation signs which shall be governed by the limitations set forth in Section 76.110 above) may be established provided that it is located no closer to the front, side or rear property line than 1/2 of the distance of the required building setback; it has a height no greater than 8 feet above the grade of the abutting street or highway; it in no way constitutes a traffic hazard; it is of a subdued nature commensurate with the residential or agricultural character of the neighborhood; and if projecting from a building or located over a sidewalk or passway is not less than 11 feet above such sidewalk or passway.

(ord. no. 206 eff. Aug. 23, 1984; ord. no. 293 eff. July 28, 1993)

## 76.120

"R-4" Or "R-5" Residence District.

In a "R-4" Residence District or "R-5" Residence District classification, a sign not exceeding 30 square feet in area advertising permitted services rendered or offered upon or from the premises where the same is situated (except for home occupation signs which shall be governed by the limitations set forth in Section 76.110 above) may be

constructed provided it is located no closer to the front, side or rear property line than 1/2 of the distance of the required building setback; it has a height no greater than 8 feet above the grade level of the abutting street or highway; it, in no way, constitutes a traffic hazard; is of a subdued nature commensurate with the residential or agricultural character of the neighborhood; and if projecting from a building or located over a sidewalk or passway is not less than 11 feet above such sidewalk or passway.

(ord. no. 206 eff. Aug. 23, 1984)

## 76.125

"C" Or "C-1" Local Business District.

"In a "C" or "C-1" Local Business District, a sign not exceeding 60 square feet in area and having a height no greater than 20 feet above the grade of the abutting street or highway may be constructed on a lot, parcel or building site on which a single business establishment is located.

On a lot, parcel or building site on which a shopping center is located, one sign not exceeding 100 square feet and having a height no greater than 25 feet above the grade of the abutting street or highway may be constructed. The sign may not be located less than 10 feet from the sideline of the property nor closer than one-half the required building setback distance from the abutting street or highway. The sign may not be less than 11 feet above any sidewalk or passway for pedestrians or vehicles beneath the same.

In those instances in which a lot, parcel or building site abuts two public streets, a second sign not exceeding 1/2 the maximum area prescribed above may be constructed along the second public street provided:

- (a) Each sign is located so as to serve traffic along a different street;
- (b) Each sign is located no closer than 1/2 the required building setback from the public street it serves and no closer than 1 1/2 times the required front building setback from the other public street abutting the property;
- (c) Each sign is located not less than 10 feet from any sideline of the property not abutting a public street; and
- (d) Neither sign is less than 11 feet above any sidewalk or passway for pedestrians or vehicles beneath the same."

(ord. no. 271 eff. May 28, 1991)

64.000

**SECTION 64  
SETBACK AND SIDE LINE SPACING**

64.100

**Designated Highways.**

| <b>East &amp; West</b>  | <b>Minimum Setback Distance</b>                     |
|---|---|
| West Main Street from 12th Street to Van Kal Street   | 170 feet from the center of the street right-of-way |
| Stadium Drive from 12th Street to West Michigan Avenue  | 120 feet from the center of the street right-of-way |
| West Michigan Avenue (Red Arrow Highway) from Plainview Street to the South line of Section 31 of the Township                                | 120 feet from the center of the street right-of-way |
| "H" Avenue from 12th Street to Van Kal Street   | 70 feet from the street right-of-way                |
| KL Avenue from 12th Street to Van Kal Street  | 70 feet from the street right-of-way                |
| <b>North &amp; South</b>  |   |
| 12th Street entire length of Township   | 120 feet from the center of the street right-of-way |
| Van Kal Street from the South line of Section 31 of the Township to West Main Street and the portions within Sections 6 and 7 of the Township | 70 feet from the street right-of-way                |
| 6th Street from "G" Avenue to West Main Street and from ML Avenue to "N" Avenue   | 70 feet from the street right-of-way                |
| 9th Street from KL Avenue to "N" Avenue and from the center-line of Section 2 to West Main Street   | 70 feet from the street right-of-way                |
| 4th Street from the Township line North to West Main Street   | 70 feet from the street right-of-way                |

(2) All water meters shall meet the American water works association standards C700-77 entitled "Cold Water Meters - Displacement Type" (the cost at the time of adoption of these rules is \$7.50); C708-82 entitled "Cold Water Meters - Multi-jet Type" (the cost at the time of adoption of these rules is \$7.50); and C710-88 entitled "Cold Water Meters - Displacement Type Plastic Main Case" (the cost at the time of adoption of these rules is \$10.50). These standards are herein adopted by reference and may be obtained from the American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235, or from the Michigan Department of Commerce, Corporation and Securities Bureau, Mobile Home and Land Resources Division, 6546 Mercantile Way, P.O. Box 30222, Lansing, Michigan 48909.

History: 1990 MR 1, Eff. Feb. 2, 1990.

**R 125.1941 Mobile home; required distances from other structures; site length and site dimensions.**

• Rule 941. (1) A mobile home shall be in compliance with all of the following minimum distances:

- (a) Twenty feet from any part of an attached or detached structure of an adjacent mobile home which is used for living purposes.
- (b) Ten feet from either of the following:
  - (i) An on-site parking space of an adjacent mobile home site.
  - (ii) An attached or detached structure or accessory of an adjacent mobile home which is not used for living purposes.
- (c) Fifty feet from permanent park-owned structures, such as any of the following:
  - (i) Community buildings.
  - (ii) Offices.
  - (iii) Maintenance and storage facilities.
  - (iv) Similar structures.
- (d) One hundred feet from a baseball or softball field.
- (e) Twenty-five feet from the fence of a swimming pool.
- (f) On-site detached storage sheds shall be a minimum of 3 unobstructed feet from the mobile home it serves, unless the wall adjacent to the mobile home is lined with class A fire-resistant material.

(g) Attached or detached structures or accessories of a mobile home that are not used for living space shall be a minimum distance of 10 feet from an adjacent mobile home or its adjacent attached or detached structures.

(2) Any part or structure, such as steps, porches, supported or unsupported awning, decks, carport or garages, or similar structures, that is part of a mobile home shall be set back the following minimum distances:

- (a) Ten feet from the edge of an internal road.
- (b) Seven feet from an off-site parking bay.
- (c) Seven feet from a common sidewalk.
- (d) Twenty-five feet from a natural or man-made lake or waterway.
- (3) Steps shall not encroach into parking areas.
- (4) The length of a mobile home site may vary depending on park design and layout and the mobile home to be installed; however, the minimum standards pertaining to the distance between mobile homes shall be complied with.
- (5) Site dimensions may be computed to include the space-requirements for mobile

**R 125.1942 Layout.**

Rule 942. Layout of a mobile home park and other facilities intended for tenant use shall be in accordance with acceptable architectural and engineering practices and shall provide for the convenience, health, safety, and welfare of the tenants.

History: 1954 ACS 98, Eff. Feb. 28, 1979, 1979 AC.

**R 125.1943 Mobile home site construction.**

Rule 943. (1) A mobile home site shall have installed a means by which the mobile home shall be supported on a permanent foundation.

(2) The location of the pedestal may vary according to park design and layout, and for ease of mobile home installation and utility hook-ups.

(3) Pads shall be constructed to achieve adequate surface drainage.

(4) On-site parking spaces may be provided with car stops.

(5) A mobile home site shall be designed for the exclusive use of 1 mobile home family. If a mobile home on a site is to be used as a multiple dwelling, the site shall be constructed to accommodate each family pursuant to these rules.

History: 1954 ACS 98, Eff. Feb. 28, 1979, 1979 AC.

★ **R 125.1944 Setbacks from property boundary lines.**

Rule 944. (1) Mobile homes, permanent buildings and facilities, and other structures shall not be located closer than 10 feet from the property boundary line of the mobile home park or mobile home condominium.

(2) If mobile homes, permanent buildings and facilities, and other structures abut a public right-of-way, they shall not be located closer than 50 feet from the boundary line, except that if the boundary line runs through the center of the public road, the 50 feet shall be measured from the road right-of-way line. This rule does not apply to internal roads if dedicated for public use, if the roads do not present a nuisance or safety hazard to the park tenants or condominium owners.

History: 1954 ACS 98, Eff. Feb. 28, 1979, 1979 AC 1985 MR 6, Eff. July 17, 1985.

**R 125.1945 Screening; fencing.**

Rule 945. (1) The developer of a mobile home park or mobile home condominium may completely or partially screen the park or condominium by installing fencing or natural growth along the entire property boundary line, including the line abutting a public thoroughfare, except at access points.

(2) Individual mobile home site fencing, if permitted by the park, shall be not more than 3 feet high and shall have not less than 2 access gates which provide free access to all sides of the mobile home in the event of an emergency. The fencing shall be approved by the park before installation and upon completion.

History: 1954 ACS 98, Eff. Feb. 28, 1979, 1979 AC, 1991 MR 1, Eff. Feb. 1, 1991.

**R 125.1946 Open space requirements.**

Rule 946. A mobile home park or mobile home condominium that contains 50 or more mobile home sites which are constructed pursuant to a permit to construct shall be required to set aside a minimum of 10% of the park's gross acreage dedicated

# Germano Management Company

32540 SCHOOLCRAFT, SUITE 110 LIVONIA, MICHIGAN 48150

50 v. 70

July 3, 1997

JUL 09 1997

Department of Consumer & Industry Services  
Manufactured Housing Division  
6546 Mercantile Way  
P.O. Box 30222  
Lansing, MI 48909

**RECEIVED**

JUL 9 1997

RE: Setback Requirements in Oshtemo Township

MICHIGAN DEPT. OF CONSUMER & INDUSTRY SERVICES  
CORPORATION, SECURITIES & LAND DEVELOPMENT BUREAU  
MANUFACTURED HOUSING DIVISION

Dear Sirs:

We are currently in a dispute with Oshtemo Township as to what the correct required building setback is with regard to Mobile Home Parks in Oshtemo Township.

The required building setback per Oshtemo Township's Ordinances affects the placement of Buildings, Mobile Homes, and signs within a Mobile Home Park's Property.

Oshtemo Township insists that in regard to placement of signs it should be 70 feet. It should be noted that in Oshtemo Township's Sign Ordinance all distances are noted as "Required Building Setbacks".

We believe the required building setback should be 50 feet from the public road right of way for the reasons that follow:

The Michigan Mobile Home Commission approved Oshtemo Township's Mobile Home Park Ordinance, adopted August 23, 1984, some time in 1984. (Copy attached)

Section 25.401 of that ordinance states:

Mobile home parks and accessory buildings and uses including residences for the mobile home park owner and his family, subject to the following conditions and limitations:

- (a) "All mobile parks shall comply with the requirements imposed by Michigan Public Act 419 of 1976 and any and all amendments thereto with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health, except as said Act regulations may be modified by the provisions herein."

Page two  
Dept. of Consumer & Industry  
Services  
July 3, 1997

Further, In the items noted in 25.401 and Section 25.402 there is no mention of a greater setback requirement from a public road right of way for "Mobile Home parks and buildings and uses including residences.etc", than those required by Michigan Public Act 419 of 1976.

Therefore setback requirements of the Michigan Public Act 419 of 1976 and Rules and interpretive statements of the Commission apply to Oshtemo Township's setback requirements for Mobile Home Parks. The Commission approved setback per Mobile Home R 125.1944, rule 944 (2) (copy attached) for Woodland Estates in this instance is 50 feet from the public road right of way.

This fact was recognized when the Commission approved the plans to construct Woodland Estates II, December 1996, and when Oshtemo Township approved the same plans as the Townships approved site plan.

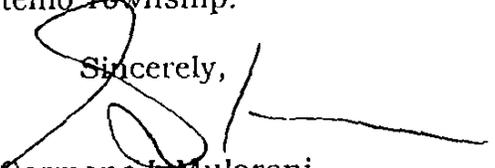
We recently applied for a sign permit to erect an entrance sign and were informed that the set back requirement that applied was 70 feet from the public road right of way. (Copy of Oshtemo's sign ordinance and set back requirements attached)

You will note that the set back requirements for a sign in an "R-5", (Mobile Home Park) residence district is no closer to the front side or rear property line than  $\frac{1}{2}$  of the distance of the required building setback.

The Commission's rule that applies in this case states the building set back requirements is 50 feet. To accept the Township's premise that the building set back should be 70 feet would be an acceptance of a standard for a building setback in a Mobile Home Park higher than the Commission approved ordinance.

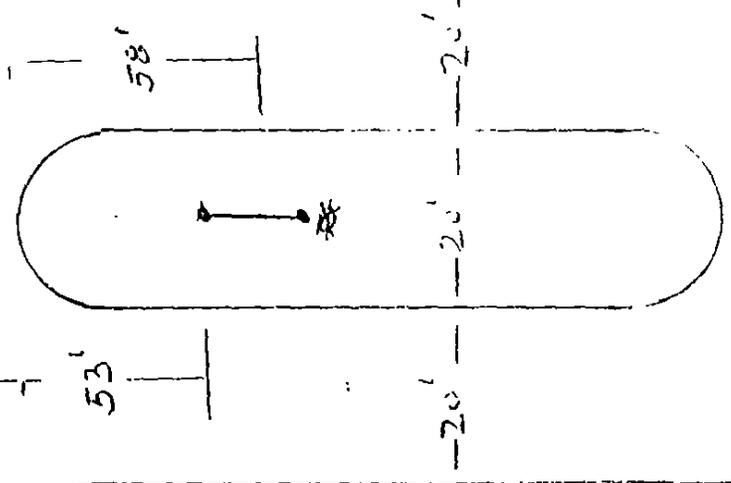
We would appreciate your review of the information presented and a letter indicating what the required building setback is that applies to Mobile Home Parks in Oshtemo Township.

Sincerely,

  
Germano E. Mularoni  
President

CENTER LINE OF 4TH STREET

33' ROAD RIGHT OF WAY



SCALE 1" = 20'

SIGN 2.25' X 11' = 25 #

~~XX~~ - STREET LIGHT



MM H.S. 50' BUILDING  
SETBACK

SITE 237

SITE 235

6-2-97 Delta Design

The Acting Chairperson questioned the applicant, who stated that, if the sign were moved to a place in compliance with setback requirements, it would be situated in the drainage culvert. Locating the sign on the west side of the drive would also place the sign in the drainage culvert. The applicant indicated that the topographical lines on the plan were inaccurate and that the dropoff was much steeper than shown.

Ms. Meeuwse, after further discussion, moved to approve variance to allow off-premises sign with the following reasoning:

(1) That there would be no increase in the number of signs at the site in that each lot was permitted one free-standing sign. In fact, a decrease in signage along the public road would be accomplished.

(2) That signage complies with size and height standards for one free-standing sign.

(3) That substantial justice would be afforded in that this applicant would not be provided signage options not available to others. The similarity to the Quail Meadow's approval was recognized.

(4) That the signage was proposed to be located at the project entrance point.

(5) That the variance allowed coordinated and a consistent approach to area identification signage.

Ms. Meeuwse further moved to condition approval upon the establishment of deed restrictions as to all four lots, restricting the lots to the use of this one free-standing sign.

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

Ms. Meeuwse moved to grant the 5' setback variance with the following reasoning:

(1) That compliance was unnecessarily burdensome in that locating the sign in compliance with setback requirements would place the sign in the drainage culvert. Placing the sign to the back of the drainage area would not allow the sign to serve all four lots. Moving the sign east or west of the drainage culvert would remove the sign from the project entrance point and therefore defeat the purpose of coordinated signage.

(2) That unique physical circumstances weigh in favor of granting the variance; again, the existing drainage basin was recognized.

(3) That substantial justice would be afforded in that other applications had been granted where a unique existing physical feature limited placement of signage.

(4) That the spirit and intent of the Ordinance would be served by the variance

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

## 5-5-97 Speedway (1250 S. Drake Rd.)

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.

requirements to allow for the placement of a freestanding sign at the midpoint between the entrances of the building in the lawn/greenspace area. He reasoned that there were some visibility limitations due to existing vegetation and trees, that there were limited placement options due to the layout of the parking area and buildings and based upon the fact that the site was designed and developed before the adoption of existing setbacks.

Mr. Brodasky seconded the motion, and the motion carried unanimously 4:1, with Ms. Meeuwse voting in opposition.

## 4-21-97 Summer Ridge Apartments

Ms. Meeuwse moved to deny the variance for the following reasoning:

(1) That compliance was not unnecessarily burdensome in that the applicant had other reasonable options with regard to signage. It was noted that the project has signage at its entrance. Further, the intersection of West Main and Maple Hill Drive did not represent the entrance to the development located along Maple Hill Drive.

(2) That substantial justice would not weigh in favor of granting the variance in that the proposed directional sign would result in two identification signs for the subject site and that properties located in the "R-4" and/or "C" Districts are permitted a single freestanding sign. Further, granting the variance would be expanding a nonconforming sign and establish an undesirable precedent in that any factors which might support this variance would be applicable to all major thoroughfares. It was further determined that the application was not similar to that granted for the Quail Run Drive sign.

(3) That there were no unique physical circumstances at the site supporting variance approval.

(4) That the hardship was self-created in that the project location was at the applicant's discretion and was designed and developed under the current sign standards.

(5) That the spirit and intent of the Ordinance would not be served by granting the variance in that the proposed off-premises sign would provide signage at the project site in excess and in nonconformance with numerous Ordinance standards. As to quantity, one sign was permitted by the Ordinance and two were proposed by the applicant. Overall freestanding sign square footage would exceed the total allowed under the Ordinance. Further, the existing Maple Hill Mall sign is a nonconforming sign due to its off-premises location and location in the setback. The proposed sign would constitute the expansion of a nonconforming structure. Additionally, granting the variance would be contrary to the 1984 decision and reasoning of the Board to deny the mall's proposed expansion of its sign to 60 square feet. Moreover, the proposed off-premises sign did not serve to address any traffic safety issue. Additionally, the intersection of West Main and Maple Hill Drive did not constitute a project entrance point.

The motion was seconded by Mr. Saunders. Mr. Bushouse commented he felt that the appropriate road agency should be encouraged to place a larger street sign identifying Maple Hill Drive at this corner.

Upon a vote on the motion, the motion carried unanimously.

12-16-96 Springwood Hills Subdivision

Mr. Saunders moved to deny the variance in that it was unnecessary because the applicant could comply with the setback requirements. He said that the denial would still allow reasonable use of the property and the sign would still be visible from Almena Drive. In addition, he said that substantial justice would not warrant the granting of the variance since they had rarely granted variances of this ~~kind magnitude~~. He said there was nothing unique about the property and, again, that the sign could be located outside of the setback area and still be visible. He said he felt that the granting of a variance would violate the spirit of the Ordinance as well.

The Chairperson asked that the motion include some additional Board comments, including the fact that the intersection could be lighted and that the street name could be added to the cross-street signs on Almena Drive. Mr. Saunders agreed to the friendly amendment. Mr. Brodasky seconded the motion. The Chairperson called for discussion and, hearing none, called for a vote. The motion carried unanimously.

(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.

## 12-2-96 Summer Ridge Apartments

The Board members agreed that, in this case, conformance was not unnecessarily burdensome in that the development was permitted and had established signage at the project entrance. There was reasonable use of the property without the granting of the variance. As to substantial justice, it was agreed that the application differed significantly from that of Quail Meadows and that it was important to uphold Ordinance limitations with regard to signage on West Main.

Mr. Saunders noted there were no unique circumstances of the property and that the hardship was self-created since the project was designed and had been established under current sign standards.

As to the spirit and intent of the Ordinance, Mr. Brodasky stated he felt there were too many deviations from Ordinance standards being sought by the applicant. Mr. Saunders agreed, stating he felt there was no way to distinguish this application from those of other properties located on Maple Hill Drive and in other locations off main roads.

Ms. Branch stated that she recalled an application which was somewhat similar involving the Super 8 Motel, which had requested such signage and had been denied. She also felt concerned about setting a precedent in that there were many instances where properties would like to have signage on the "higher-traffic road."

Mr. Brodasky moved to deny the variance based upon the previously stated reasoning of the Board. Mr. Saunders seconded the motion, and the motion carried unanimously.

8-5-94 Migala Law Office

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.

12-2-96 Summer Ridge Apartments

The Board members agreed that, in this case, conformance was not unnecessarily burdensome in that the development was permitted and had established signage at the project entrance. There was reasonable use of the property without the granting of the variance. As to substantial justice, it was agreed that the application differed significantly from that of Quail Meadows and that it was important to uphold Ordinance limitations with regard to signage on West Main

Mr. Saunders noted there were no unique circumstances of the property and that the hardship was self-created since the project was designed and had been established under current sign standards

## 9-11-95 Heslinga Lawn & Power Equipment

Mr. Brodasky moved to deny the variance with the following reasoning:

(1) That compliance was not unnecessarily burdensome in that there were other reasonable options available to the applicant.

(2) That substantial justice would require denial in that there were significant differences between this application and that of "On Target."

(3) That there were no unique circumstances which were not common to the properties in the general area.

(4) That the hardship was self-created in that the building design and placement were at the discretion of the applicant. Further, the building was designed and constructed under the existing sign-height standards.

(5) That the spirit and intent would be served by denial of the variance.

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

## 11-6-95 Midwest Collision Center

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.

6-5-95 Vanderweele/Sign Variance

Ms. Branch moved to grant the variance with the following reasoning:

(1) That compliance would be unnecessarily burdensome in that there was not sufficient room on the site to move a free-standing sign into a position in compliance with Ordinance requirements. Further, the option of wall signage was not aesthetically pleasing in that it would be covering major portions of the architecture of the building and would not be in character with the village.

(2) That substantial justice would not weigh in favor of denying the variance in that there were differences between this application and that of Crystal Circle. Further, a variance would be in keeping with the character of the area.

(3) That, as to unique circumstances, it was noted that there was limited visibility due to area signage; however, the physical limitations of the site were again recognized.

(4) That the hardship was not self-created in that the building is in existence.

(5) That the spirit of the Ordinance would weigh in favor of granting the variance in that to grant this variance would allow for the retention of the character of the area.

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

6-26-95 Eric Price (Breckenridge Estates)

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

(1) That compliance was not unnecessarily burdensome. There was no practical difficulty in filling the small depression. Further, the likely building location on lot #4 would be quite a ways away, approximately 200' to the west; and substantial screening would remain in the way of natural vegetation.

(2) That substantial justice would require denial of the variance, given the history of the Board with regard to sign setback variances.

(3) That no unique circumstances existed which would decrease visibility. Further, there were no substantial trees which could be retained by granting the variance. Finally, the topography was not extreme but merely a slight depression. Thus, there were no physical circumstances which could not be easily remedied.

(4) That the hardship was self-created in that the location of the sign was at the discretion of the developer.

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

Ms. Branch said she could go along with the interpretation as set forth in the motion. She said that the Township Board and the Zoning Board had struggled repeatedly with the definition of "sign" and that it was still presently unresolved. She said there could be many situations that might constitute some kind of advertising, such as a person dressed in a costume. However, in this case she felt no advertising was taking place.

The Chairperson said that there were many things that could constitute some type of advertising, such as turning a car upside down, but the issue was how the Ordinance defined "sign." He noted that the Board had a motion on the table and asked if there was any further discussion. Hearing none, he called for a vote. The motion carried unanimously.

*12-19-94 Immanuel Fellowship Church*

Mr. Dylhoff moved to deny the variance based on the above review. Mr. Miller seconded the motion, and the motion carried unanimously.

*12-19-94 Venture Park Lots*

Mr. Miller moved to grant the variance for each Venture Park lot so as to allow establishment of signs 35' from the centerline of Venture Park Road. He clarified that this variance would not apply to or address the "Venture Park" identification sign.

Mr. Dylhoff was concerned about granting an undesirable precedent. The Chairperson and the attorney both agreed that in this circumstance the overriding consideration was that permits had been granted for the signs in question in their present location. These permits were granted in error but relied upon by the applicants. As to the remaining lots in the Venture Park development, it was important not to place these lot owners at a disadvantage to their neighbors or create a development which was non-uniform. Therefore, it was felt that this case was distinguishable and therefore would not create a situation where the Board would be forced to grant variances in every other sign setback case.

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

*1-9-95 Huntington Run*

Mr. Miller moved to grant the variance due to the unique circumstances posed by the treeline and the angular meeting of Atlantic Avenue and Parkview Avenue which presented a visibility problem. Mr. Brodasky seconded the motion.

Ms. Branch commented she felt that the spirit and intent of the Ordinance was not observed in that the Ordinance limits the number of sign structures which can be established.

Upon a vote on the motion, the motion carried 3:2 with the Chairperson and Ms. Branch voting in opposition to the motion.

3-1-93 Meijer, Inc.

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.

2-7-94 Target Stores

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.

10-7-91 Shell Oil Company

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

- (1) That compliance with the ordinance was not unnecessarily burdensome for the applicant. The applicant was not unreasonably prevented from using his property.
- (2) Substantial justice would require denial of the variance. Comparison was made to the Bob and Kay's denial. Further, it was noted that there were significant differences between the West Main Mall decision to grant variance. In that case, a reduction of at least 50% was proposed, and the application involved signage used by "multiple tenants". The case also involved reduction in the number of signs.
- (3) There were no unique circumstances due to topography, vegetation, etc., which would justify the variance.
- (4) The hardship was self-created.
- (5) If the variance was granted, a precedent would be set which would lead to further non-complying signs in the area.

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

1-20-92 Maple Hill Chrysler Plymouth

Mr. Rakowski moved to approve a variance so as to permit the sign to be located in the former location of the AMC-Jeep-Renault sign, for a total of 90 sq ft, 20 ft in height. The variance approval was conditioned upon the elimination of the variance for the "fourth sign" i.e., the Name/Logo sign permitted originally by the Board on 6-4-81. The variance approval was based upon the fact that the variance, with the conditions, would create signage at the site which was more in line with the intent, spirit and letter of the Ordinance. The signage at the site would be in greater compliance with Ordinance provisions. Further, the approval was in accord with the "West Main Mall" signage variance approval. It was reasoned that no height variance should be granted in that the 20 ft height would make said sign consistent with the 2 other signs at the site. The motion was seconded by Mr. Vuicich. The motion carried 4-0, with the Chairman abstaining.

Ms. Brown moved to interpret the zoning ordinance as requiring the measurement of all signs within the Township from the outside edge of the sign frame to the outside edge of the sign frame, determining the height and width of same. Said interpretation was required by the following: (1) the past practice of the Township, and following past practice would make such measurements fair, equitable and consistent; (2) such interpretation was required to meet the intent and spirit of the ordinance regarding size of signage in that if only the sign face were measured, a structure greatly exceeding the permitted sign size could be established if a large framework were added to a small sign face. Therefore, this alternative method could pervert the intent and spirit of the ordinance. The motion was seconded by Mr. Vuicich. The motion carried unanimously.

Mr. Vuicich moved to deny the requested variance for the reasons that: (1) compliance was not unnecessarily burdensome; (2) substantial justice would not be advanced by granting the variance; (3) there were no unique circumstances requiring the variance; and (4) the hardship was self created. The motion was seconded by Mr. Rakowski. The motion carried unanimously.

3-4-91 Southfork M<sup>d</sup> Home Community

Ms. Branch moved to deny the variances requested for the following reasons:

- (1) That the location and design of the existing sign were self created, and therefore the hardship was self created;
- (2) That compliance was not unnecessarily burdensome in that the applicant had other design options;
- (3) That there was no other precedent for the variance, therefore, substantial justice would not require the variance;
- (4) There were no unique circumstances justifying the variance.

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

4-1-91 Ken Bertolucci

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

- (1) That the hardship was self created;
- (2) That there were no unique circumstances justifying variance;
- (3) That past precedent required denial of the variance;
- (4) That there was no unnecessary hardship in that the applicant had the option of obtaining a second sign.

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

September 11, 1989 PRC Bartolissi

Mr. Vuicich then made a motion to deny the request for a setback variance of 10 feet for the following reasons:

1. That the Board found conformance with the ordinance would not be unnecessarily burdensome on the applicant.
2. That the Board found the property did not create a unique circumstance which would warrant a variance from the setback requirements.
3. That the request was self-created.

The motion was seconded by Mr. Ballo and carried unanimously.

September 11, 1989 Sign Interpretation

After much discussion, Mr. Ballo made a motion that when, considering whether or not there was more than one business pursuant to 76.125, that the Zoning Board of Appeals would consider certain criteria for determination which included

1. Whether or not the Board could ascertain whether there was a physical separation between business entities.
2. Was there a unique customer public ingress or egress to a business.
3. Could all services be processed through a single "check-out" point or cash register system?
4. Was the total operation managed and operated as one unit or separate and distinct units?

The motion was seconded by Mr. Vuicich and carried 5 to 0. It was noted that the above criteria were to be used as guidelines, and were necessarily limited to only considering this criteria when trying to determine when one or more business existed in a business operation.

October 1, 1989 Home Business Association

Next the Board considered the variance from the sign setback requirements and Mr. Rakowski made a motion that the applicants be given no more than a 25' variance from Venture Avenue and no variance from West Michigan, with the sign to be located in the "second sod" area closest to the building and near the sidewalk. The motion was seconded by Mr. Vuicich and carried 3-1 with Chairman Block voting "no".

October 4, 1989 On-Target

Mr. Vuicich then made a motion to grant the variance request to locate the sign above the road grade approximately 8 feet as shown on the diagram, with the stipulation that the sign be turned-off during non-business hours. The reasons for the granting of the variance were as follows:

1. That the Board recognizes that the property is unique in that the building is located on a hill and the highway dips in front of the site;

August 21, 1989 Bob & Kay's Auto Wash

Lois Brown moved that the Board find<sup>d</sup> interpreting Section 76.125 of the Zoning Ordinance, that under the facts as presented, one business establishment, offering several services, were located upon the parcel of land in question. The motion was seconded by Mr. Rakowski. The motion carried unanimously.

Mr. Vuicich then moved to deny the variance request of the applicant for the following reasons:

1. That conformity with the Zoning Ordinance requirements of Section 76.125 would not be unnecessarily burdensome for the applicant;

2. that to grant a variance would not follow past practice or precedent of the Zoning Board of Appeals;

3. that no unique circumstances exist creating practical difficulty or undue hardship;

4. that the signage problems of the applicant were self-created;

5. that the applicant had alternatives in signage such as the signage permitted on walls;

6. that, if a variance were granted, the sign would not be consistent with other signs in the area.

Lois Brown supported the motion. The motion carried unanimously.

August 21, 1989 Meijer Inc.

Lois Brown moved to deny the sign height variance for the following reasons:

1. That a variance would not be in accord with past practice and precedents of the Zoning Board of Appeals. She cited the previous decision listed in the Zoning and Planning Report;

2. that there were no circumstances evidencing hardship or practical difficulty;

3. that compliance with the Ordinance would not be unreasonably burdensome on the applicant;

4. that the existence of the trees and the existing sign pole do not create practical difficulty. She cited the McDonalds' decision of the Zoning Board of Appeals;

5. that a variance would be contrary to the spirit and intent of the Ordinance.

The motion was seconded by George Vuicich. The motion carried 5 to 0.

applicant;

2. that to grant a variance would not follow past practice or precedent of the Zoning Board of Appeals;

3. that no unique circumstances exist creating practical difficulty or undue hardship;

4. that the signage problems of the applicant were self-created;

5. that the applicant had alternatives in signage such as the signage permitted on walls;

6. that, if a variance were granted, the sign would not be consistent with other signs in the area.

Lois Brown supported the motion. The motion carried unanimously.

*just 21, 1989 Meijer Inc.*

Lois Brown moved to deny the sign height variance for the following reasons:

1. That a variance would not be in accord with past practice and precedents of the Zoning Board of Appeals. She cited the previous decision listed in the Zoning and Planning Report;

2. that there were no circumstances evidencing hardship or practical difficulty;

3. that compliance with the Ordinance would not be unreasonably burdensome on the applicant;

4. that the existence of the trees and the existing sign pole do not create practical difficulty. She cited the McDonalds' decision of the Zoning Board of Appeals;

5. that a variance would be contrary to the spirit and intent of the Ordinance.

The motion was seconded by George Vuicich. The motion carried 5 to 0.

As to the sign area, the applicant stated that he felt that there were separate business establishments on the premises. He indicated that the shoe repair store, the pharmacy, the ATM (i.e., automatic teller machines), and the Meijer store generally, were all separate business establishments. He indicated that all were separately owned. As to the shoe repair store, he stated that Paul Pell leased the space and had separate employees. He admitted that the pharmacy was owned by a separate Meijer corporation.

When asked for an interpretation, the attorney indicated that she felt that this case was not clear cut. The attorney recommended tabling the application so as to enable the attorney to develop the recommendation and interpretation of the Section's language.

Frank Ballo made a motion to table the sign area variance application, on the basis of the discussion, to the next meeting to allow legal counsel to develop a recommendation regarding same and an interpretation of the "business establishment" term used

May 1, 1989 Imperial Oil

Thereupon, Mr. Vuicich made a motion to deny the application for a variance for the reasons that the applicant has not shown any undue hardship in conforming to the ordinance standards; there are no unique circumstances shown; the problem is self-created, since signs can be manufactured to the appropriate size; and that to grant the variance would do injustice to other businesses who have been denied variances of the same nature in the same area. Ms. Brown supported the motion.

The motion carried on a vote of 4 - 0.

July 10, 1989 E-sep Sea Aquariums

Ms. Brown then made a motion to grant a 25' variance from the sign setback requirements on Quail Run pursuant to Section 76.125, on the basis that if the sign had to meet the requirements it would not be seen, and that by granting the variance the sign would be in alignment with other signs on West Michigan Avenue. The side yard setback, and the sign setback requirements for West Michigan had been met. Further, the Board recognized the unique shape of the parcel and the fact that if the sign were required to meet all setback requirements it would be blocked by the mound on the neighboring Toyota dealership property. Strict compliance would thus be unnecessarily burdensome to the applicant. The motion was seconded by Mr. Rakowski and carried 4-0.

August 10, 1989 Dickema Hamann

After further discussion, Mr. Rakowski made a motion that the variance be denied because it was an advertising sign under Section 76.145; that if the proposed sign would be put in prior to the start of construction it would be up for an indefinite period of time. Thus, the Board found that this was self-created in that it was the owner who wished to put the sign up; that the marketability issue was not unique; and that it was not unreasonable to the owner because it did not prevent development or use of the property since there were other ways to market the project. The motion was seconded by Mr. Vuicich and carried 4-0.

Mr. Rakowski then made a motion that the Zoning Board be directed to examine Sections 76.140 and 76.145 to determine the differences between real estate signs and the type of sign requested by Mr. Hamann, and whether or not these sections provide for this type of situation. The motion was seconded by Ms. Brown and carried 4-0.

July 10, 1989 Brammer Ridge Apartments

Mr. Vuicich then made a motion to deny the variance request for the reasons that strict compliance would not be unnecessarily burdensome to the applicant; that there were other locations for the sign which would be in compliance with the ordinance; that the Board did not find that the parcel had any unique circumstances; and that the situation was self-created because the applicant wanted to place a particular sign at the proposed location.

The motion was seconded by Ms. Brown and carried 4-0.

circumstances and that the situation was self-created on the part of the applicant.

The motion was seconded by Stanley Rakowski and the motion carried unanimously.

August 10, 1988 Ronald Bell (~~Proposed Mobile Home Park~~)  
(66' R.O.W. & Signage Variance)

A motion was then made by Lois Brown to grant the variance request from the 66 foot right-of-way requirements for the following reasons:

1. That to require the right-of-way might result in encouraging public traffic between 8th and 9th Streets which would not be within the Township's objectives.
2. That the Board did not want the interior roads to be used as a link between 8th and 9th Streets, and that by keeping the interior roads as proposed would discourage increased traffic and provide safety and protection for the residents of the mobile home park.

Ms. Brown then continued her motion to allow two signs, one for each access point on 8th and 9th Streets, not to exceed a total of 30 square feet of signage, and allowing the applicant to determine the dimensions of each sign within the 30 square foot limit. The reasons for the variance were that the Board recognized a need for identification at both access points, and that the signs would act as a traffic safety factor at each access point. Frank Ballo seconded the motion and the motion for the variances carried unanimously.

November 7, 1988 Jim Karczewski (Sign Setback Variance)

Mr. Rakowski then made a motion to grant the applicant a 10' variance for the placement of the sign as measured from Atlantic Avenue, noting that all the setbacks would be met from 9th Street. The reasons for the motion were that the 9th Street setbacks were essential due to increased safety concerns and that these would be complied with; [and that the sign would not be placed in the parking lot, but close by] that a 10' variance would allow sign placement as close to compliance as possible, without going into the parking lot; and that the parking lot presented a unique circumstance preventing compliance with the setback requirement. The motion was seconded by Ms. Brown and carried 4-0.

variance for the following reasons: (1) that it did not present any practical difficulty on the applicant for complying with the sign requirements; (2) that a simple location sign for the street number of the company could be made in the location desired by the applicant; and (3) he was concerned for the precedent that would be set in the area by granting such a variance; and (4) that the situation was a self-created one in that they had determined that the sign needed to go in this location as opposed to complying with the ordinance. Mr. Hamilton seconded and the motion passed 4 - 1 with Mr. Block voting against.

November 2, 1987 *Fitzer Foundation*

Lois Brown then made the motion, seconded by Stanley Rakowski to grant a variance so the setback would be 35 feet from the right-of-way line and be consistent with other signage in the area. The reasons for granting the variance would be because of the unique circumstances and the size and setback requirements in relationship to the building and to the signage. The motion passed 3-0.

November 2, 1987 *Family Foods, Inc.*

Lois Brown then made the motion, seconded by Mr. Rakowski to deny the variance request for 115 square foot signage. The reasons for the denial are as follows:

1. That it is not consistent with the other signs in the area.
2. That it is a self-created problem.
3. That it would not be in conformance with the developing area.

The motion passed 4-0.

December 7, 1987 *George Vuicich, Inc. (Signage)*

George Vuicich then made the motion to deny the variance request for reasons that there was no hardship that was evident and he did not see that this site had any unique circumstance that had been brought to the attention of the Board and that the granting of a variance of this type would set a precedent for the rest of the village area. The motion was seconded by Stanley Rakowski and carried unanimously 4-0.

December 7, 1987 *Dick Laerke*

Lois Brown then made the motion to deny the request for a variance of the Sign Ordinance for the following reasons:

1. That the applicant had already received 2 variances to allow for additional signs.
2. That the particular site already had more signage that was allowed by the Ordinance.
3. That the requested sign was for the car lot convenience and not for directional or identification purposes.
4. That the compliance with the Ordinance would not be unreasonable or burdensome to the property owner.

December 2, 1985 - Fourth Reformed Church

After some further discussion, motion was made by Block, seconded by Brown, and carried by a vote of 4 to 1 to approve the 24-square-foot church sign as presented as being in accordance with previous church signs in the Township and previous Board decisions.

March 3, 1986 - De Visser Landscape

After general discussion, Mr. Greenberg moved that the Board deny the requested sign size and sign setback variances. Mr. Greenberg stated as reasons for his motion the fact that there had been no showing of hardship that would justify the requested variances and the fact that it is possible for the applicant to use the property and establish a sign in compliance with the Zoning Ordinance without hardship. Mr. Vuicich further noted that compliance with the Zoning Ordinance restrictions would not unreasonably prevent the owner from using the property for a permitted purpose or render conformity with such restrictions unnecessarily burdensome. He indicated that he did not believe there was any unfair hardship justifying the granting of a variance.

After further discussion, Mr. Vuicich seconded the motion and the motion passed unanimously.

August 4, 1986 Jeff Sauer (Movie Outpost)

After further general discussion, Mrs. Brown moved that the Board grant a variance from the sign setback requirement so as to allow the Movie Outpost sign to be located at the same location as the Wally's sign on the subject site, directly above the Wally's sign, with the pole holding the Movie Outpost sign being lined up with the south post of the Wally's sign. Mrs. Brown further moved that as a condition to the grant of such a variance, the applicant be required to remove the existing Movie Outpost sign on the site.

In response to a question from the Township Attorney it was noted that the reason for such a variance was that the sign would not be visible from adjoining streets if a setback variance were not granted. The motion was seconded by Mr. Greenberg and passed unanimously.

November 3, 1986 Doyle Signs, Inc. (Jewel/Asco Drugs)

Mr. Sparks said the item should be tabled until December 1. Mr. Greenberg made a motion that this matter be tabled until December 1. It was supported by Mr. Rakowski. A call for a vote was made and the motion passed unanimously.

January 5, 1987 Doyle Signs, Inc.

The Chairman asked if there were any further comments and hearing none asked if there were any motions. Ms. Vuicich made a motion to deny the application for the Drake Road sign for the following reasons: The plight of the landowner was not due to unique circumstances, the denial did not create a hardship on the applicant, it was self created, and the denial did not prevent the applicant from using the property. Mr. Rakowski seconded the motion. The Chairman called for a vote and the motion passed unanimously, 4 to 0.

Mr. Rakowski's first motion died for lack of support. The Chairman

December 5, 1983 - Angelo's

After general discussion, Ms. Brown moved that the Board deny the requested variance and request that Mr. Gray meet with Mr. DeMaria to help Mr. DeMaria determine how much signage would be permitted on the building wall. Mr. Block seconded the motion and the motion passed unanimously.

June 11, 1984 Dale Reynard - Village Square Laundry

After general discussion, Ms. Brown moved that the Board deny the application for a variance. She noted that the present signage on the property was permitted under the terms of the Township Zoning Ordinance. She stated that the applicant had not put forth any reason that would serve as a valid justification for the granting of a variance in this case. She noted that the applicant's laundromat is visible from 9th Street and that the signage on the building is accordingly visible from 9th Street.

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

October 1, 1984 - Cheker Oil Company

Mr. Jameson then moved that the Board deny the variance request on the ground that no peculiar circumstances justifying the granting of a variance had been put forth by the applicant. Ms. Minott seconded the motion and the motion passed unanimously.

November 5, 1984 - McDonald's Restaurant

After further discussion, Mr. Jameson moved that the Board deny the application for variances from the sign size and sign height restrictions in the Township Zoning Ordinance. Mr. Jameson stated that the trees placed in front of the McDonald's Restaurant were not in his opinion a peculiar circumstance justifying the granting of the requested variance. Mr. Jameson noted that the prior owner of the property had been the person who placed the trees on the site. Ms. Minott seconded the motion.

In response to a question from the Township Attorney, Mr. Jameson further indicated that he was making his motion in recognition of the fact that the trees in question would continue to grow in any event and thus would block out even the proposed sign as they continued to grow.

A vote was then held on the motion and the motion passed unanimously.

December 12, 1984 - Maple Hill Mall

Mr. Jameson then moved that the Board interpret Section 76.125 to not allow a third sign in those instances in which a commercial



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

**To:** Zoning Board of Appeals

**Meeting Date:** 9-8-97

**From:** Planning/Zoning Department

**Agenda Item:** #4

**Applicant:** Matt Weaver  
Representing Campbell Caron Group, LLC

**Property In Question:** Mill Creek Apartments/Fieldstone Properties  
(Parcels #3905-26-380-068, #3905-26-380-062, and  
#3905-35-130-032)

Reference Vicinity Map

**Zoning District:** "R-4" Residence District/"C" Local Business District

**Request:** Variance Approval - Dwelling Unit Density  
Variance Approval - Non-Contiguous Road Frontage

**Ordinance Section(s):** Section 24.207 - "R-4" Multiple Family Dwelling Unit Density  
Standards  
Section 66.201 - Road Frontage Standards  
Section 62.151 - Regulations Governing Non Conforming  
Uses/Structures

**Planning/Zoning Department Report:**

Background Information

- Phases I, II, and III of Mill Creek Apartments were developed in conformance with applicable dwelling unit density standards (14 units/acre, 8 units/acre, and 6 units/acre depending on location and date of approval) at the time of construction.
- : As a result, the dwelling unit density at the subject site consists of approximately 11 units/acre (152 units located on 13.82 acres) which is considered to be lawfully non-conforming under existing Ordinance standards.

- On 7-7-86, the ZBA denied a request for a dwelling unit density variance at Mill Creek Apartments which would have allowed for 8 units/acre (6 units/acre permitted by Ordinance) on that portion of the subject site which was located within 200 feet of "R-2" zoned property (northwest corner).
- On 5-22-86, the ZBA granted a road frontage variance for the subject site allowing for less than 200 of non-contiguous road frontage off South 9th Street and Stadium Drive.
- : Modifications/amendments to the 5-22-86 road frontage variance were also granted for the subject site by the ZBA on 6-2-86 and 11-3-86.

**Reference ZBA Minutes**

- The Applicant proposes the addition of 1.83 acres (Parcel A) to the southwest portion of Mill Creek Apartments property to accommodate the construction of a 24 unit apartment building.
- : The addition of a 24 unit apartment building would take the subject site out of its non-conforming status while resulting in a slightly reduced dwelling unit density (currently: 11 units/acre, proposed: 10.7 units/acre).
- : The Applicant also proposes the addition of .68 acre (Parcel B) to the southern portion of Mill Creek Apartments property which would result in an additional 93.3 ft of road frontage being added along Stadium Drive (increasing the existing non-contiguous road frontage from 114 ft to 207 ft).
- Based upon the Applicant's proposal, the following variances are being requested:
  - 1) **Maximum dwelling density variance [Section 24.207, Zoning Ordinance]**
    - : existing: 152 units on 13.82 acres (11 units/acre)
    - : proposed: 176 units on 16.33 acres (10.77 units/acre)
  - 2) **Non-contiguous road frontage variance [Section 66.201, Zoning Ordinance]**
    - : existing: 114 ft of non-contiguous frontage (1986 variance - 185 ft)
    - : proposed: 207 ft of non-contiguous frontage

**Reference Application and Plot Plan**

Department Review (Maximum Dwelling Unit Density Variance Request)

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

1. *Conformance Unnecessarily Burdensome*

: Are reasonable options for compliance available?

- Existing dwelling unit density at the subject site is lawfully non-conforming at approximately 11 units/acre (152 units on 13.82 acres).

Any addition, extension, or alteration to the Mill Creek Apartments complex would take the subject site out of its non-conforming status and make it subject to current dwelling unit density standards (6 or 8 units/acres, depending on proximity to "AG", "R-1", and "R-2" zoned property).

Under the Applicant's proposal, only 125 units total would be permitted on the Mill Creek Apartment complex with the addition of this 2.51 acres (16.33 acres total), without issuance of a dwelling density variance. A total of 152 units are presently located on the existing Mill Creek Apartment complex (13.82 acres).

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

- The existing 152 units at the Mill Creek Apartments could continue to be utilized under the regulations which govern non-conforming uses/structures [Section 62.000, Zoning Ordinance].

2. *Substantial Justice*

: The ZBA has only considered two similar dwelling unit density variance requests since 1984, one of which involved the subject site:

***Dwelling Density Variance Requests*** (since 1984 Ordinance)

|         |                                       |        |
|---------|---------------------------------------|--------|
| 5-16-94 | Chestnut Hills Apartment              | Denied |
| 7-7-86  | Michael Kreps (Mill Creek Apartments) | Denied |

: Consider the general character of the surrounding area and the circumstances and site conditions of the above referenced past decisions.

: The proposed development of that portion of Parcel A (1.83 acres) which is zoned "R-4" is in concert with existing multiple family use in area.

### 3. *Unique Physical Circumstances*

- : The non-conforming nature of the existing dwelling unit density (11 units/acre) makes expansion or alteration of the existing Mill Creek Apartment complex subject to acquisition of adequate land to bring dwelling unit density into compliance with current standards (6 or 8 units/acre depending on proximity to nearby "R-2" zoned property)

### 4. *Self-Created Hardship*

- : Project design regarding expansion of the existing Mill Creek Apartment complex is at the discretion of the Applicant.

### 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?*

- : The proposed variance would not result in an increase in dwelling unit density.
- : Traffic circulation and parking within Mill Creek Apartments would improve.
- : Use of that portion of the Parcel A (1.83 acres) zoned "R-4" would be in concert with existing multiple family use.
- : That remaining portion of the Fieldstone property (Parcel C - 1.15 acres) zoned "C" would be left in compliance with applicable Ordinance standards.

### Department Review (Non-Contiguous Road Frontage Variance Request)

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

#### 1. *Conformance Unnecessarily Burdensome*

- : Are reasonable options for compliance available?
  - The proposed parcel combination, adding Parcel A (1.83 acres) and Parcel B (.68 acre) to Mill Creek Apartments, would result in additional frontage along Stadium Drive.
    - : currently: 48 ft along South 9th Street/66 ft along Stadium Drive (114 ft total)
    - : proposed: 48 ft along South 9th Street/159 ft along Stadium Drive (207 ft total)
  - Develop the property under the Site Condominium of Land Division Act development standards.

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

- The existing 152 units at the Mill Creek Apartments could continue to be utilized under the regulations which govern non-conforming uses/structures [Section 62.000, Zoning Ordinance].

## 2. *Substantial Justice*

: The ZBA has considered six similar non-contiguous road frontage variance requests since 1984:

### ***Non-Contiguous Road Frontage Variance Requests*** (since 1984 Ordinance)

|         |  |         |
|---------|--|---------|
| 4-29-91 | West Kalamazoo Christian Church            | Granted |
| 2-2-87  | Mike Straka                                | Denied  |
| 6-19-86 | Hayes and Lois Brown                       | Granted |
| 5-22-86 | Mill Creek Apartments                      | Granted |
| 2-13-86 | Sam Visser                                 | Granted |
| 2-4-85  | West Kalamazoo Christian Church (Skyridge) | Granted |

### Reference ZBA Minutes

: Consider the general character of the surrounding area and the circumstances and site conditions of the above referenced past decisions.

### Reference Parcel Maps of South 9th Street and Stadium Drive Area

## 3. *Unique Physical Circumstances*

: There are no unique physical limitations on the subject site preventing compliance with Ordinance standards.

## 4. *Self-Created Hardship*

: Project design regarding expansion of the existing Mill Creek Apartment complex is at the discretion of the Applicant.

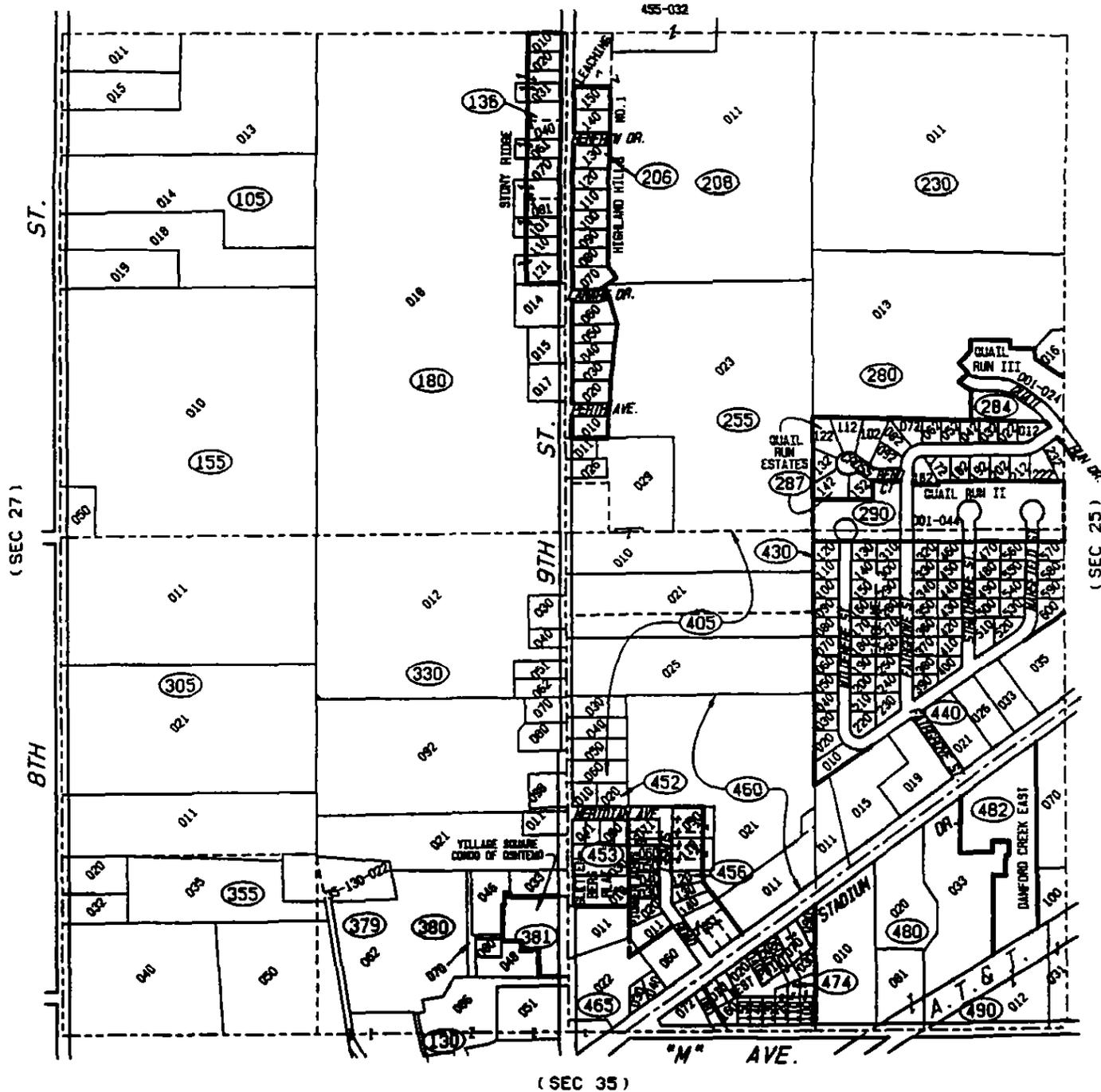
## 5. *Will the spirit of the Ordinance be observed, the public health, safety, and welfare secured, and substantial justice done if the variance is granted?*

: The proposed variance would not result in a change in the existing access arrangement for the subject site.

- : Variance approval should be conditioned on limiting access to the .68 acre commercial parcel (Parcel B) onto Mill Creek Drive.**
- : The proposed parcel combination would bring the subject site closer to conformance with frontage standards.**

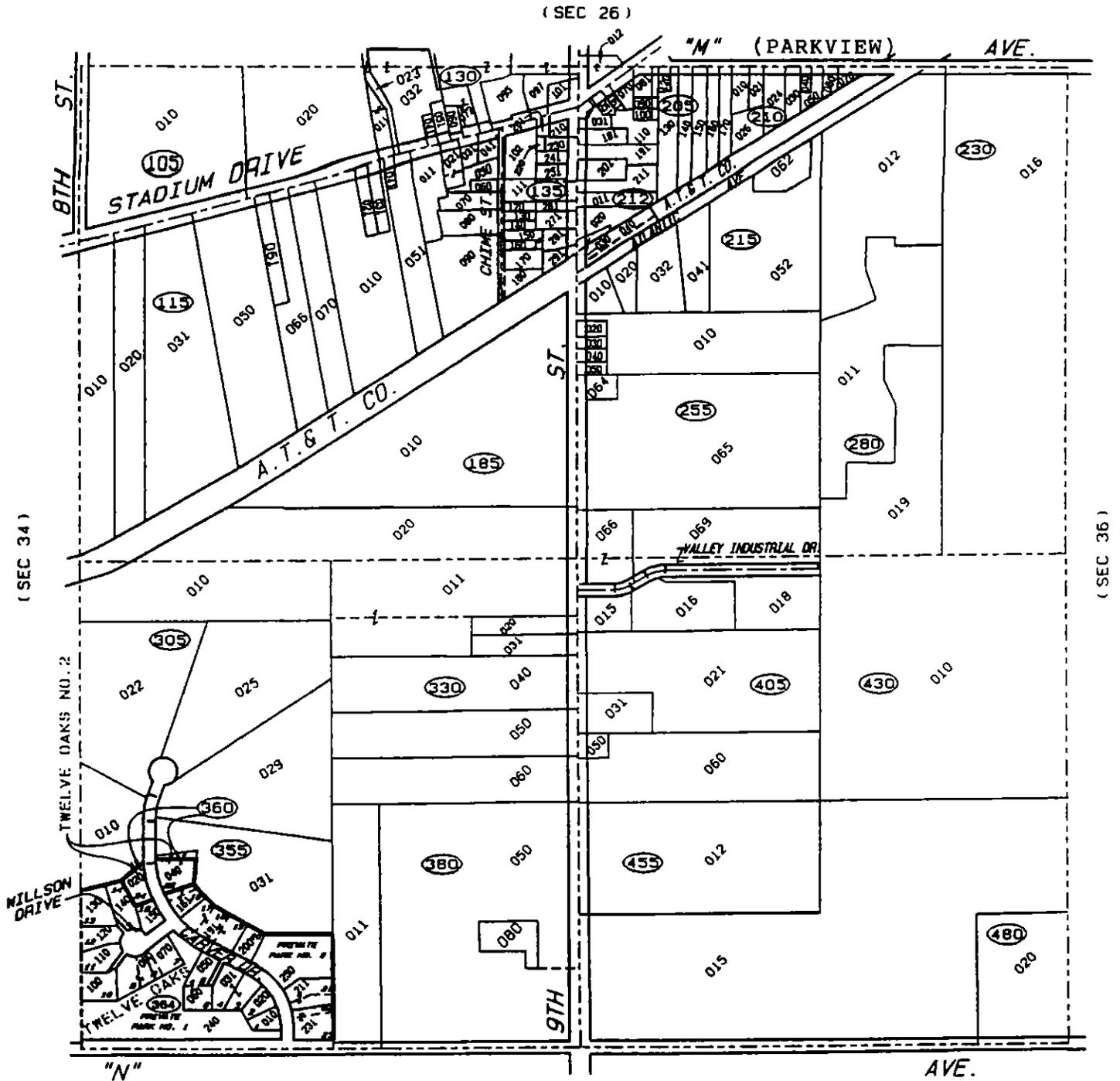
# SECTION 26

( SEC 23 )

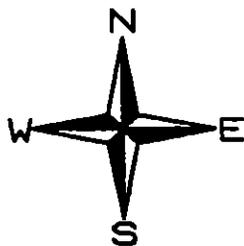


DATE: AUGUST 25, 1993  
REVISED DATE: FEBRUARY 29, 1996  
PRINTED DATE: MARCH 21, 1996

# SECTION 35



(TEXAS 2)



SCALE 1" = 800'

DATE: AUGUST 25, 1993

REVISED DATE: FEBRUARY 29, 1996

PRINTED DATE: MARCH 22, 1996

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES OF MEETING HELD JULY 7, 1986

Re: Application of Robert Jackson for site plan review for proposed building addition at 7661 West Michigan.

Application of Bob VanPutten for site plan review for proposed office complex to be located on the southeast corner of Lodge Lane and West Main.

Application of Michael Kreps for variances, amended site plan approval of Phase II and site plan approval of Phase III of Mill Creek Apartments.

Application of Michael Shields for setback variance for Lot 126 of West Port #3.

Application of Richard Wolthuis for setback variance for Lot 208 of West Port #4.

Application of Jeff Sauer for sign setback variance for property at 6745 West Michigan.

A regular meeting was held by the Oshtemo Charter Township Zoning Board of Appeals on Monday, July 7, 1986, beginning at 2:00 o'clock p.m. at the Oshtemo Charter Township Hall.

Members present: Marvin Block, Chairman  
Lois Brown  
George Vuicich  
Joe Gemmill  
Norman Greenberg

Members absent: NONE

Also present were Rebecca Harvey of the Township Building and Zoning Department; Kenneth C. Sparks of Bauckham, Reed, Lang, Schaefer, Sparks & Rolfe, P.C., Township Attorneys; and approximately 12 other interested persons.

ROBERT JACKSON - SITE PLAN REVIEW

The Chairman called the meeting to order and stated that the first item on the agenda would be consideration of the application of Robert Jackson of West Side Auto Body for site plan review for a proposed building addition on their current site located at 7661 West Michigan. It was noted that the subject property is in the "I-1" zoning classification.

Mrs. Harvey then addressed the Board. She stated that the proposed site plan complied with all Ordinance requirements and that no variances were needed.

the existing drive and the establishment of a new drive south of the existing drive along Lodge Lane approximately 100 feet. Mrs. Brown noted that when the applicant came back, the applicant could also address on the site the matters of screening, outdoor lighting, and dumpster site location. Mr. Greenberg seconded the motion and the motion passed unanimously.

MICHAEL KREPS - VARIANCE AND SITE PLAN REVIEW REQUESTS

The Chairman stated that the next item on the agenda was consideration of the request by Michael Kreps of Buckley-Kreps and Associates, Inc. for site plan approval of Phase III of the Mill Creek Apartment project. It was noted that the applicant also requests variance approval from the parking requirement established in Section 68.302 of the Zoning Ordinance. It was noted that the applicant is also requesting variance approval from the density requirements set forth in Section 24.207 and that the applicant is further seeking site plan amendment of the approved Phase II of Mill Creek Apartments. It was noted that the subject property is in the "R-4" zoning classification.

Mrs. Harvey stated that there were four items before the Board with respect to this matter. She stated that the applicant was requesting, with respect to Phase III of its apartment development, a variance from the maximum density allowed under the Zoning Ordinance of six units per acre so as to allow a density of 8 units per acre on the site. She stated that the applicant is also requesting a variance from the minimum parking space requirement contained in Section 68.302 with respect to Phase III so as to allow the establishment of two parking spaces per unit instead of 2.5 parking spaces per unit as required under Section 68.302. She stated that the applicant has indicated on the site plan the location of additional parking spaces meeting the minimum parking space requirements if those additional parking spaces need to be developed at some time in the future. Mrs. Harvey stated that the applicant was also seeking approval of a site plan amendment with respect to Phase II so as to show the establishment of a swimming pool on the site and the relocation of the leaching area. She stated that the applicant was also seeking site plan approval with respect to Phase III of the proposed development.

Mr. Kreps then addressed the Board. He stated that the applicant had initially hoped to be able to use the neighboring county pond for drainage. He stated that this had not turned out to be possible and accordingly the applicant now had to return to its original plans of establishing a leaching area on the subject site. He stated that the placing of such a leaching area on the site had taken away some of the room for apartments that the applicant had intended. He stated that the applicant was accordingly requesting a variance for Phase III so as to

allow a density of 8 units per acre, instead of the maximum 6 units per acre allowed under the Zoning Ordinance. He noted that the overall density for the project as a whole would be within the limits set forth in the Township Zoning Ordinance.

The Chairman noted that when the applicant had previously been before the Board requesting a variance with respect to the 200-foot public road frontage requirement, the applicant's attorney had talked extensively about the density requirements in the Zoning Ordinance serving to prevent overdevelopment of the area. He stated that now the applicant was coming back and seeking a variance from those density restrictions. Mr. Gemmill stated that he also recalled Attorney Enderle using the density cap as part of his logic for arguing that the Board should grant the frontage variance.

Mrs. Brown noted that the Township Zoning Ordinance requires on-site water retention. She stated that if the applicant had been permitted to use the county leaching area, this would have been a "freebie." She stated that now the applicant was in the same position that a property owner is normally in; namely, having to provide for on-site water retention. She stated that she did not believe the fact that the applicant had to now provide for on-site water retention could serve as a hardship justifying the requested variance from the density restrictions.

Mr. Vuicich stated that he did not believe the variance request met any of the criteria for granting a variance. He stated that he did not believe there had been a showing of any practical difficulty. He stated that he did not believe that there was a showing of any unique circumstances justifying the granting of a variance. He stated that compliance with the Zoning Ordinance density restrictions would not in any way prevent the development or use of the subject property. He indicated that he also believed the requested variance would not meet the requirement that any hardships justifying a variance must not be self-created.

Mr. Kreps stated that if this variance request were denied, he would want to redesign the whole site because he would definitely want to have 152 units on the subject site.

After further discussion, Mr. Greenberg moved that the Board deny the variance request from the maximum density requirements in the Zoning Ordinance for the reasons stated by Mr. Vuicich. Mr. Gemmill seconded the motion, and the motion passed unanimously.

Mr. Kreps stated that in light of the Board's action, he would be redesigning site plans so as to establish a total of 152 units on the overall development site. He asked that the Board consider at this time granting him a variance from the minimum parking space requirements with respect to Phase III.

He stated that he would also request amended site plan approval with respect to Phase II so as to allow the location of a swimming pool in Phase II.

Mr. Kreps stated that with respect to the requested parking variance, he was requesting that he be permitted to construct initially for Phase III two parking spaces per unit instead of the 2-1/2 parking spaces per unit required under the Township Zoning Ordinance provisions. He stated that he would show on the site plan room for the establishment of the additional parking spaces required under the terms of the Zoning Ordinance for those parking spaces to be established at some future time if the Zoning Board of Appeals determined they were needed.

Mrs. Brown stated that she had no problem with this request. She noted that similar variance requests had been granted by the Board with respect to Phases I and II.

Mrs. Brown then moved that the Board grant the requested parking space variance for Phase III, subject to the condition that the applicant reserve sufficient space on the site for possible future construction of such additional parking spaces needed to meet the minimum number required by the Zoning Ordinance, the construction of such additional spaces to occur if and at such time as the Board, in its sole discretion, determines the construction of those additional parking spaces to be desirable. Mr. Gemmill seconded the motion, and the motion passed unanimously.

Mr. Kreps stated that he would now like the Board to grant approval to amending the site plan for Phase II so as to show the location of a swimming pool in Phase II as shown on the site plan submitted to the Board. Mrs. Brown moved that the Board grant approval of this site plan amendment for Phase II. Mr. Vuicich seconded the motion and the motion passed unanimously.

#### MICHAEL SHIELDS - VARIANCE REQUEST

The Chairman stated that the next item on the agenda was consideration of a request by Michael Shields for variance approval from the 40-foot setback requirement established in Section 64.200 of the Township Zoning Ordinance. It was noted that the setback variance is requested for Lot 126 of West Port #3 and that the subject lot is located in the "R-2" zoning classification.

Mrs. Harvey then handed the Board members a topography map showing the subject lot in the surrounding area. It was noted that the applicant has proposed a 27-foot setback from the right-of-way line of Thunderbluff. It was noted that a 40-foot setback is required under the terms of the Township Zoning Ordinance and that accordingly a 13-foot variance is being requested.

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES OF MEETING HELD MAY 22, 1986

Re: Application of Michael Kreps of Buckley-Kreps and Associates, Inc. for site plan amendment and variance with respect to Phase I of the Mill Creek Apartment project.

A special meeting was held by the Oshtemo Charter Township Zoning Board of Appeals on Thursday, May 22, 1986, beginning at 4:00 o'clock p.m. at the Oshtemo Charter Township Hall.

Members present: Marvin Block, Chairman  
Joe Gemmill  
Lois Brown  
George Vuicich  
Norman Greenberg

Member absent: NONE

Also present were Rebecca Harvey of the Township Building and Zoning Department; Kenneth C. Sparks of Bauckham, Reed, Lang, Schaefer, Sparks & Rolfe, P.C., Township Attorneys; and approximately 4 other interested persons.

MICHAEL KREPS - SITE PLAN AMENDMENT AND VARIANCE

The Chairman called the meeting to order and stated that this meeting had been called in order to consider the request of Michael Kreps of Buckley-Kreps and Associates, Inc., for site plan amendment of Phase I of the Mill Creek Apartment project. It was noted that the applicant also requests variance approval from the 200-foot public road frontage requirement set forth in Section 66.201 of the Township Zoning Ordinance.

The Chairman noted that this matter had previously been before the Board on May 12, 1986, and that the Board had reached a two to two deadlock on this matter. He stated that this matter had accordingly been adjourned until such time as the full Board could be present.

Mr. Alan Enderle, Attorney for the applicant, then addressed the Board. He noted that the original site plan submitted by Grover Brussee and approved by the Board for Phase I had shown an entrance roadway developed as a public road to the point where a cul-de-sac was placed in the roadway. He stated that the cul-de-sac shown on the original site plan had four entrances and no island in the middle.

Mr. Enderle stated that the applicant had purchased some additional land to give it additional road frontage. He stated that the subject site now had 185 feet of non-contiguous public road frontage.

Mr. Enderle stated that the basis being put forth for the requested variance was not hardship so much as practicality. He stated that with respect to the zoning goal of securing orderly development of property, a 200-foot dedicated public roadway would not add to orderly development in the instant case. He stated that the apartment project did not consist of building along the public road, but in back. He stated that regardless of whether there was a 200-foot public roadway or not, the form of development of the project would be the same. He stated that requiring strict adherence to the 200-foot public road frontage requirement would not further any of the purposes identified in Section 66.204 of the Township Zoning Ordinance.

Mr. Enderle then introduced Dr. Campbell and John Caron, the project developers.

Mr. Enderle stated that the Board had authority under the Township Zoning Ordinance to grant a variance where the spirit of the Zoning Ordinance would still be observed, public safety, health, and welfare secured and substantial justice thereby accomplished.

In response to a question from Mrs. Brown, the Township Attorney noted that the applicant was requesting both a variance from the minimum 200-foot public road frontage requirement and amended site plan review with respect to Phase I.

Mrs. Brown noted that if Phase I had been developed as it should have been, there would have been no need for a request for a variance from the 200-foot public road frontage requirement. Mr. Enderle stated that he understood the concern that the original site plan was approved and then the roadway shown on the site plan was not built, but maybe the original decision of the Zoning Board was wrong.

Mr. Greenberg stated that based on Mr. Enderle's presentation, he would at this point have to reject the application. He stated that part of the purpose of the 200-foot frontage requirement was to spread out development to keep the Township somewhat countrified. He questioned whether the Zoning Board of Appeals had ever permitted the combining of non-contiguous public road frontage to satisfy the 200-foot public road frontage requirement. The Chairman stated that there was one prior example with respect to Skyridge Church. He noted that in the situation of Skyridge Church, there had been no further room in the area for further development. Mr. Enderle stated that requiring an interior public road in the instant case would in no way serve to spread out development. He stated that it would help him to hear a discussion of the purposes of the 200-foot public road frontage requirement.

Mrs. Brown noted that the Board in the past has required that only contiguous public road frontage be counted toward

satisfying the minimum 200-foot public road frontage requirement. She stated that this requirement helps to control the number of curb cuts within a given area. She stated that it also serves to provide access to backlands. She stated that 100 feet of public road frontage involved in the instant case is non-contiguous.

The Chairman noted that the situation involving Skyridge Church was a little different in that it served to end all development in the area. He noted that the applicant in the instant case did, however, obtain more public road frontage on the subject site, but fell short of the 200-foot public road frontage requirement. He stated that he believed the proposal put forth by the applicant at this time would be better than what is presently existing on the site and would also be better than that which was previously approved by the Zoning Board.

Mr. Vuicich stated that he agreed with the reasons set forth by Mrs. Brown. He stated that he had been considering whether or not there was practical difficulty or unnecessary hardship in the instant case. He said he also considered whether or not the request was prudent or wise. Mr. Vuicich stated that there was no question but that the 200-foot public road frontage requirement was in a certain sense arbitrary in that any specific number is somewhat arbitrary. Mr. Vuicich stated that it was his inclination to vary from that 200-foot minimum requirement as little as possible. He stated that he was concerned about precedent that would be set if a variance were granted in the instant case. He stated that he was generally a strict constructionist with respect to such matters.

Mr. Gemmill referred to the motion made by him in favor of a variance at the Board meeting on May 12, 1986, and the reasons stated by him at that time in support of his motion. Mr. Gemmill stated that he still favored the requested variance. He noted that a variance would not disturb ingress or egress and that the proposal would serve to improve what is presently there now. He noted that the applicant had tried to acquire additional property to meet the 200-foot public road frontage requirement, but had been unsuccessful. Mr. Gemmill noted that Section 66.203 allows the Board to grant a variance where it finds that there is either unnecessary hardship or practical difficulty.

The Township Attorney noted that Section 66.203 also allows the Board to grant a variance from the 200-foot public road frontage requirement where in the opinion of the Board, the spirit of this requirement is still observed, public safety, health and welfare secured, and substantial justice thereby accomplished. The Township Attorney stated that he believed the Board must ask itself whether any of the purposes identified by individual Board members as reasons for the 200-foot public road frontage requirement would be served by requiring strict compliance with that requirement in the instant case. The Township

Attorney stated that he did not, however, believe that the mere fact that there had been a change in ownership of the subject property and that the subsequent owner was unaware of the prior site plan approval could in itself be used as a basis for granting a variance.

Mrs. Brown stated that looking at the specific situation before the Board, the applicant was asking for a variance of 20 feet from the 200-foot public road frontage requirement and a further variance in recognition of the fact that the site's public road frontage was not contiguous. She stated that looking at this specific problem, she personally saw a problem. She noted that 9th Street provides limited access and that as a practicality the traffic flow from the development would come out on West Michigan. She stated that there is vacant land further to the north and the west. She stated that it would be possible for the applicant to get additional access on 9th Street.

Mr. Greenberg inquired as to what would happen if the Board said yes or no to the requested variance. Mr. Enderle stated that if the Board denies the variance, then the applicant would have to comply with the minimum 200-foot public road frontage requirement. He stated that if the applicant grants the requested variance, then the roadway would be built as shown on the site plan before the Board and resurfaced. He stated that the roadbed and curbs would meet County Road Commission specifications and no cul-de-sac would be constructed. He noted that the entryway would comply with all county road specifications except for the fact that it would not be located on a 66-foot wide right-of-way.

Mr. Greenberg inquired as to why the applicant objected to the construction of the cul-de-sac. Mr. Enderle stated that cost was one factor. He stated that another, more important, factor was the fact that the proposed cul-de-sac would have four roads leading into it, with no traffic island. He stated that this would cause people to go to the middle of the cul-de-sac circle and would create a real traffic danger. Mr. Enderle noted that if the cul-de-sac was constructed, the applicant would also have to eliminate some parking. He stated that the elimination of such parking would require the tenants in one building to park in back and then they would have to walk around the building to get into the building. In response to a further question from Mr. Greenberg, Mr. Enderle stated that the applicant would also have to redesign his project and that this would reduce the number of units in the development.

Mr. John Caron stated that it would be a major problem to change the walkway system with respect to the aforementioned change in parking spaces for one of the buildings.

Mr. Kreps stated that there is no land available to the north for obtaining additional public road frontage. Mr. Caron

stated that he had offered the property under twice the stated value of the land and the property owner had declined to sell the land.

After further general discussion, Mr. Vuicich moved that the Board deny the requested variance from the minimum 200-foot public road frontage requirement. Mr. Vuicich stated that the applicant had failed to make a showing of unnecessary hardship to justify the variance. He stated that those reasons put forth by the applicant did not rise to the level of being practical difficulties. He stated that these problems could be met and compliance with the Ordinance still be obtained. Mr. Vuicich further stated that he believed the granting of the requested variance would not be consistent with the spirit of the Zoning Ordinance. (Mrs. Brown stated that she believed the public safety was involved in the fact that the frontage is not contiguous and in the fact of the limited width of 9th Street makes such frontage along 9th Street of limited usefulness.) In response to a question from the Township Attorney, Mr. Vuicich further cited as a reason for his motion the fact that the hardship complained of by the applicant was self-created by the prior property owner.

Mrs. Brown then seconded the motion. A vote was then held on the motion and the motion failed by a vote of two to three, with Mr. Greenberg, Mr. Gonnill, and Mr. Block voting in the negative.

After further discussion, Mr. Greenberg then moved that the applicant be granted the requested variance from the minimum 200-foot public road frontage requirement subject to the condition that 9th Street be used as an entrance only for traffic to the north and that it be limited to right turn only. Mr. Greenberg stated that he saw a problem with this motion in that a no left turn sign could not be put on 9th Street.

Mr. Enderle stated that it would be possible to reconstruct the 9th Street entrance on the site so as to prevent entrance from the north.

Mr. Greenberg then withdrew his motion for purposes of further discussion.

Mr. Enderle stated that the applicant would be willing to reconstruct the 9th Street entrance to the site in conformance with Mr. Greenberg's prior motion and to place a no left turn sign for traffic leaving the site.

Mrs. Brown stated that she believed that portion of Mr. Greenberg's motion pertaining to the 9th Street entrance was more properly considered as part of site plan review than as part of a variance. Mr. Vuicich stated that he agreed with Mrs. Brown.

The Township Attorney stated that he believed Mr. Greenberg could legally include the aforementioned condition pertaining to the 9th Street entrance if Mr. Greenberg believed that such a condition was necessary in order to make the requested variance from the 200-foot public road frontage requirement consistent with the public safety, health, and welfare.) The Township Attorney noted that while other members of the Board could disagree as to whether Mr. Greenberg's aforementioned condition was a necessary element in making the requested variance consistent with the public health, safety, and welfare, but that Mr. Greenberg could lawfully make his motion.

Mr. Greenberg then moved that the Board grant the requested variance from the minimum 200-foot public road frontage requirement subject to the condition that the 9th Street entrance on the subject site be redesigned so as to permit entrance only for traffic from the north and that exit from the 9th Street access be limited to traffic turning southward (right turn only) and that a right turn only exit sign accordingly be established. Mr. Greenberg further moved that the variance be subject to the following additional conditions:

(1) That the 660-foot length of the entrance drive off West Michigan be constructed to meet all Kalamazoo County Road Commission construction requirements (including the "Kent County" curb and gutter arrangement) except the 66-foot right-of-way width requirement.

(2) That the applicant complete the striping as shown on the proposed amended site plan.

Mrs. Brown noted that the applicant had only 132 feet of public road frontage along Michigan Avenue and only 48 feet of public road frontage along 9th Street.

Mr. Gemmill then seconded the motion. Mr. Gemmill stated that he thought Mr. Greenberg's idea was excellent and that it does serve to enhance the safety of the development.

Mr. Vuicich stated that he questioned the desirability of the proposed changes to the 9th Street access. He stated that he believed there would be a problem with traffic mixing with Mi Ranchito. He stated that having two drives side by side is not a good idea. He stated that he did not believe this would increase safety.

Mr. Gemmill noted that Mr. Greenberg's motion would have the effect of eliminating traffic in one lane from turning left and would thereby increase the safety factor.

After further discussion, a vote was held on the motion and the motion passed by a vote of three to two, with Mr. Vuicich and Mrs. Brown voting in the negative.

The Chairman then noted that the Board now had before it the question of approving the requested amended site plan for Phase I of the apartment development.

In response to a question from Mr. Enderle, the Township Attorney stated that he did not interpret the Board's prior motion to have acted on the question of revising the requested site plan so as to eliminate the cul-de-sac shown in the original site plan. The Township Attorney stated that the Board's motion dealt only with the question of a variance from the minimum 200-foot public road frontage requirement. The Township Attorney then drew the Board's attention to Section 82.900 of the Township Zoning Ordinance pertaining to requests for site plan amendments.

After general discussion, Mr. Gemmill moved that the Board grant approval to the proposed site plan amendments subject to the following conditions:

(1) That the 9th Street entrance be redesigned in accordance with the terms imposed under the prior variance granted by the Board.

(2) That the applicant submit a revised site plan showing the changes to the 9th Street access and that this revised site plan be filed with and approved by the Township Building Department before the issuance of a building permit for Phase II of the development. Further, that if the Building Department has any question as to whether or not the revised site plan meets the conditions imposed by the Board in the granting of the variance, the Building Department shall present the revised site plan to the Board before the same is approved.

Mr. Greenberg seconded the motion.

Mrs. Brown stated that the amended site plan was an improvement over the present situation, but that the record should reflect that she still has traffic related concerns regarding the site. Mr. Vuicich stated that he was also concerned about the traffic arrangement on the site.

A vote was then held on the motion and the motion passed by a vote of four to one with Mr. Vuicich voting in the negative.

#### APPROVAL OF MINUTES

The Board then proceeded to review the minutes of the May 5, 1986, and May 12, 1986, Board minutes.

With respect to the minutes of the May 5, 1986, meeting, Mr. Vuicich noted that the word "conversation" should be substituted for "consideration" in the first sentence of the second to last paragraph of the first page of the minutes. Mr. Vuicich further



7275 W. MAIN STREET, KALAMAZOO, MI 49009  
616 375-4260

REQUEST FOR ZONING BOARD OF APPEALS MEETING

Date May 15 Present Zoning R-4 Fee \$ 300.00

Land Owner John Caron and Dr. William Campbell

Address 3768 Cedaridge, Kalamazoo, Mi. 49008 Phone 375-6518

Person Making Request Michael A. Kreps of Buckley-Kreps & Associates

Address 1249 Portage, Kalamazoo, Mi. 49001 Phone 344-1500

Interest in Property Project Designer and Construction Manager

Size of Property Involved 13.62 acres

Reason for Request To obtain a variance from the min. 200 foot Public Road Frontage requirement, and/or an amendment to the originally approved site plan which shows a 66 foot easement and road built to County specs into the project from Michigan Ave.

86 989 15

300.00 PDE -

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES OF MEETING HELD JUNE 2, 1986

MICHAEL KREPS - MILL CREEK APARTMENTS

The Chairman stated that the next item on the agenda was consideration of a request by Michael Kreps of Buckley-Kreps and Associates, Inc., for clarification and/or amendment of the following condition imposed by the Board in granting a frontage variance to Mill Creek on May 22, 1986:

- (1) That the 660-foot length of the entrance drive off West Michigan be constructed to meet all Kalamazoo County Road Commission construction requirements (including the "Kent County" curb and gutter arrangement) except the 66-foot right-of-way width requirement.

The Township Attorney stated that the prior variance approval granted by the Board at its May 22, 1986, meeting with respect to this matter unfortunately contained reference to a 660-foot long entrance drive. The Township Attorney stated that this reference to a 660-foot long entrance drive had erroneously been based on the original site plan submitted for Mill Creek Phase I and not the amended site plan presented to the Board

on May 22, 1986. The Township Attorney stated that unfortunately he had not caught this matter at the time of the prior Board meeting.

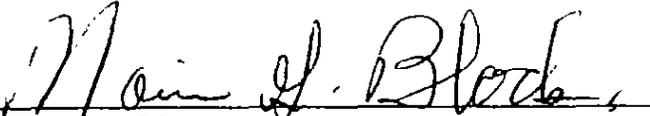
Mr. Kreps noted that the actual length of the entry way along which curbs and gutters would be constructed was 230 feet. He then identified this area on the site plan. Mr. Kreps stated that the roadway beyond this 230-foot length then goes into the various parking space areas. Mr. Kreps indicated that the double line along the entrance drive as shown on the site plan showed the area in which curbs and gutters would be established and the road would be improved to County Road Commission standards except for the absence of a 66-foot right-of-way.

Mr. Vuicich stated that he had previously made his feelings known as to the internal design of the site. He stated that he, however, had no problem with approving the requested clarification of the prior Board action. Mrs. Brown stated that her feelings had been similar to those expressed by Mr. Vuicich but that she had no problem with making the requested clarification and correction.

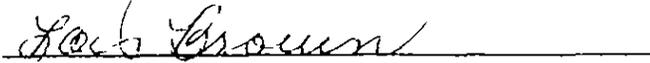
Mrs. Brown then moved that the Board amend condition (1) of the prior variance approval granted by the Board so as to show the length of the entrance roadway as 230 feet instead of 660 feet, but that all other conditions imposed by the Board in the original variance grant remain. Mrs. Brown noted that it was not feasible or practical to extend that type of curb and gutter into the parking area. Mr. Vuicich seconded the motion and the motion passed unanimously.

The Chairman noted that Mrs. Harvey had discussed with him the possibility of having a special meeting of the Board later this month. After general discussion, it was indicated that a special meeting date of June 18 or 19 would be acceptable to those members of the Board present. Mrs. Harvey stated that she would contact the other members of the Board and then let all the Board members know the date of the special meeting.

There being no further business to come before the Board, the meeting was adjourned.

  
MARVIN BLOCK

  
GEORGE VUICICH

  
LOIS BROWN

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES OF MEETING HELD NOVEMBER 3, 1986

A regular meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on November 3, 1986 at 2:30 p.m.

Members present:                    Marvin Block, Chairman  
   George Vuicich  
   Stan Rakowski  
   Lois Brown  
   Norman Greenberg

Members absent:                    None

Also present were Rebecca Harvey, Township Planner; Kenneth Sparks, Township Attorney; and approximately 12 interested individuals.

CALL TO ORDER

Chairman Block called the meeting to order at approximately 2:45 p.m.

DOYLE SIGNS, INC. REQUEST FOR VARIANCE FROM SIGN REQUIREMENTS

The Chairman indicated that Doyle Signs, Inc. was requesting on behalf of Jewel-Osco Drugs a variance approval from the sign requirements established by Section 76.125 of the Zoning Ordinance. The parcel in question is occupied by West Main Mall and is in the "C" District. The applicant was not present at the meeting and therefore the Board did not wish to take any action on the matter.

Mr. William Jamison of 1715 Deer Run asked the Board if he could comment on this matter, the Chairman indicated yes. He told the Board he hoped that any request brought by Doyle Signs, Inc. would take into account the previous Board's actions on West Main and Drake Road. He felt more than adequate square footage was already allowed by the current sign in the location at issue and that the Board did not need to make any further accommodations to this tenant or those within the Mall. He said the Board could be flexible in allowing a redesign or replacement of two signs with one, if it would clean up the visual appearance of the sign and that the current sign was not making good use of its sign space. He also said the fact that the theaters using signs based on West Main and Drake were using too much sign space should not be a support for Doyle Signs to do the same for Jewel-Osco. He asked the Board not to be a referee in the dispute among the individuals in the Mall but rather to simply enforce the zoning ordinance as it existed. Mr. Jamison also noted that they had just recently allowed a large sign to be put up for Chic Beauty College and hoped the Board would consider the

Ms. Brown asked when the property was deeded over. Mr. Hamlin indicated that it was around 1965 but Ms. Harvey indicated that it was the early 1980's.

Mr. Block asked for comments on this matter and Mr. Vuicich, Mr. Greenberg and Ms. Brown indicated that they had no problems with granting the variance. Ms. Brown indicated that it was a very small variance.

Mr. Greenberg made a motion to accept the variance for the reasons that the property is very close to the Ordinance guidelines and it was going to be used for the purpose for which it was intended. Mr. Rankowski gave his support to that motion. Mr. Block called for a vote and the motion passed unanimously.

BUCKLEY-KREPS REQUEST FOR MODIFICATION OF FRONTAGE VARIANCE GRANTED FOR THE MILL CREEK APARTMENT PROJECT

The Chairman indicated the next item of business before the Board was that of Michael Kreps of Buckley-Kreps & Associates, requesting modification of the condition of the frontage variance granted for the Mill Creek Apartment Project on May 22, 1986. The Chairman indicated the County Road Commission had disapproved the Board's plan of May 22, 1986. The Chairman asked Ms. Harvey if she had anything to report and she indicated she had nothing new on this matter. Mr. Block said the County had disapproved of the double driveway boulevard coming on to the County property.

Mr. Vuicich asked how much of the boulevard would have to be chopped off and Mr. Kreps indicated approximately 15 feet.

Mr. Sparks again pointed out to the Board that the County has superior jurisdiction and unless the Board were to come up with an alternative the County would accept, the Township could not insist on the curb cut without their approval.

Ms. Brown asked whether everything had been approved on Michigan. Mr. Kreps indicated that they had gotten the County's approval in that area.

Mr. Sparks said the island boulevard was already in the original site plan and therefore recommended a motion to amend the prior variance to allow changing the drive to conform to that which was approved by the Road Commission and take out the right turn only sign which the County Road Commission had disapproved. Mr. Sparks also asked what the Road Commission had approved prior to the variance. Ms. Harvey said the prior site plan has the boulevard minus the extension. Ken Sparks again pointed out that the Board could merely approve the site

plan as approved by the Road Commission and take out the right turn only sign. Mr. Rakowski indicated that it should be so moved, supported by Mr. Vuicich.

*Road* Mr. Block called for discussion on the matter. Ms. Brown stated that she did not like to approve items requiring County ~~Board~~ Commission approval. Mr. Kreps stated that they were doing their best to make a fine project. Ms. Brown said she was sure they were trying to make a fine project but did not like to have to continue to grant variances and was strongly opposed to a project which repeatedly asked for variances and felt that this showed a lack of adequate planning. The motion having been made and supported, Mr. Block called for a vote. The vote was 4 - 1 in favor of the motion with Ms. Brown opposing the motion.

There being no further business, the meeting was adjourned.

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Secretary

*Wm Block*  
*Stanley L. Rakowski*  
*Norman C. Greenberg*  
*Vuicich*

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES OF MEETING HELD MAY 16, 1994

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Agenda

ENGINEERED PACKAGING SYSTEMS (EPS) - SITE PLAN REVIEW - 24,000-SQ. FT. WAREHOUSE/DISTRIBUTION FACILITY

CHESTNUT HILLS APARTMENTS - SITE PLAN REVIEW - PHASE II

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A meeting was conducted by the Oshtemo Charter Township Zoning Board of Appeals on Monday, May 16, 1994, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

MEMBERS PRESENT: Stanley Rakowski, Chairperson  
Elaine Branch  
Brian Dyhloff

MEMBERS ABSENT: William Saunders  
William Miller

Also present were Rebecca Harvey, Planning and Zoning Department, James W. Porter, Township Attorney, and approximately ten (10) other interested persons.

CALL TO ORDER

The Chairperson called the meeting to order at 4:09 p.m. The Chairperson indicated that the meeting had been delayed until a quorum could be convened. The Chairperson apologized to the audience for the delay. The Chairperson also stated that Ms. Fish had withdrawn her request and that the Borgfjords agreed to return on May 19, 1994, for their hearing.

MINUTES

The Board considered the minutes of the meeting of April 25, 1994, and May 2, 1994. Ms. Branch indicated that the staff had made extensive corrections to the minutes of April 25, 1994, and felt that those corrections should be incorporated. Ms. Branch moved to approve the minutes as corrected by staff. Mr. Dyhloff seconded the motion. The motion carried unanimously.

## CHESTNUT HILLS APARTMENTS - SITE PLAN REVIEW - PHASE II

The next item of business was the application of John Oosterbaan of Chestnut Hills Apartments for site plan review of a proposed expansion to consist of 60 additional units (three buildings). The subject site is located at 2487 Chestnut Drive (off Stadium Drive) and is within the "R-4" Zoning District classification.

The applicant is also requesting variance approval from the dwelling unit density standards established by Section 24.207 of the Zoning Ordinance.

John Oosterbaan, general partner, and Jerry Klingele, architect, were present representing the applicant.

The report of the Planning and Zoning Department is incorporated herein by reference. Ms. Harvey stated that it was her opinion that they should consider the variance prior to review of the site plan because, depending on the decision of the Board, a revised site plan might be necessary.

Ms. Harvey reviewed the standards of Section 24.207 regarding the density restrictions. She indicated that, depending upon the location to a "R-2" Zone, the density standards could be affected. She said explained that, in the instant case, under Section 24.207(A) the 1.5 acres within 200' of the "R-2" Zone would be limited to nine units and that the remaining 4.5 acres would be limited to 36 units. She said this would result in a total allowed density under the current ordinance of 45 total units. Ms. Harvey explained that the Board usually applied the standards to the total land area and then identified where the various units could be built. She said that, in so doing, they could restrict the number of units within the 200' buffer area adjacent to the plat to the north.

Ms. Harvey stated that the applicant was requesting a total of 60 units or a 15-unit variance. Ms. Harvey said that Phase I was developed in 1979 with 96 units on six acres or approximately 16 units per acre. She said that at that time 17 units per acre was the density limitation. However, she did note that, shortly after Phase I approval, the density provisions were changed to allow only 12 units per acre and that two years ago the Township further reduced the density to eight units per acre.

Ms. Harvey suggested that the Board go through the four basic criteria that they always consider for a variance request and determine whether or not the criteria are being met. Ms. Harvey quickly reviewed the four criteria with the Board, including (1) whether the ordinance was unnecessarily burdensome, (2) whether variance would do substantial justice, (3) whether or not there were unique physical circumstances with respect to the subject parcel and (4) whether or not the need for the variance was self-created.

The Chairperson asked the applicant to make their presentation. John Oosterbaan stated that he was a general partner for the applicant. He explained to the Board that they

had had excellent occupancy throughout the years and wanted to add to their design in a manner consistent with Phase I. He pointed out to the Board that they were not proposing any units next to the single-family residential homes and, therefore, would not be proposing any units within the 200' area abutting the plat. He said that the density requirements were based upon economics and that if they had less than ten units per acre he thought there would be a problem developing the property. The applicant then indicated that the Board had their site plan and believed that they could make their decision based upon the same.

The Chairperson asked that the minutes reflect that there was no one in the audience to comment and, therefore, there would be no further public discussion.

Ms. Branch said that she had been contacted on the phone by a resident who said they represented five other property owners on Plainview. She said that they wanted to note their objection to the granting of the variance and believed that it would be an unwarranted increase in the use of the property in the area.

Ms. Harvey again reminded the Board to apply the practical difficulty standard to the request. Ms. Branch asked if they were requesting ten units per acre or 13 units per acre. Ms. Harvey indicated that, if you were only looking at the 4.5 acres upon which they proposed to build the units, it would be 13 units per acre but that, if you looked at the total six acres, it would only be ten units per acre.

Ms. Branch told the Board she did not believe that the density standards were unnecessarily burdensome in that, if the request for variance was denied, it would not render the property useless. She said that it was still reasonable to construct 45 units upon the six acres at issue. She added that it would not do substantial justice to grant the variance in that no other similar variances had been requested or approved and that recent apartments built within the Township were built in compliance with the new standards. She also added that there were no unique circumstances, physical or otherwise, that would warrant a variance in this case. Ms. Branch said that the request for the variance was self-created based upon the design of the development and not upon any other factors. Lastly, Ms. Branch added that she did not believe the spirit of the ordinance could be observed if they granted the request and that it would run contrary to the changes that they had recently made in the ordinance regarding density, which she believed were made in the interests of public safety and welfare and supported by the Master Plan. Therefore, she stated that she would not be in favor of a reduction of the standards and believed that there was nothing that would justify the granting of the variance.

The Chairperson asked if that was a motion, and Ms. Branch said that she would make a motion to deny the variance based upon the reasoning that she had just set forth. The Chairperson indicated that he agreed 100% with the statements that Ms. Branch made and believed that the problem was self-created. Mr. Dyhloff seconded the motion. The Chairperson asked if there was further discussion and, hearing none, called for a vote. The motion carried unanimously.

Mr. Oosterbaan asked, if they resubmitted their site plan with the lesser density, how many units they could have. Ms. Harvey responded that the applicant could have 45 units. The applicant was also told to note the deficiencies in their site plan, to-wit: dumpster location, design, lighting, landscaping, parking, utilities and screening abutting the "R-2" Zone. The engineer indicated he would bring the site plan into compliance with the ordinance.

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 5:25 p.m.

OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS

By: Stanley Rakowski  
Stanley Rakowski, Chairperson

By: \_\_\_\_\_  
William Miller

By: Elaine J. Branch  
Elaine Branch

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

By: Brian Dyhloff  
Brian Dyhloff

Minutes Prepared:  
May 18, 1994

Minutes Approved:

6-20-94

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES OF REGULAR MEETING HELD APRIL 29, 1991

**WEST KALAMAZOO CHRISTIAN CHURCH - SITE PLAN REVIEW OF 4,500 SQUARE FOOT ADDITION AND VARIANCE REQUEST FROM 200 FOOT CONTIGUOUS ROAD FRONTAGE REQUIREMENT OF SECTION 66.201**

The Board next considered the application of Doug Peters, representing West Kalamazoo Christian Church, for site plan review of a proposed 4,500 square foot church educational addition. The applicant also sought variance approval from the 200 foot contiguous road frontage requirement established by Section 66.201 of the Zoning Ordinance. The subject site is located at 454 South Drake Road and is within the "R-2" Residence District zoning classification.

Rebecca Harvey, on behalf of the Planning and Zoning Department, summarized her report concerning the item. That report is incorporated herein by reference. Ms. Harvey drew the Board's attention to the fact that the Zoning Board of Appeals had considered the applicant's request for site plan review of the proposed addition on April 15, 1991. The Board had tabled action on the request to the meeting of April 29, 1991, to allow certain modifications of the site plan and to permit consideration of variance approval regarding the 200 foot contiguous frontage requirement of the Zoning Ordinance; She reminded the Board that the variance approval was necessary as a result of the sale of the southern-most 66 foot Drake Road outlot. The retention of the outlot in question was a condition or requirement of a previous variance approval granted to the subject site on July 2, 1984.

A representative of the applicant was present and first addressed the site plan amendments. He indicated that a contract for the requested striping of the parking lot had been obtained. Further information had been submitted to the Township regarding the proposed location of the dumpster. The representative also reported that the screening of the site had been reviewed. It had been determined that most areas of required screening were in compliance with the approved site plan. However, in those areas where no plantings were located, trees had been obtained and would had already been planted.

As to the sale of the outlot, it had been determined that the Skyridge Church of the Brethren, to whom the outlot had been sold, was selling its old church building and the outlot to a third party. It was not believed that the outlot could be repurchased from Skyridge Church of the Brethren. However, the representative pointed out that the parcel in question has four outlots, 66 feet each, and therefore, the parcel in question has 264 feet of noncontiguous frontage. He indicated that he wished to assure the Board that none of the remaining four outlots would be sold, i.e.,

not retained as a part of the parcel in question. The representative, therefore, indicated that the Attorney for West Kalamazoo Christian Church had drafted an affidavit concerning deed restrictions, i.e., restricting the sale of the outlots, which affidavit would be recorded with the Register of Deeds office. Therefore, any title search would reveal the restrictions on the sale of the four outlots.

There was no public comment on the item, and the Chairman closed the public hearing.

Ms. Branch had questions concerning the boundaries of parcel 069. Ms. Harvey indicated that it was believed that the boundaries were as reflected on the Township's Vicinity Map of the area.

Mr. Vuicich indicated that he was not pleased that the fifth outlot, i.e., the southern-most Drake Road outlot, had been sold by the applicant and not retained as a part of the parcel in question as required by the previous variance approval of the Oshtemo Zoning Board of Appeals. However, Mr. Vuicich, given the circumstances, felt it would be difficult to deal with the variance issue.

Ms. Harvey suggested that the Board examine the application as if it were a new variance request to determine if the standards for a non-use variance had been met.

After further discussion, Mr. Rakowski moved to grant a variance from the 200 foot contiguous road frontage requirement of Section 66.201 to the parcel in question conditioned upon outlots C, D, E, and the outlot on Drake Road remaining a part of the parcel and site in question, under the same ownership. The grant of the variance was further conditioned upon the execution and recording of the affidavit regarding deed restrictions on the sale of said outlots. Mr. Rakowski cited the following reasons:

- (1) That substantial justice would require the grant of the variance in that:
  - (a) The parcel, due to the outlots, had 264 feet of noncontiguous road frontage; reference to Sections 66.203 and 66.204.
  - (b) The variance would permit development of the parcel as one site;
  - (c) The development of the proposed site would complete development of the area, given the surrounding plat.
- (2) That the unique and peculiar character of the site in question justified the grant of variance.

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

The Board next considered the site plan itself. Ms. Branch moved to approve the site plan amendment subject to the following conditions, limitations, and notations:

- (1) That the parking lot (including the "future parking" area) should be striped as reflected on the proposed site plan and in compliance with all dimensional requirements;
- (2) That all lighting be of sharp cut-off in type and comply with Section 78.700 of the Zoning Ordinance;
- (3) That the proposed dumpster be shown on the revised site plan and that the dumpster be enclosed on three sides;
- (4) That the previously approved screening be shown on the revised site plan;
- (5) That approval be subject to the review and approval of the Fire Department and Township Engineer;
- (6) That the barrier free parking be designated by pavement logo and signage;
- (7) That the affidavit restricting sale of the outlots be executed and recorded by the parcel owner.

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

**MCDONALDS - SITE PLAN REVIEW OF PROPOSED 800 SQUARE FOOT PLAYSPACE ADDITION - VARIANCE REQUEST FROM PARKING REQUIREMENT OF SECTION 68.311**

The next item of business was the application of Tim Merrill, representing McDonalds, for site plan review of a proposed 800 square foot playspace addition. The applicant also requested variance approval from the parking requirement established by Section 68.311 of the Zoning Ordinance. The subject site is located at 5394 West Main and is within the "C" Local Business District zoning classification.

The applicant was present.

Rebecca Harvey, on behalf of the Planning and Zoning Department, summarized her report concerning the item. That report is incorporated herein by reference. She noted that the site plan proposes 36 parking spaces plus 10 spaces in the "stacking" area

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES OF MEETING HELD FEBRUARY 2, 1987

A regular meeting was held by the Oshtemo Charter Township Zoning Board of Appeals on Monday, February 2, 1987, beginning at 3:00 p.m. at the Oshtemo Charter Township Hall.

Members present:                   Marvin Block, Chairman  
                                      Stanley Rakowski  
                                      George Vuicich  
                                      Ross Hamilton  
                                      Lois Brown

Also present were Rebecca Harvey of the Township Building and Zoning Department; John Lohrstorfer of Bauckham, Reed, Lang, Sparks, Rolfe & Thomsen, P.C., Township Attorneys; and other interested persons.

The Chairman called the meeting to order at 3:02 p.m. and indicated that the first matter of business was the review of the minutes from January 5, 1987. It was recommended that on page 2, fourth paragraph, 3rd line, the word "signs" be changed to "sign" and add the word "walls". On page 8, the first paragraph, third line, should be changed to read "to be subject to the 30-foot height requirement stated in the Ordinance". On page 10, the fifth paragraph, second to last line, should read "the motion was seconded by Mr. Hamilton" not "Mr. Rakowski". On page 11, the signature should read "Ross Hamilton" and not "Norman Greenberg". There being no other corrections to the minutes, Mr. Hamilton made a motion that the minutes be approved as corrected, seconded by Mr. Rakowski and passed unanimously.

Item A - MIKE STRAKA - REQUEST FOR VARIANCE APPROVAL FROM FRONTAGE REQUIREMENT.

The Chairman noted that the first item on the agenda was the request from Mike Staka for variance approval from the 200 foot frontage requirements pursuant to Section 66.201 of the zoning ordinance. The parcel is located at 2365 North 2nd Street and is in the "AG" Rural District. Mrs. Harvey had already submitted her report on the variance request to the Board and made no comments at that time. Mike Straka then addressed the Board and explained that he wanted to divide his property into two parcels so that he could build on one and sell the other. He did not feel that the division went against the spirit of the Ordinance; that there would be minimum curb cuts and that he had met all the provisions. Using a sketch of the area he pointed out to the Board that he would divide the parcel into two parts: Parcel A would have 200 feet of road frontage and consist of 1.15 acres and would contain the existing house and garage. Parcel B would consist of 12.18 acres and have 240 feet of non-contiguous road

frontage with 150 feet on one side of the parcel and 90 feet on the other.

Theodore Snow of 10454 West J Avenue explained that he was the deed holder of the property. He was surprised that Mr. Straka was asking for a variance and was concerned about the rest of the property that he owns. He explained to the Board that he intends to sell some of the surrounding property and divide into parcels along J Avenue and some fronting on 2nd. Mr. Snow presented a sketch of his proposal to the Board in reference to Mr. Straka's property and expressed concern about the proposed division because he felt that this would not be in conformity with the other proposed divisions.

Next, Glen Lewis who identified himself as a realtor working with Mike Straka urged the Board to look at past precedents and also the fact that his client has put a lot of money into the property and that as a owner he should be able to get his money out by the suggested proposal. The Chairman then closed the public hearing and the Board deliberated on the request.

Lois Brown stated that this request was similar to other ones brought before the Board and that they should not be influenced by the applicant's residence per se. Rather the Board should look at whether or not the requested variance was compatible with the neighborhood and building site requirements. George Vuicich voiced concerns over the fact that the proposed division of the parcel would make a very small parcel for the Township area. He felt that the Board should consider the possibility of creating larger parcels such as five acres in the western 2/3 of the Township. Mr. Vuicich also voiced concern over added precedents; whether the applicant would meet the minimum frontage and curb cuts; and did not feel that the applicant was meeting the standards. In looking at the standards for granting a variance he wondered whether or not this was really a unique circumstance of the parcels and whether or not this was a "self-created" situation.

Mr. Rakowski joined in sharing the same concerns and also voiced the problem of non-contiguity. After further discussion, Mr. Vuicich made the motion to deny the request for a variance for the following reasons: (1) That denial of the request would not unreasonably prevent the owner from reasonable use of his property; (2) that the plight of the owner was due to his own self-creation and not due to the uniqueness of the parcel; (3) that granting the variance would put the parcels out of conformity with the rest of the area. Motion was seconded by Mr. Rakowski was passed 4 - 1 with Mr. Hamilton voting against.

HAYES AND LOIS BROWN - VARIANCE REQUEST

The Chairman stated that the next item on the agenda would be consideration of a request by Hayes and Lois Brown for variance approval from the minimum 200-foot public road frontage requirement contained in Section 66.201 of ~~the~~ Township Zoning Ordinance with respect to a parcel of land located at 4106 South 1st Street within the Township. It was noted that the subject property is located in the "AG" zoning classification.

Mrs. Brown stated that because she was a party to this application and had a conflict of interest, she would be abstaining from Board discussion on this matter and from Board vote on this matter.

Mrs. Harvey stated that the applicant desires to divide the existing approximately 30-acre parcel on the site into two parcels. She stated that the existing parcel has 398 feet of frontage on South 1st Street, 329.3 feet of which is contiguous. Mrs. Harvey indicated that the applicant wished to divide the existing parcel into two parcels, which Mrs. Harvey referred to as "Parcel A" and "Parcel B". Mrs. Harvey stated that Parcel A would have 200 feet of non-contiguous frontage consisting of 68.7 feet and 131.3 feet of frontage separated by a 660 foot stretch of adjacent property. She stated that proposed "Parcel B" would have a frontage of 198 feet and a depth of 330 feet and would require a 2-foot variance from the minimum 200-foot public road frontage requirement. Mrs. Harvey stated that, accordingly, a variance from the minimum 200-foot public road frontage requirement would be needed for both proposed parcels.

Mrs. Harvey stated that there is currently one single-family structure on the site. Mrs. Harvey stated that if the 30-acre parcel is to be split, then she believed the proposed split would constitute the most efficient division of the 30 acres with respect to the question of compliance with the public road frontage requirement. Mrs. Harvey noted that past Board interpretation of Section 66.201 has been that the minimum 200-foot public road frontage requirement pertained to 200 feet of contiguous frontage. Mrs. Harvey noted that there is a plat on the east side of 1st Street across from the subject property. She stated that the plat consists of 24 lots having approximately 112 feet of public road frontage.

Mrs. Harvey noted that since the Board's interpretation last year that the minimum 200-foot public road frontage pertained to contiguous frontage, the Board had on three occasions granted variances involving non-contiguous road frontage.

Mr. Hayes Brown then addressed the Board. He stated that the applicant intended to build a house approximately 300 feet back on the subject property. He stated that the applicant

did not at this time intend to split the proposed back 28-acre parcel further. The Township Attorney stated that if the requested variance were granted, the applicant could not lawfully make a further split in the back portion without obtaining a further variance or otherwise coming into compliance with the minimum 200-foot public road frontage requirement for unplatted lands.

In response to a question from Mr. Cirro Masola, Mr. Brown stated that the purpose for the proposed split was to enable the applicants to sell their existing house on proposed Parcel B and to build a house in the center of proposed Parcel A.

The Chairman stated that the requested variance with respect to Parcel B was only a 1-1/2 foot variance from the 200-foot public road frontage requirement and that he saw no problem with granting such a small variance.

Mrs. Harvey then reviewed the reasons for the three previous variances granted by the Board in the case of non-contiguous frontage. Mrs. Harvey stated that with respect to the variance granted Skyridge Church, the Board had cited the unique and peculiar character of the land as one of the reasons for the variance. She stated that the Board had also cited the fact that the parcel was being developed as a whole by the church. She stated that the Board had also noted that the establishment of the church on the site would complete development of the entire parcel. She stated that the Board also noted that the Skyridge Church parcel was completely surrounded by developed platted land.

Mrs. Harvey stated that with respect to the variance granted Mr. Visser, the Board had imposed the condition that there should be no additional development on the site until the subject property satisfied the minimum public road frontage requirements contained in the Township Zoning Ordinance. She stated that the Board had further noted that the parcel was large and could easily accommodate the one residence proposed by Mr. Visser. She stated that the Board had also noted that the requested variance was consistent with the public safety, health, and welfare and with the purposes of the Zoning Ordinance provisions.

Mrs. Harvey stated that with respect to the variance granted the Mill Creek development, the Board had granted such a variance subject to specific conditions regarding driveway design.

Mr. Block stated that he believed the reasons given for the variance granted the Skyridge Church property would also apply in the instant case.

Mr. Vuicich noted that since this application involved a member of the Zoning Board of Appeals, it was important that the Board treat this matter as objectively as it could and that

the record show the Board's reasoning with respect to any action taken.

Mr. Vuicich then moved that the Board grant the requested variances, subject to the condition that Parcel A be developed as a whole and not be further split unless and until a further variance is approved by the Zoning Board of Appeals. Mr. Vuicich stated that he believed there were practical difficulties justifying the requested variance. He noted that there were four existing properties in the vicinity having frontage comparable to that proposed. He further noted that with respect to the requested variance for the parcel having 198.7 feet of frontage, this was a very small variance. Mr. Vuicich further stated that he believed the requested variance was consistent with the purposes of the Ordinance. Mr. Vuicich also cited as a reason for his motion the fact that there are platted lots across the street having public road frontage of approximately 110 feet. Mr. Vuicich further cited as a reason for his motion the fact that Parcel A was proposed to be developed as a whole. Mr. Vuicich further stated that he believed the granting of the requested variances was consistent with prior decisions made by the Board.

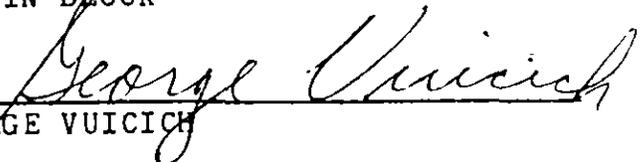
Mr. Gemmill seconded the motion and the motion passed by a vote of three to nothing, with Mrs. Brown abstaining.

#### APPROVAL OF MINUTES

Upon motion of Mr. Vuicich, seconded by Mrs. Brown, the minutes of the June 2, 1986, Zoning Board of Appeals meeting were approved as prepared.

There being no further business to come before the Board, the meeting was adjourned.

  
MARVIN BLOCK

  
GEORGE VUICICH

  
LOIS BROWN

\_\_\_\_\_  
JOE GEMMILL

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES OF MEETING HELD FEBRUARY 13, 1986

SAM VISSER - VARIANCE REQUEST

The Chairman noted that the next item on the agenda of the meeting was consideration of a request by Mr. Sam Visser for a variance from the 200-foot public road frontage requirement set forth in Section 66.150 of the Township Zoning Ordinance. It was noted that this matter had been considered by the Board at its prior meeting on February 3, 1986, and this matter tabled and referred to the Township Attorney's office for advice.

The Township Attorney stated that, pursuant to the Board's request, his office had reviewed this matter. The Township Attorney noted that when the Board had referred this matter to the Township Attorney, the Board had specifically raised the question of whether the Board could lawfully require as a condition of the variance that the two platted lots owned by Mr. Visser in Westport Plat No. 5 and having a frontage of more than 200 feet on H Avenue be placed into "escrow" so that they would not be developed until the residence in question was either platted or otherwise came into compliance with the 200-foot public road frontage requirement. The Township Attorney stated that it was his office's opinion that while such an "escrow" arrangement was legally possible, it was not recommended. The Township Attorney stated that the imposition of such a requirement would, as a practical matter, serve no useful purpose. He noted that the platted lots, since they are platted, would not become part of the parcel in question. The Township Attorney noted that, given the proposed location of the proposed residence on the subject property, it was clear that the platted lots were too far away from the subject residence to realistically be expected to serve as the point of access for the residence. The Township Attorney stated that it was clear that the proposed residence would use the 81 feet of public road frontage along Windrift Drive for access. The Township Attorney stated that since the proposed "escrow" arrangement involving the platted lot would not serve any useful purpose, his office did not recommend this approach.

The Township Attorney stated that his office agreed with the opinion expressed by Board members at the prior meeting that the mere fact that the subject parcel had five separate, non-continuous outlots totaling more than 200 feet in frontage would not be sufficient in itself to justify the granting of the requested variance. The Township Attorney stated that it was also his office's opinion that any statements made by the Township Supervisor to Mr. Visser expressing a contrary opinion

would not, in the circumstances of this particular situation, justify the granting of the requested variance.

The Township Attorney stated that his office did believe, however, that it would be possible for the Board to find that the requested variance would, in the instant case, meet the criteria set forth in Section 66.203 of the Township Zoning Ordinance authorizing such a variance when, in the opinion of the Board, the spirit of the Zoning Ordinance provisions would still be observed, public safety, health and welfare secured, and substantial justice thereby accomplished. The Township Attorney noted that the purpose of the 200-foot public road frontage requirement was in large part targeted toward assuring that a parcel of land be of adequate size to provide adequate room for sewage disposal facilities. The Township Attorney noted that, given the large size of the parcel in question (approximately 55 acres), it was clearly of sufficient size to provide adequate sewage arrangements. The Township Attorney also noted that the proposed location of the subject house was close to the Windrift Drive access and that a variance might not be appropriate if the residence were instead proposed to be located more centrally in the subject parcel and not close to existing adequate public road frontage. The Township Attorney stated that it is also clear both from the statements made by Mr. Visser and by the zoning and development pattern of the area that the land on which the residence will be located will be platted in the near future. The Township Attorney stated that it was his office's opinion that if the Board concluded that a variance was appropriate, the Board should impose as a condition of such variance that no more residences or other buildings shall be erected on the entire parcel in question until the subject residence is located on a platted lot or otherwise comes into complete compliance with the 200-foot public road frontage requirement. The Township Attorney stated that it was his office's opinion that such a condition would be necessary to assure that the variance was consistent with the intent of the Township Zoning Ordinance and the public health, safety, and welfare.

It was noted that Westport Plat No. 7 is presently before the Township Board for approval. Ms. Brown noted that Westport Plat No. 8, which would encompass the proposed residence, is not currently on the drawing board. Mr. Visser stated that he would have no problem with the condition suggested by the Township Attorney. He stated that he would not be back for another building permit for the property until such time as the land on which the residence is located is platted. Mr. Visser stated that Westport Plat No. 8 would include the residence and that he was locating the residence so that it would be in full compliance with all applicable setback requirements that would be imposed in such a plat.

Ms. Brown stated that she felt more comfortable with the condition suggested by the Township Attorney. She noted that the closeness of the proposed residence to Windrift and the proposed plat development of the subject property would, along with the large size of the parcel in question, seem to justify a variance along the terms suggested by the Township Attorney.

Mr. Gemmill stated that he agreed with the condition suggested by the Township Attorney. The Chairman stated that he was also in agreement.

After further general discussion, Mr. Vuicich moved that the Board grant the applicant a variance from the 200-foot public road frontage requirement so as to permit the construction of one residence on the subject parcel, subject to the condition that no additional development shall occur anywhere in the entire parcel until the residence comes into full compliance with the applicable public road frontage requirements contained in the Township Zoning Ordinance. Mr. Vuicich cited as reasons for his motion the fact that the parcel in question is very large and can easily accommodate one residence, the fact that the granting of the variance would be consistent with the spirit and intent of the Township Zoning Ordinance and would be consistent with the public safety, health, and welfare and substantial justice as set forth in Section 66.203. Mr. Vuicich further cited as reasons for his motion the fact that the proposed residence would be located close to the existing 81-foot access along Windrift. Mr. Vuicich further cited as another reason for his motion the fact that the land on which the residence is proposed to be located will be developed into a plat in the near future.

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

Mr. Visser thanked the Board for their time and consideration in this matter.

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS  
MINUTES OF MEETING HELD FEBRUARY 4, 1985

WEST KALAMAZOO CHRISTIAN CHURCH - VARIANCE REQUEST

The next item to come before the Board was consideration of a request by Mr. James Munson of the West Kalamazoo Christian Church requesting variance approval from the 200-foot continuous public road frontage requirement contained in Section 66.201 of the Township Zoning Ordinance. It was noted that the subject parcel is located on the west side of Drake Road situated in the center of Skyridge Plat, and contains five outlots.

The Zoning/Building Department Report indicated that at the July 2, 1984, Zoning Board of Appeals meeting, a variance was granted to the Church subject to the condition that the site develop two access drives, one onto Skyridge and the other onto Driftwood. It was noted in the report that the applicant is now requesting that this variance approval be modified so as to approve an arrangement with one proposed access drive to be located directly off of Drake Road. It was further noted

that this proposal had been approved by the Kalamazoo County Road Commission.

Mr. Ray Shirley and Mr. David McAllister were present on behalf of the applicant.

In response to a question from the Chairman, Mr. Shirley indicated that the applicant would probably develop the northern outlot along west Drake Road as its access, as opposed to the southern outlot along Drake Road. Mr. Shirley stated that the Church was requesting this modification and the Board's approval because it had discovered that the cost of constructing a second exit onto outlot C on Driftwood Avenue would be prohibitive to the Church. Mr. McAllister noted that the proposed access arrangement would alleviate the concern previously expressed by the Board concerning Church traffic going through the plat.

In response to a question from the Chairman, Ms. Harvey noted that the applicant was before the Board at this time solely for the purpose of seeking revision to the prior variance granted by the Board and that no site plan review was being requested at this time.

Mr. Block indicated that he could not understand the position taken by the County Road Commission. He stated that he would hate to see more curb cuts along Drake Road in this area. Mr. Block then reviewed the existing curb cuts in the area. He noted that there is currently a lot of traffic along Drake Road and that this is likely to increase once the soccer complex is fully developed.

In response to a question from the Board, Mr. McAllister noted that there is already a driveway on the site of the proposed Drake Road access, which Driveway is currently being used by the Church of the Brethren. Mr. McAllister stated that it might be possible for the two churches to share this entrance.

Mr. McAllister indicated that it was the desire of the Church to just build and develop 50 parking spaces at the time of initial construction on the property and reserve area for additional parking spaces as needed.

Ms. Carolyn Lasera indicated that her house backs up to the church property. She stated that she had no objection to the church going in at the site. She stated that she was concerned that a one driveway arrangement such as that being proposed by the applicant might lead to a problem such as that now being experienced in Portage with respect to the First Assembly Church.

Mr. McAllister noted that the applicant would have to get Zoning Board of Appeals approval before it could put in another access road.

Mr. Scott Jeffries, who stated that he was also present on behalf of the church, stated that in the worst case, the proposal would result in the existing entrance along West Drake Road being upgraded. He stated that if the proposed access were not currently being used as an entrance and exit, the situation would be different.

In response to a question from the Chairman, Mr. Shirley indicated that he would have no objection to the Board requiring that the proposed access drive also be made available for use by the Skyridge Church of the Bethren.

Ms. Brown indicated that she had a problem with allowing the access going directly out onto Drake Road. She stated that she was not sure, however, whether this arrangement isn't the lesser of two evils. She stated that she was inclined to lean toward that solution right now, particularly since there would be a deceleration lane. Mr. McAllister indicated that this type of traffic arrangement was referred to as a "commercial taper".

Mr. Block noted that the soccer complex is nearby and that currently traffic on Sundays is very bad, especially in November and December. He stated that he believed eventually a traffic light would have to be installed at either Driftwood or Skyridge.

Mr. Shirley noted that other permissible uses of the subject site would create greater traffic than the two churches. Mr. McAllister noted that, at this point, the two churches on the site are relatively small. He noted that Board approval would be required before any other accesses could be established to the site. He stated that at the time that the churches grew to the point that additional accesses were needed, this would be the appropriate time to construct two additional accesses, one on Skyridge and one on Driftwood.

In response to a question from Ms. Brown, the Township Attorney stated that it would be legally possible for the Board to grant a variance subject to the requirement that at such time as the Board determines that there is a traffic problem and additional accesses are needed, the Driftwood access would have to be constructed. The Township Attorney noted that such a condition might be difficult to enforce and he then reviewed the possible problems of enforcement of such a condition.

After general discussion, Ms. Brown moved that the Board grant the applicant a variance from the 200-foot continuous public road frontage requirement contained in Section 66.201 of the Township Zoning Ordinance, said variance being granted subject to establishment of one access to the site through the northern outlot on Drake Road. Ms. Brown further moved that this variance be subject to the additional condition that prior to the time that a building permit is issued for construction of the Church and the access drive, a copy of a recorded easement granting access to the drive to Skyridge Church of the Bethren be filed with the Township Building Department.

The Chairman then temporarily resigned his chairmanship for the purpose of providing support for Ms. Brown's motion. Mr. Block was appointed temporary chairman. Mr. Long then supported Ms. Brown's motion. A vote was then held on the motion and the motion passed by a vote of two to one, with Mr. Block voting in the negative.

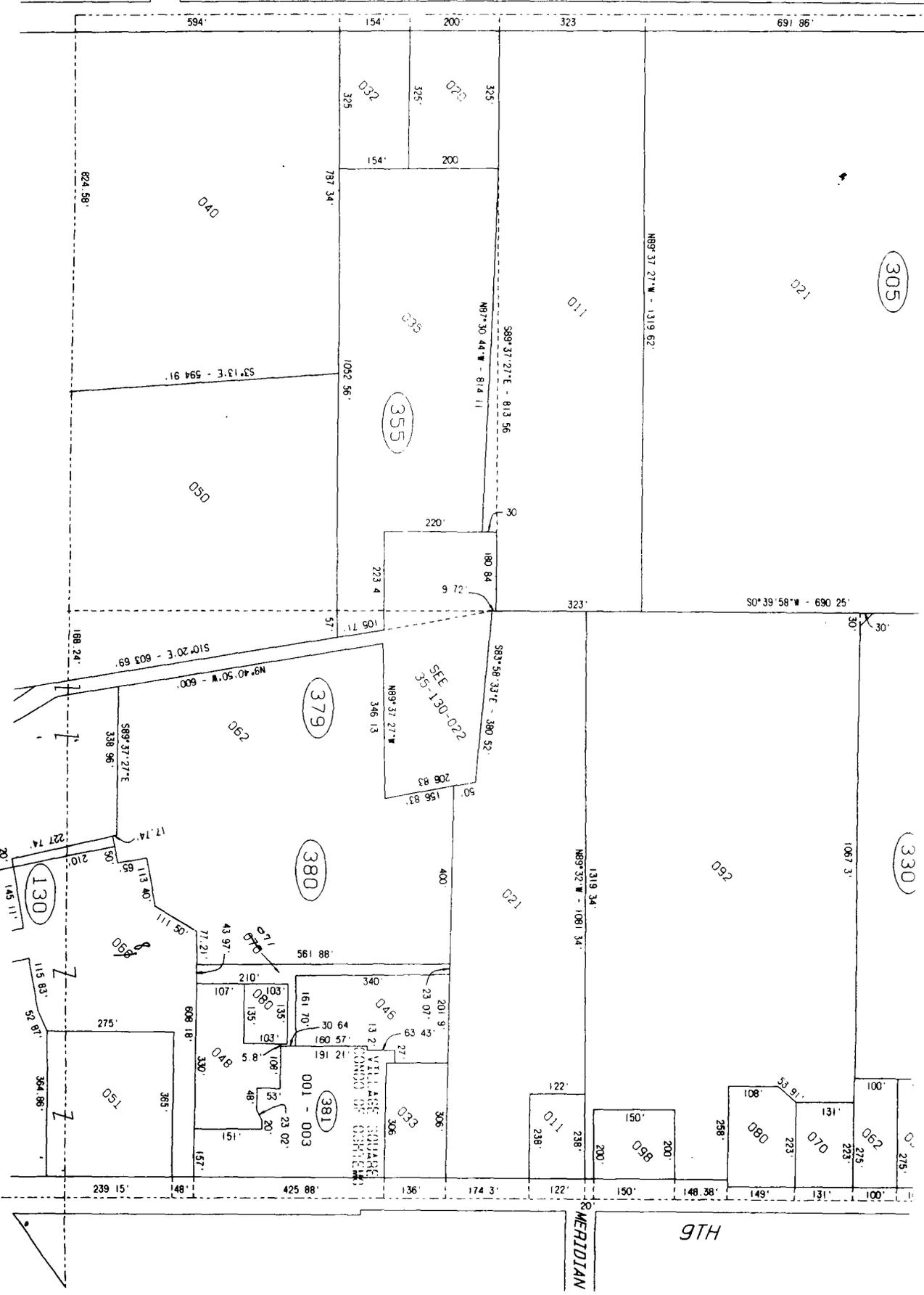
#### AL LAAKSONEN - 6070 WEST MAIN

Mr. Long then resumed his Chairmanship of the meeting. He announced that the next item on the agenda was consideration of a request by Mr. Al Laaksonen of 6070 West Main for a Board interpretation of Section 68.150 of the Township Zoning Ordinance.

Ms. Harvey noted that at its meeting on February 7, 1983, the Board determined that the charter fishing trip scheduling business conducted by Mr. Laaksonen constituted a lawful home occupation, provided his fishing boat was stored in conformance with the applicable provisions of the Zoning Ordinance. Ms. Harvey stated that it was the opinion of the Zoning/Building Department



8TH



305

355

379

380

381

330

130

351

110

350

360

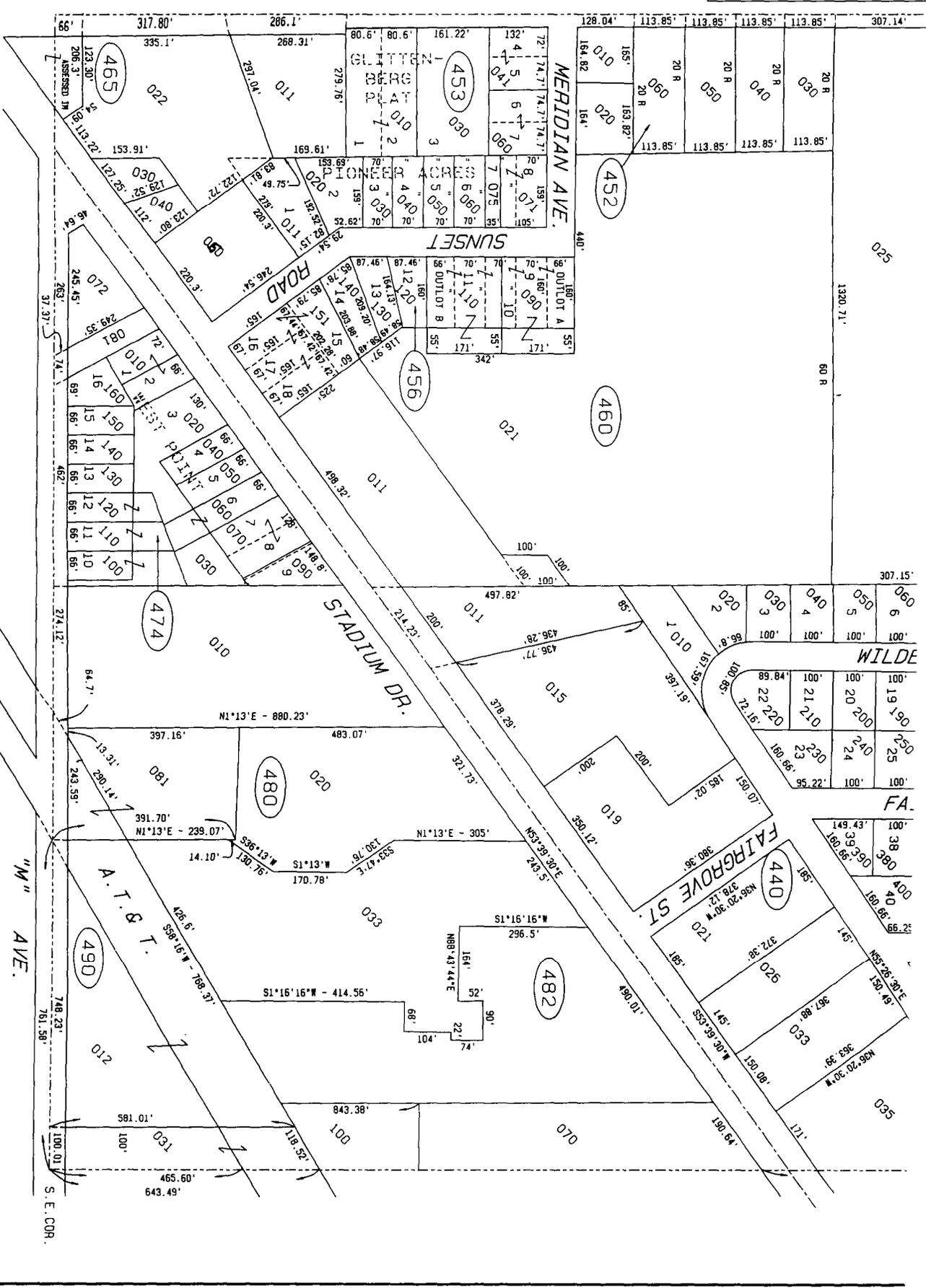
370

380

390

9TH

MERIDIAN





7275 W. MAIN STREET, KALAMAZOO, MI 49009-933  
616-375-4260 FAX 375-7180 TDD 375-719

**REQUEST FOR ZONING BOARD OF APPEALS MEETING**

Date JUL 24, 1997 Present Zoning R-5 Fee \$100  
Land Owner WILDWOOD MOBILE HOME COMMUNITY LTD  
aka WOODLAND ESTATES

PROPERTY Address 4797 S. 4TH ST., OSHTEMO TWP. Phone (616) 375-3083  
Person Making Request GERMANO MANAGEMENT COMPANY/GERMANO L. MULARONI  
32540 SCHOOLCRAFT, SUITE 110 (313) 261-5595  
Address LIVONIA, MI 48150 Phone FAX (313) 261-5494

Interest in Property GENERAL PARTNER/OWNER

Size of Property Involved 22+ AC.

Reason for Request VARIANCE OF SET BACK DISTANCE FOR ENTRANCE SIGN.  
SEE ATTACHED

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

8/07/97 JF

054058 ZBA REQUEST/WOODLAND 100.00  
TOTAL PAID 100.00

THANK YOU

Woodland Estates

3905-33-355-022 Wildwood No 0  
031 " 0  
335-029 " No 0

33-315-010 " No 0  
020 Holton  
030 Makela  
040 Hahn  
050 Miller, T.

33-355-011 Foster

33-335-010 Zeimelis  
021 Lipkin

33-402-461 Beaver  
469 Moyle  
470 Kochin/Buckhout  
480 Gotham No 0  
490 " 0

32-480-050 Lance  
060 Ailes  
070 Dundore  
090 Albertson

32-478-010 Wdowicki  
020 Klage  
030 Dix

3905 - 32-478 - 440

Dougherty

450

Mansen

460

Lohrmann

470

Boven

480

Boven/Barnes

490

Leroy

500

Peters

510

Zaleski

600

Munson

610

Boven (Dup.)

No 0

Germano L. Mularoni  
Germano Management Company  
32540 Schoolcraft, Suite 110  
Livonia, MI 48150

33-402-469  
MOYLE LEROY & JANICE  
4666 SOUTH 5TH STREET  
KALAMAZOO, MI 49009

33-355-031  
WILDWOOD MOBILE HOME COMM  
32540 SCHOOLCRAFT SUITE 100  
LIVONIA, MI 48150

33-402-470  
KOEHN CHARLENE/BUCKHOUT MARK  
4510 SOUTH 5TH STREET  
KALAMAZOO MI 49009

33-355-031  
OCCUPANT  
4797 SOUTH 4TH STREET  
KALAMAZOO, MI 49009

33-402-490  
GOTHAM RALPH & ROBERTA  
4390 SOUTH 5TH STREET  
KALAMAZOO, MI 49009

33-315-020  
HOLTON DIANE K  
4375 SOUTH 4TH STREET  
KALAMAZOO, MI 49009

32-480-050  
LANCE RONALD J & LINDA  
4450 SOUTH 4TH STREET  
KALAMAZOO MI 49009

33-315-030  
MAKELA JAN M  
8949 STADIUM DRIVE  
KALAMAZOO, MI 49009

32-480-060  
AILES VINCENT & MARY LOU  
4554 SOUTH 4TH STREET  
KALAMAZOO, MI 49009

33-315-040  
HAHN BARBARA  
8895 STADIUM DRIVE  
KALAMAZOO, MI 49009

32-480-070  
DUNDORE MARK A  
MROZINSKI LAURA A  
4786 SOUTH 4TH STREET  
KALAMAZOO, MI 49009

33-315-050  
MILLER TIMOTHY G & SUSAN  
8805 STADIUM DRIVE  
KALAMAZOO, MI 49009

32-480-090  
ALBERTSON JOSEPH K & LIZBETH I  
4966 SOUTH 4TH STREET  
KALAMAZOO, MI 49009

33-335-010  
ZEIMELIS VINIS H  
ZLIMELIS HARIJS I & MIRDZA R  
8582 STADIUM DRIVE  
KALAMAZOO, MI 49009

32-478-010  
WDOVICI GARY & JULIE  
9001 GREYSTONE ROAD  
KALAMAZOO, MI 49009

33-335-010  
OCCUPANT  
8755 STADIUM DRIVE  
KALAMAZOO, MI 49009

32-478-020  
KLAGE CHRISTOPHER J & MAUREEN  
9043 GREYSTONE ROAD  
KALAMAZOO, MI 49009

33-335-021  
LIPKIN STEVEN & LINDA L  
1753 GRAND AVENUE  
KALAMAZOO, MI 49007

32-478-030  
DIX MICHAEL D & BRENDA S  
9085 GREYSTONE ROAD  
KALAMAZOO, MI 49009

33-335-021  
OCCUPANT  
8689 WEST MICHIGAN  
KALAMAZOO, MI 49009

32-478-450  
DANSEN STEPHEN W & SHERI L  
9040 GREYSTONE ROAD  
KALAMAZOO, MI 49009

33-355-011  
FOSTER STEVEN H & PAULA A  
4415 SOUTH 4TH STREET  
KALAMAZOO, MI 49009

32-478-460  
LOHRMANN THOMAS & AMY  
1807 JAMES STREET  
KALAMAZOO, MI 49007

33-402-461  
BEAVER NORMAN F & BARBARA J  
4600 SOUTH 5TH STREET  
KALAMAZOO, MI 49009

32-478-460  
OCCUPANT  
9002 GREYSTONE ROAD  
KALAMAZOO, MI 49009

32-478-440  
DOUGHERTY ROBERT M & JENNIFER  
9084 GREYSTONE ROAD  
KALAMAZOO MI 49009

32-478-470  
BOVEN JAMES & LUCINDA  
28071 CR 354  
LAWTON MI 49065

32-478-470  
OCCUPANT  
9003 HOBBIT CIRCLE  
KALAMAZOO, MI 49009

32-478-480  
BOVEN JAMES & LUCINDA  
BARNES SCOTT J & DAWN M  
9021 HOBBIT CIRCLE  
KALAMAZOO, MI 49009

32-478-490  
LEROY WILLIAM JR & SONIA N  
9063 HOBBIT CIRCLE  
KALAMAZOO, MI 49009

32-478-500  
PETERS MICHAEL J & KAREN M  
9105 HOBBIT CIRCLE  
KALAMAZOO, MI 49009

32-478-510  
ZALISKI CRAIG W & WENDY K  
9123 HOBBIT CIRCLE  
KALAMAZOO, MI 49009 *Returned*

32-478-590  
JACOBS TAMARA J  
9038 HOBBIT CIRCLE  
KALAMAZOO, MI 49009

32-478-600  
MUNSON CHRISTOPHER J & TERESA  
9018 HOBBIT CIRCLE  
KALAMAZOO, MI 49009

04-101-011  
BRODE, KEVIN & FRANCIS  
5053 SOUTH 4TH STREET  
KALAMAZOO, MI 49009

05-226-012  
KAUSRUD, ERIC B. & THERESA  
5022 SOUTH 4TH STREET  
KALAMAZOO, MI 49009

04-205-020  
STOLINE, MICHAEL & MARIE  
5174 SOUTH 4TH STREET  
KALAMAZOO, MI 49009

*Texas  
Township*



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 8-11-97 Present Zoning R-4 Fee \$100

Land Owner Fieldstone, Inc. c/o Mr. Scott Carlson

Address \_\_\_\_\_ Phone 382-0200

Person Making Request Campbell Caron Group, LLC

Address 5560 Al Sabo Drive Phone 372-9482

Interest in Property Fee Option Equity Interest

Size of Property Involved Subject Parcel 1.83 +/- acres (Also involving

Mill Creek Apts.; 13.82 acres +/-, and .68 acres +/- owned jointly by John & Kathleen Caron and William & Martha Campbell)

Reason for Request Request #1. The Developer hereby requests a variance from zoning ordinance

24.207 (a)&(b), pertaining to the allowable per acre density of apartment units. (See attached site map.)

Request #2. Further, we hereby wish to reaffirm an existing variance to ordinance 66.201 pertaining

to road frontage, whereby a variance was granted to Mill Creek Apartments allowing development

with non-contiguous frontage of less than the required 200' foot. (Current: 48' + 66' = 114')

The proposed amendment to the existing variance would bring the subject property into compliance with the required 200' of frontage. (New Proposed frontage: 48' + 66' + 93' = 207'). Therefore the amended variance would deal solely with the issue of contiguous vs. non-contiguous road frontage.

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

8/14/97 JF

054133 ZBA REQUEST/CAMPBELL 100.00  
TOTAL PAID 100.00

THANK YOU

26 320-062  
068  
35-130-032

Mill Creek

|                 |                    |      |
|-----------------|--------------------|------|
| 3905-26-380-062 | Campbell           |      |
| 068             | "                  | No 0 |
| 35-130-032      | Fieldstone         |      |
| 26-380-011      | Hemmer             |      |
| 021             | Village Square     |      |
| 033             | Peat               |      |
| 046             | Arriago            |      |
| 048             | Mi Ranchito        |      |
| 051             | Mich. Bell         |      |
| 071             | Brussee            |      |
| 080             | Mi Ranchito (Dup.) | No 0 |
| 26-381-001      | Reynard            |      |
| 002             | Nataaw             |      |
| 003             | Daane              |      |
| 26-330-092      | Fidelity           |      |
| 26-355-035      | Sowles             |      |
| 050             | Lanting            | No 0 |
| 26-465-011      | Family D           | No 0 |
| 022             | " "                | 0    |
| 35-130-011      | Oisten             |      |
| 022             | Kal Co. Rel. Comm. |      |
| 041             | Besteman           |      |
| 051             | Bultema            |      |
| 060             | Green              |      |

3905-35-105-020

Lanting

0

35-130-095

Meth. Church

097

La Pine

101

Lawson

35-135-011

Spigelmyer

021

Goodhen

031

Rose

041

Logsdon

050

Siegel

060

"

No 0

0

102

Scheffers

201

Jones

220

"

0

No 0

35-205-012

Carex

35-132-010

Domment

021

Wikel

031

Ludlow

041

Bennet

057

Corakis

26-380-062  
CAMPBELL CARON GROUP LLC  
PO BOX 437  
OSHTEMO MI 49077

26-380-071  
BRUSSEE GROVER J & EILEEN  
P O BOX 327  
OSHTEMO MI 49077

35-130-032  
FIELDSTONE BUILDING GROUP  
7215 SOUTH WESTNEDGE AVENUE  
PORTAGE MI 49002 *Returned*

26-381-001  
REYNARD DALE A & MALLIE  
PO BOX 204  
OSHTEMO MI 49077

35-130-032  
OCCUPANT  
6672 STADIUM DRIVE  
KALAMAZOO, MI 49009

26-381-001  
OCCUPANT *Returned*  
3054 SOUTH 9TH STREET  
KALAMAZOO, MI 49009

26-380-011  
HEMMER JOYCE  
4740 NORFOLK CIRCLE  
PORTAGE MI 49002

26-381-002  
NATAAW INC  
2015 RAVINE ROAD  
KALAMAZOO MI 49007

26-380-011  
OCCUPANT  
2860 SOUTH 9TH STREET  
KALAMAZOO, MI 49009

26-381-002  
OCCUPANT *Returned*  
3062 SOUTH 9TH STREET  
KALAMAZOO, MI 49009

26-380-021  
VILLAGE SQUARE (KAL) APARTMENT  
2000 CORPORATE RIDGE STE 925  
MCLEAN VA 22102

26-381-003  
DAANE ALVIN J & JOYCE  
(BIRCHES)  
9203 AUSTIN  
PORTAGE MI 49002

26-380-021  
OCCUPANT  
2890 SOUTH 9TH STREET  
KALAMAZOO, MI 49009

26-381-003  
OCCUPANT *Returned*  
3082 SOUTH 9TH STREET  
KALAMAZOO, MI 49009

26-380-033  
PEAT ALLEN F & DELORES A  
2970 SOUTH 9TH STREET  
KALAMAZOO MI 49009

26-330-092  
FIDELITY SAVINGS BANK  
315 SOUTH KALAMAZOO MALL  
KALAMAZOO MI 49007

26-380-046  
ARRIGO BART  
ASPEN BUILDING  
4515 ROGER B CHAFFEE DRIVE SE  
KENTWOOD MI 49548

26-330-092  
OCCUPANT  
2740 SOUTH 9TH STREET  
KALAMAZOO, MI 49009

26-380-046  
OCCUPANT  
3030 SOUTH 9TH STREET  
KALAMAZOO, MI 49009

26-355-035  
SOWLES CHARLES R & KAY L  
2935 SOUTH 8TH STREET  
KALAMAZOO MI 49009

26-380-048  
MI RANCHITO  
MONPLAISIR JEROME  
P O BOX 69  
OSHTEMO MI 49077

26-465-022  
FAMILY D *Returned*  
211 BANNISTER  
PLAINWELL MI 49080

26-380-048  
OCCUPANT  
3112 SOUTH 9TH STREET  
KALAMAZOO, MI 49009

26-465-022  
OCCUPANT  
6430 STADIUM DRIVE  
KALAMAZOO, MI 49009

26-380-051  
MICHIGAN BELL TELE CO  
3500 NORTHWESTERN HWY  
SOUTHFIELD MI 48075

35-130-011  
OISTEN SHARON L  
6710 STADIUM DRIVE  
KALAMAZOO MI 49009

26-380-051  
OCCUPANT *Returned*  
3230 SOUTH 9TH STREET  
KALAMAZOO, MI 49009

35-130-022  
KALAMAZOO COUNTY ROAD COMM  
3801 EAST KILGORE ROAD  
KALAMAZOO MI 49001

35-130-041  
BESTEMAN CARL & JOYCE  
5826 NORTH 7TH STREET  
KALAMAZOO MI 49009

35-135-011  
SPIGELMYER CV&DL&RC&BM  
2216 OAKLAND DRIVE  
KALAMAZOO MI 49008

35-130-041  
OCCUPANT  
6656 STADIUM DRIVE  
KALAMAZOO, MI 49009

35-135-011  
OCCUPANT *Returned*  
6667 STADIUM DRIVE  
KALAMAZOO, MI 49009

35-130-051  
BULTEMA JOHN F & BRENDA A  
1219 GRAND AVENUE  
KALAMAZOO MI 49006

35-135-021  
GOODHEW ROSE & ROSS DELORES  
P O BOX 52  
PORTAGE MI 49081

35-130-051  
OCCUPANT  
6638 STADIUM DRIVE  
KALAMAZOO, MI 49009

35-135-021  
OCCUPANT  
6641 STADIUM DRIVE  
KALAMAZOO, MI 49009

35-130-060  
GREEN CRAIG M/HERMANN S K A  
6628 STADIUM DRIVE  
KALAMAZOO MI 49009 *Returned*

35-135-031  
ROSE JAMES III & DEBRA  
6619 STADIUM DRIVE  
KALAMAZOO MI 49009

35-130-095  
OSHTEMO METHODIST CHURCH  
PO BOX 12  
OSHTEMO MI 49077

35-135-041  
LOGSDEN EVELYN R  
3334 CHIME STREET  
KALAMAZOO MI 49009

35-130-095  
OCCUPANT *Returned*  
6600 STADIUM DRIVE  
KALAMAZOO, MI 49009

35-135-060  
DOUGLAS WILLIAM A  
SIEGEL JACK L & GLORIA J  
7354 WEST ML AVENUE  
KALAMAZOO MI 49009

35-130-097  
LAPINE MICHAEL  
P O BOX  
OSHTEMO MI 49077

35-135-060  
OCCUPANT  
3384 CHIME STREET  
KALAMAZOO, MI 49009

35-130-097  
OCCUPANT *Returned*  
6532 STADIUM DRIVE  
KALAMAZOO, MI 49009

35-135-102  
SCHEFFERS ARTHUR & JUNE  
5847 WEST N AVENUE  
KALAMAZOO MI 49009

35-130-101  
LAWSON EARL K & DOLORES A  
P O BOX 267  
LAWTON MI 49065

35-135-102  
OCCUPANT *Returned*  
6547 STADIUM DRIVE  
KALAMAZOO, MI 49009

35-130-101  
OCCUPANT *Returned*  
6520 STADIUM DRIVE  
KALAMAZOO, MI 49009

35-135-201  
JONES ANITA H  
3210 SOUTH PARK  
KALAMAZOO MI 49001

35-105-020  
LANTING RONALD & LORENE  
6690 LIMONITE FRONTAGE ROAD  
RIVERSIDE CA 92509

35-135-201  
OCCUPANT *Returned*  
6535 STADIUM DRIVE  
KALAMAZOO, MI 49009

85-105-020  
OCCUPANT *Returned*  
6794 STADIUM DRIVE  
KALAMAZOO, MI 49009

35-205-012  
CARES LOUIS  
3000 BRETON S E  
KENTWOOD MI 49512

35-205-012

OCCUPANT  
6460 STADIUM DRIVE  
KALAMAZOO, MI 49009

35-132-010

GERESY STEVE  
DOMMERT D/AZZAM K/DOMMERT C  
7166 WEST B AVENUE  
KALAMAZOO MI 49009

35-132-010

OCCUPANT *Returned*  
6745 STADIUM DRIVE  
KALAMAZOO, MI 49009

35-132-021

WIREL VIRGINIA/LINDA/CHRISTINA  
PO BOX 104  
OSHTENO MI 49077

35-132-021

OCCUPANT *Returned*  
6731 STADIUM DRIVE  
KALAMAZOO, MI 49009

35-132-031

LULOW HERMAN L & SARAH  
P O BOX 115  
OSHTENO MI 49077

35-132-031

OCCUPANT *Returned*  
6719 STADIUM DRIVE  
KALAMAZOO, MI 49009

35-132-041

BENNET LENA & OVERACKER FRED  
P O BOX 155  
OSHTENO MI 49077

35-132-041

OCCUPANT *Returned*  
6709 STADIUM DRIVE  
KALAMAZOO, MI 49009

35-132-051

CORAKIS THEODORE & MARIA  
P O BOX 312  
OSHTENO MI 49077

35-132-051

OCCUPANT  
6703 STADIUM DRIVE  
KALAMAZOO, MI 49009