

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

MINUTES OF MEETING HELD NOVEMBER 1, 1999

Agenda

NAGLE - INTERPRETATION RE ACCESSORY BUILDING - 10209 WEST MAIN

MAPLE HILL MALL - VARIANCE - 5050 WEST MAIN STREET

A meeting was conducted by the Oshtemo Charter Township Zoning Board of Appeals on Monday, November 1, 1999, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township.

MEMBERS PRESENT: Thomas Brodasky, Chairperson
David Bushouse
Sharon Kuntzman
Millard Loy
William Saunders

MEMBERS ABSENT: None

Also present were Jodi Stefforia, Township Planning Director, Mary Lynn Bugge, Township Planner, and Patricia R. Mason, Township Attorney, and four other interested persons.

CALL TO ORDER

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

MINUTES

The Zoning Board of Appeals considered the minutes of the meeting of October 18, 1999. Mr. Saunders moved to approve the minutes as submitted, and Ms. Kuntzman seconded the motion. The motion carried unanimously.

NAGLE - INTERPRETATION RE ACCESSORY BUILDING - 10209 WEST MAIN

The Board considered the application of James W. Nagle for an interpretation to determine whether the use of an accessory building as a hangar in the "AG" Agricultural-Rural Zoning District classification qualified as a permitted or special exception use under the Zoning Ordinance. The applicant, owner of the property at 10209 West Main Street proposed a five hangar storage building. The Report of the Planning and Zoning Department is incorporated herein by reference.

The primary building at the property is a 1,008 square foot single family residence that the applicant rents to others. The applicant was proposing that two of his own planes would be stored in the proposed hangar, and the remaining space would be rented for storage of three other planes. The property abuts the air strip to the south. However, the property is not located within Skyview Estates and is not considered part of the airport.

It was pointed out that the Ordinance allows accessory buildings and uses customarily incidental to permitted uses in the Agricultural-Rural District zoning classification. The Township staff became aware of the proposed airplane storage facility when the applicant applied for a building permit. In response to questioning by the Chairperson, Ms. Bugge clarified that the building was not yet constructed.

The applicant was present, stating that he had purchased the property four years before. He claimed that a portion of the air strip and a aircraft taxiing area was established on his property. He stated that the owner of the air strip property knows of his "storage facility" plans. It was pointed out that in Skyview Estates each lot was allowed one hangar for use by the resident thereon. The applicant stated that he thought the property was not suited for any other type of use.

In response to questioning by Mr. Loy, the applicant stated that he lives on another piece of property which abuts the air strip also. However, his residence is not contiguous to the property in question. Mr. Bushouse questioned the applicant with regard to the improvements on the property which contained his residence. The applicant responded that there was a pole building on the site with hangar facilities in it.

After further discussion, Mr. Bushouse expressed concern about setting an undesirable precedent. He reminded the Board that the application of a resident to allow a business use of an accessory building as a home occupation on Third Street had recently been denied. He felt this situation was analogous. The Chairperson agreed, stating that the Ordinance would not allow someone to construct a three-car garage and rent out two of the slots as storage units. Mr. Loy felt that this site was a proper location for a hangar as an accessory building, but not for "rental" hangars. Ms. Kuntzman also felt that the proposed use was akin to a storage business.

Mr. Bushouse moved to interpret that the proposed use did not qualify as a permitted use or accessory building under the Zoning Ordinance. Mr. Bushouse stated that his interpretation was based on the size of the proposed building and the intent to rent or lease a portion thereof, and was based on the fact that the resident of the site would not be using the accessory building. Mr. Loy seconded the motion, and the motion carried unanimously.

MAPLE HILL MALL - VARIANCE - 5050 WEST MAIN STREET

The Board next considered the application of Don Brady on behalf of Maple Hill Mall for a variance to allow a 64 square foot temporary construction sign along West Main Street at the Maple Hill Mall at 5050 West Main Street. The subject property is located within the "C-1" Local Business District zoning classification. The Report of the Planning and Zoning Department is incorporated herein by reference.

Ms. Stefforia stated that the Mall is currently undergoing a re-development with both interior and exterior improvements. As a part of this renovation, the free-standing sign along West Main Street would be replaced. The Mall property received a variance in 1998 for replacement of the Cinema sign with a new sign that would be 30 feet tall and 340 square feet in area. The Mall identification sign had been removed, however, the new sign replacing the Cinema sign had not yet been constructed. The applicant was proposing a 64 square foot temporary construction/real estate identification sign. A drawing of the proposed sign was included in the Report.

Ms. Stefforia stated that West Main Mall would soon be coming before the Board with regard to its signage package. Ms. Stefforia stated that she could not discover any similar variances.

The applicant was present, along with Kimberly Woodard on behalf of Maple Hill Mall. It was proposed that the temporary sign would be located at the site of the old pylons for the Cinema sign which will be removed. Ms. Woodard stated that the applicant realized that the Ordinance allowed a number of small temporary signs referencing the contractors, real estate agents, etc. However, the applicant wanted to reference all contractors, consultants, etc. on one sign. The applicant indicated that it was anticipated that the renovations would take approximately 24 months. The applicant desired that the temporary sign remain during the entire time of the renovation.

There was discussion of the time period for the temporary sign, and Ms. Stefforia indicated that temporary real estate signs and constructions signs were allowed for up to two years under the Ordinance.

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

The Chairperson expressed that he would rather see one sign at the site rather than a number of smaller signs as allowed under the Ordinance. Additionally, the significant amount of frontage on West Main that the Mall encompassed, as well as the vegetation and existing businesses in front of the Mall were considered. It was felt that these factors made identification signage for the Mall more crucial.

Based on the discussion, Mr. Loy moved to approve a temporary sign of 64 square feet as proposed by the applicant for a period not to exceed two years. Ms. Kuntzman seconded the motion, and the motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 3:45 p.m.

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

By: Thomas J. Brodasky
Thomas Brodasky, Chairperson

By: _____
Sharon Kuntzman

By: David Bushouse
David Bushouse

By: Millard Loy
Millard Loy

By: William Saunders
William Saunders

Minutes Prepared:
November 5, 1999

Minutes Approved:
November 15, 1999

AGENDA: _____
MINUTES: ZBA

DATE: 11-1-99
SENT: 11-16-99

ZBA

____ Millard
____ Dave B.
____ Bill S.
____ Sharon
____ Tom B.

*Del.
11/10*

PEOPLE

DON BRADY
MAPLE HILL MALL
5050 WEST MAIN
KALAMAZOO MI 49009

ITN MORTGAGE INVESTMENT III
c/o INSIGNIA/ESG, AGENT
3100 MONTICELLO
DALLAS TX 75205

JAMES NAGLE
165 NORTH 2ND STREET
KALAMAZOO MI 49009

PC

____ Libby
____ Marvin
____ Stan R.
____ Ken H.
____ Millard
____ Ted C.
____ Wilfred
✓ ____ Neil

HOME BUILDERS
5700 WEST MICHIGAN
KALAMAZOO MI 49009

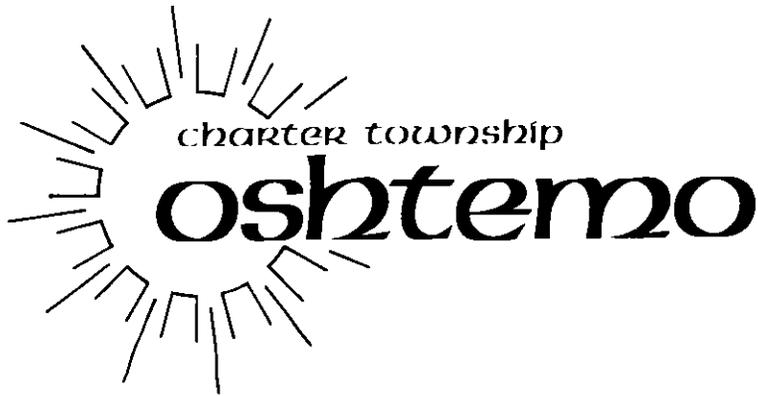
OSHTEMO BUSINESS ASSOCIATION
P.O. BOX 1
OSHTEMO MI 49077
ATTN: BRIAN MOLONY

TB

____ Fred
____ Dave B.
____ Marvin
____ Norm

OFFICE

____ Jodi
____ Bob
____ Steve
____ Lois
____ Ron
____ Debbie
____ Jim
✓ ____ Attorney's
____ Scott
____ Ken
____ Tobey
____ Mary Lynn



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

NOTICE

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

November 1, 1999

3:00 p.m.

AGENDA

1. Call to Order
2. Approve Minutes - October 18, 1999
3. **Interpretation -- Accessory Building (Nagle)**
The applicant requests an interpretation to determine whether the use of an accessory building as a hangar in the AG, Agricultural-Rural zoning district qualifies as a permitted or special exception use.
4. **Sign Variance -- Maple Hill Mall**
The applicant requests a variance to allow a 64 square foot temporary construction sign along West Main Street at the Maple Hill Mall 5050 West Main Street (parcel number 3905-13-280-022).
5. Any Other Business
6. Adjourn

AGENDA: ZBA

DATE: November 1, 1999

MINUTES: _____

SENT: October 26, 1999

ZBA

- Millard
- Dave B.
- Bill S.
- Sharon
- Tom B.

PEOPLE

DON BRADY
MAPLE HILL MALL
5050 WEST MAIN
KALAMAZOO MI 49009

ITN MORTGAGE INVESTMENT III
c/o INSIGNIA/ESG, AGENT
3100 MONTICELLO
DALLAS TX 75205

JAMES NAGLE
165 NORTH 2ND STREET
KALAMAZOO MI 49009

PC

- Libby
- Marvin
- Stan R.
- Ken H.
- Millard
- Ted C.
- Wilfred

SHANE MONROE
CONSTRUCTION NEWS SERVICE
4072 CHICAGO DRIVE
SUITE 21
GRANDVILLE MI 49418

CRIPPS FONTAINE EXCAVATING
7729 DOUGLAS AVENUE
KALAMAZOO MI 49004

HOME BUILDERS
5700 WEST MICHIGAN
KALAMAZOO MI 49009

OSHTEMO BUSINESS ASSOCIATION
P.O. BOX 1
OSHTEMO MI 49077
ATTN: BRIAN MOLONY

TB

- Fred
- Dave B.
- Marvin
- Norm

OFFICE

- Jodi
- Bob
- Steve
- Lois
- Ron
- Debbie
- Jim
- Attorney's
- Scott
- Ken
- Tobey
- Mary Lynn

JAN TABOR
HOLIDAY INN WEST
2747 SOUTH 11TH STREET
KALAMAZOO MI 49009

ED FINNERTY
KALAMAZOO GAZETTE
401 S. BURDICK ST.
KALAMAZOO MI 49007



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

To: Zoning Board of Appeals
From: Planning/Zoning Department

Meeting Date: November 1, 1999
Agenda Item: # 3

Applicant: James W. Nagle

Zoning District: AG - Agricultural-Rural District Classification

Request: Board interpretation - Section 20.211 - and its application to the construction of a 4,860 square foot building to serve as a storage facility for five airplanes. Would subject building and use constitute a permitted "Accessory building and uses customarily incidental to the foregoing" in the Agricultural-Rural district classification?

The applicant would utilize space for two planes for his personal aircraft and intends to rent out the balance of the space to others.

Ordinance Section(s): 20.000 Agricultural-Rural District Classification Permitted Uses, specifically Section 20.211.

Planning/Zoning Department Report:

Background Information

The applicant is the owner of the property at 10209 West Main Street where the five hanger storage building is proposed. The primary building on the property is a 1,008 square foot single-family residence, that the applicant rents to others. The property abuts the runway of an existing airstrip to the south and the applicant is purchasing the abutting property to the east.

"Accessory building and uses customarily incidental ..." to permitted uses in the Agricultural-Rural District are permitted in the AG district per Section 20.211.

Staff became aware of the proposed airplane storage facility when the applicant applied for a Building Permit. Township Staff informed the applicant that rental storage facilities were not a

permitted or special exception use in the AG district classification. Staff also advised applicant that an accessory building for the purpose of storing the applicant's personal aircraft would be permitted. According to Mr. Nagle, he is the owner of two aircraft.

Because the applicant thinks providing rental storage facilities is the best use of the property, he requested an interpretation of Section 20.211 as to whether the proposed building is a permitted accessory building and if the proposed use as a rental storage facility is included as a permitted use of an accessory building in the AG district classification.

The Zoning Board of Appeals interpreted that the placement of an accessory building on a property before the principal building is permitted because the building is not required to actually be incidental, it need only be customarily incidental to the principal building. Minutes from September 14, 1992 are attached.

A single-family open space site condominium, Skyview Estates, was approved on March 25, 1999 by the Planning Commission for the west side of the airstrip runway. The development will consist of 15 single-family residential sites and each "building site would be limited to one hanger and one additional accessory building, such as a pole barn or shed." Additionally, "the placement of any accessory building at the site before the principal building (house) is 50% completed is prohibited." The airstrip serves as the open space component of the community. (reference attached Minutes)

Department Review.

The following uses are listed in Section 20.000 for the AG, Agricultural-Rural district classification: (reference attached Section 20.000)

Permitted uses in the AG-Agricultural-Rural zoning district are:

- *private, one-family dwellings
- *private, two-family dwellings
- *fire stations
- *non-profit educational centers etc.
- *cemeteries
- *agriculture etc.
- *riding stables
- *churches
- *accessory buildings and uses customarily incidental to the foregoing**
- *home occupations
- *essential services

Special exception uses:

- *golf courses etc.
- *shooting ranges etc.
- *buildings and regulator stations
- *veterinarian clinics
- *sale of landscaping services ect.
- *farm retail market
- *public and private schools

The ZBA should consider:

1. If the proposed 4,860 square foot building is an accessory building.
2. If a rental storage facility for airplanes differs from other rental storage facilities.
3. If the proposed use as a rental facility is a use of an accessory building that is *customarily incidental* to the uses in the AG district.
4. Potential precedence-setting value of allowing construction of accessory buildings with the stated intention of renting them out.
5. Consider the size of the proposed accessory building in relation to the existing dwelling that is not occupied by the applicant (rented)

Staff suggests that an accessory building of sufficient size to house the applicants personal planes would conform to the spirit and intent of the Ordinance.

Attachments:

application
definitions
Minutes

LEGAL DESCRIPTION OF PROPERTY:**

*** (Use Attachments if Necessary)*

PERMANENT PARCEL (TAX) NUMBER: 3905- 18-430-020

ADDRESS OF PROPERTY: 10209 W MAIN

PRESENT USE OF THE PROPERTY: Residential

PRESENT ZONING AG SIZE OF PROPERTY 4.64 ACRES

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

Name(s)	Address(es)
<u>JAMES WM NAGLE</u>	<u>165 N 2ND ST</u>
<u>NANCY J NAGLE</u>	<u>165 N 2ND ST</u>
_____	_____
_____	_____

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate.

* _____
Owner's Signature & Date
(If different from Applicant)*

James Wm Nagle 10/14/99
Applicant's Signature & Date

PLEASE ATTACH ALL REQUIRED DOCUMENTS

SECTION 11

11.000 DEFINITIONS

11.100 General.

When not inconsistent with the context, words used in the present shall include the future tense, words used in the singular number include the plural number and words used in the plural number include the singular. The word "shall" is always mandatory and not merely directory. Terms not herein defined shall have the meaning customarily assigned to them.
(ord. no. 206 eff. Aug. 23, 1984)

11.200 Specific terms.

The following terms shall have the following meanings where used in the within Ordinance:

11.210 Accessory building.

A building or portion of a building subordinate to and on the same lot, parcel, or building site as a principal building, and occupied by or devoted exclusively to an accessory use including, but not limited to, a private garage.
(ord. no. 206 eff. Aug. 23, 1984; amend. by ord. no. 283 eff. Oct. 6, 1992)

11.220 Accessory use.

A use of a building, lot, parcel, building site, or portion(s) of same which is customarily incidental and subordinate to the principal use of the principal building or of the lot, parcel or building site.
(ord. no. 206 eff. Aug. 23, 1984; amend. by ord. no. 283 eff. Oct. 6, 1992)

SECTION 20

20.000 "AG" AGRICULTURAL-RURAL DISTRICT CLASSIFICATION

20.100 Statement of purpose.

This district classification is rural in character and is designed to permit the lowest density residential, as well as other rural type activities. Existing open space, fallow land, wooded areas, and wetlands should be preserved.

(ord. no. 206 eff. Aug. 23, 1984; amend. by ord. no. 283 eff. Oct. 6, 1992)

20.200 Permitted uses.

20.201 Private, one-family dwellings.

20.202 Private, two-family dwellings.

20.203 Libraries.

20.204 Fire stations.

20.205 Repealed by ord. no. 372 effective April 28, 1999.

20.206 Non-profit educational, non-commercial recreational and noncommercial business centers, including but not limited to the following accessory uses for the benefit of the participants and directly relating to such centers: classrooms, libraries, lecture halls, eating facilities, overnight accommodations, conference center facilities, facilities for the production and documentation of audio visual presentations, satellite communication accommodations, custodial living, and maintenance facilities, office and recreational accessory uses, subject to the following conditions and limitations:

- (a) Buildings shall not be constructed to a height exceeding 40 feet. Buildings and structures shall be set back 200 feet from the front right-of-way line of adjoining streets. Buildings and structures shall be set back 40 feet from the rear or side property line. Outdoor storage areas shall be screened from view of adjoining residentially developed or zoned land.
- (b) Such facilities must be located upon one of the designated highways listed in Section 64.100 of the zoning ordinance.
- (c) Any entrance to the facility must be developed with a traffic deceleration lane. The Zoning Board of Appeals shall have authority to grant a variance from this requirement where in its opinion the deceleration lane would not substantially improve the traffic safety because of the particular characteristics of the facility, the road upon which the entrance is located, or the volume of traffic upon the road.
- (d) Not less than 75% of the site must be maintained as open space unencumbered by buildings, structures, paved roads, sidewalks, or parking areas.
- (e) The facility shall be designed so as to limit the number of participants to not to exceed ten per acre.
- (f) Adequate off-street parking must be constructed to insure sufficient parking space to meet the reasonably foreseeable demands upon the facility but not exceeding one parking space for each person the facility is designed to serve and shall be effectively screened from adjoining residentially developed or zoned land.
- (g) During site plan review, the Zoning Board of Appeals shall consider whether more than one vehicular entrance road is necessary for public safety and fire protection.

20.207 Cemeteries, excluding crematories.

- 20.208 Agriculture, truck gardens, greenhouses, and nurseries located in unplatted areas, and selling products solely produced on the premises, and further including the raising and selling of animals incident to the pursuit of agriculture or truck gardening on the premises.
- 20.209 Riding stables in unplatted areas.
- 20.210 Churches.
- 20.211 Accessory buildings and uses customarily incidental to the foregoing.
- 20.212 Home occupations.
- 20.213 Essential services, excluding buildings and regulator stations.
(ord. no. 206 eff. Aug. 23, 1984; amend. by ord. no. 217 eff. Apr. 9, 1986; ord. no. 269 eff. May 7, 1991; ord. no. 372 effective April 28, 1999)

20.400 Special exception uses.

- 20.401 Golf courses, parks, motorized vehicular roadways, and outdoor recreational areas, subject to the following conditions and limitations:
- (a) The principal uses shall be an outdoor activity compatible with the other principal uses permitted in the particular zoning classification.
 - (b) Concession stands, pro-shops, clubhouses, equipment repair facilities, and other incidental commercial type uses shall be permitted provided they are located so as to minimize any adverse effects upon adjoining residential property owners and are operated for the purpose of serving patrons of the principal use and not the adjoining community or transient motorists.
 - (c) No overnight accommodations other than a single-family dwelling for the owner or manager of the facility shall be allowed unless expressly approved by the Zoning Board in granting a special exception use permit hereunder.

- (d) Adequate public restrooms and other facilities shall be constructed and properly maintained, commensurate with the anticipated popularity of the particular use involved.
- (e) Rubbish disposal shall be handled in such a manner as will avoid any littering upon adjoining properties and will minimize any adverse effects from noise, odor or dust to adjoining properties.
- (f) Off-street parking shall be required on the site located in areas which will minimize any adverse effects upon adjoining property owners and shall be sufficient to satisfy peak periods of use.
- (g) Fencing may be required by the Zoning Board where deemed necessary to prevent trespass onto adjoining residences or residentially zoned property.
- (h) The placement of any trails, roads, runs, obstacle courses or similar roadways or pathways shall be in such locations as to minimize any adverse effects of noise, traffic or dust upon adjoining residents and shall, where the Zoning Board deems necessary to dissipate noise emanating therefrom, be screened.
- (i) Equipment storage buildings and other such buildings of a commercial nature shall be screened from adjoining residential properties.
- (j) The Zoning Board shall have the right and authority to impose additional restrictions and conditions as may be necessary for the protection of the health, safety and welfare of the adjoining residential property owners and to insure that any noise, odors, traffic or other activities incident thereto have a minimum impact upon the neighborhood in which the same is located.

- (k) The application for a special exception use permit must contain a plan for insuring adequate supervision of a recreation area and all activities therein.
- 20.402 Shooting ranges and private clubs operating in connection therewith.
- 20.403 Buildings and regulator stations for essential services.
- 20.404 Veterinarian clinics.
- 20.405 The sale of landscaping services and/or of nursery and landscaping materials not produced on the premises. This use may only be allowed when conducted in conjunction with a nursery operation.
- 20.406 Farm Retail Market subject to the following conditions and limitations:
- (a) *Intent.* In recognition of the importance of agriculture to the economic base of the township, state and nation, and in response to the alarming net loss of agricultural land which has occurred over the past years, it is the policy of Oshtemo Charter Township to allow sales of limited agricultural and agricultural-related products at farm sites, but to prohibit the location of predominantly commercial activities within the Agricultural zone.
- (b) *Market size limitations.* The area devoted to display and sale of products shall be limited to 2,000 square feet, not more than 1,000 square feet of which shall be indoors.
- (c) *Product limitations.*
- (1) At least seventy percent (70%) of the retail sales display area, both inside and outside, must be occupied by agricultural products, produced by the owner of the farm retail market.

- (2) All products offered for sale which are not produced by the owner of the farm retail market must be traditionally related to agricultural activity (for example: bird seed, donuts with cider and off-season produce) which products shall not be manufactured or processed at the site of the farm retail market, [Plainly stated, one can bring in limited agricultural products from elsewhere, but these products can not be further manufactured or processed at the market site.]
- (d) **Setback, Screening, Etc.**
- (1) The farm upon which the market is located must contain a minimum of twenty (20) acres and be actively farmed during the calendar years in which the market operates.
 - (2) The market location, including outdoor display area and off-street parking area, shall be set back in accordance with the provisions of Section 64 of the Zoning Ordinance and, in addition, at least 150 feet from any preexisting dwellings located upon adjoining properties under different ownership.
 - (3) An off-street parking area shall be established and maintained for the farm retail market; the parking area is not required to be paved. The off-street parking area shall provide one parking space (10 feet by 20 feet) for each 50 square feet of market sales area, including outdoor sales area. The off-street parking area shall be served by internal drives of sufficient width as to, in the reasonable judgment of the Zoning Board permit safe and convenient access.
 - (4) The curb cut and driveway entrance and exit must be located so that it will not create a traffic hazard.

(5) A sign shall be established in compliance with Section 76.000.

20.407 Public and private schools.

(ord. no. 206 eff. Aug. 23, 1984; amend. by ord. no. 213 eff. Nov. 20, 1985; ord. no. 293 eff. July 28, 1993; ord. no. 372 effective April 28, 1999)

for the reasoning behind the variance. Mr. Rakowski seconded the motion and the motion carried unanimously.

BOARD INTERPRETATION - SECTION 11.210 OF THE ZONING ORDINANCE - ACCESSORY BUILDINGS

The Chairperson next called for the Board to consider interpretation of Section 11.210 of the Zoning Ordinance with regard to the definition of "accessory buildings". Township staff had requested that the Board consider whether an accessory building could be constructed on the lot, parcel or building site prior to or without the construction of a principal building. Ms. Harvey indicated that there had been a number of complaints that pole barns had been erected on premises before principal buildings were established and sometimes without even plans for a principal building. She noted that she wished the Board to consider whether the Ordinance already prohibits the establishment of accessory buildings at a site by virtue of the definition of accessory buildings.

The Chairperson noted that many people establish pole barns in order to store construction materials and tools in anticipation of building a residence. Ms. Branch agreed that this practice was something that people should have the right to do.

The attorney indicated that she would not be in favor of interpreting the Ordinance to prohibit the establishment of accessory buildings prior to the construction of principal buildings merely based on the definition of accessory building in Section 11.210. It is noted that an accessory building is currently defined as a building or portion of a building subordinate to and on the same lot as a main building and occupied by or devoted exclusively to an accessory use including, but not limited to, a private garage. The attorney indicated that she felt troubled by interpreting the definition in that way, since the zoning district classifications of the Township allow, as "permitted uses" "accessory buildings and uses customarily incidental to the foregoing". The attorney felt it was significant that this "permitted use" indicated that the building or use be "customarily" incidental rather than "actually" incidental. Therefore, the language under each zoning district classification did not require actual establishment of a principal building on site with an accessory building.

The Chairperson suggested that the Zoning Board consider a change to the zoning text in order to require the establishment of a principal building prior to the establishment of an accessory building with limited specified exceptions.

Mr. Vuicich moved to adopt the following interpretation of the Ordinance as to accessory buildings. It is interpreted that accessory buildings and uses are permitted in the zoning districts

of the Township and it is not required that they be actually incidental, only customarily incidental, to a principal building. Therefore, the existence of a principal building on the premises is not necessary as long as the accessory building is used for an "accessory use". Further, the motion included a request to the Zoning Board to consider a possible text change to the Zoning Ordinance to require the establishment of the principal building prior to the accessory building with limited specified exceptions. Ms. Branch seconded the motion. The motion carried unanimously.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 4:00 p.m.

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

By: _____
Marvin Block, Chairperson

By: Stanley Rakowski
Stanley Rakowski

By: _____
George Vuicich

By: _____
Ron Zuiderveen

By: _____
Elaine Branch

Minutes prepared:
9/15/92

Minutes approved:

PLANNING COMMISSION
3/05/99
SKYVIEW ESTATES

MINUTES

The Planning Commission next considered the minutes of the meeting of March 11, 1999. Mr. Heisig pointed out a typographical error on page 3.

Mr. Block moved to approve the minutes as amended, and Mr. Heisig seconded the motion. The motion carried unanimously.

SKYVIEW ESTATES - OPEN SPACE COMMUNITY - SITE PLAN REVIEW/SPECIAL EXCEPTION USE - ALMENA DRIVE

The next item was the application of Dan Wilkinson for conceptual and site plan review, as well as special exception use approval, for a proposed site condominium open space community creating 15 residential building sites. The subject property is located north off Almena Drive, between 1st and 2nd Streets, and is within the "AG" Agricultural-Rural District zoning classification. The item had been tabled from the meeting of February 25, 1999.

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

The Chairperson called upon Mr. Heisig to discuss the major issues raised by the Planning Commission at the preceding meeting. Mr. Heisig reminded the Planning Commission that one of the main issues was access to the site. Mr. Heisig noted that the Planning Commission's concern that there to be two points was addressed in the revised plan. Access would be provided from both Almena Drive and 1st Street, and vehicle circulation on the property would consist of a 24'-wide privately owned and maintained interior street. Additionally, the Planning Commission had been concerned at the previous meeting with whether the project was truly an "open-space type" of development. He noted that some citizens had expressed concern regarding noise. Further, concern about refueling at the site was expressed. However, the applicant indicated that the runway would not be a refueling stop. The main focus of the project was an interior open space area consisting of a grass runway. There had been some discussion at the previous meeting concerning helicopters, and it was Mr. Heisig's understanding that, pursuant to the licensing of the runway, helicopters would be allowed.

The Chairperson asked whether other development options had been considered. It was recognized that the condominium development method most comfortably fit the proposal of the applicant due to the desire that the runway be common space in which the condominium subdivision owners would have an interest. However, the runway would be a "licensed airport," and all airplanes could access the site, not just those owned by residents of the subdivision. Nevertheless, it was pointed out that the runway currently exists and is licensed.

The applicant, Dan Wilkinson, was present and addressed changes made regarding ingress and egress to the site as a result of the previous meeting of the Planning Commission. The applicant acknowledged that there were no restrictions on the number of planes which could utilize the airport since it is a "public-use airport." The airport is licensed by the FAA and Michigan Department of Transportation. He stated that it is "mainly a daylight

operation." Further, he felt that the length of the runway and its nature as a "grass runway" would limit the size of planes which would land. The planes would be mostly those of "recreational fliers." No utility buildings would be established in the runway open space. There would be no maintenance of the runway with the exception of mowing and snow removal. He noted that one existing building at the site might be saved for storage of mowing and snow removal equipment.

Mr. Block questioned the applicant as to whether the runway was in use in winter. The applicant stated that it is plowed and is used except in very bad weather.

Mr. Rakowski asked about the maintenance requirements of the FAA and MDOT. The applicant stated that the runway consisted of "uncontrolled air space, a class C license." There were no maintenance requirements, and airplanes were to use the runway at their own discretion.

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

The Chairperson acknowledged a letter from a Township resident received by the Township the preceding day, expressing concerns regarding safety. The Chairperson noted that, while safety was a concern with regard to special exception use criteria, most concerns expressed in the letter were beyond the purview of the Planning Commission. The Chairperson asked the applicant about emergency access, and the applicant illustrated the access points on the drawing of the site.

There was discussion of whether the interior road should be private or public in nature. Ms. Stefforia pointed out that public road standards were "more stringent" and would result in a road of more width, etc., than was needed. Further, public road standards applied at the site might be contrary to the open space community concept in this instance in that they would not be in keeping with maintaining a "rural character."

Planning Commission members discussed whether an airstrip or runway would qualify as "open space." The Chairperson pointed out that the intent of the open space community was to maintain the rural character of the area. He asked the Planning Commission to consider how the airstrip would meet this intent. The Chairperson recognized that the runway would be open, unpaved and "grass." The only "improvement" on the airstrip would be maintenance in regard to mowing and snow removal.

Mr. Block stated that he felt this was a good use of land and felt that the stacking of the houses on one side of the runway (single loading) would constitute clustering. Mr. Loy felt it was significant that there would be no change to the present use of the property as a runway. Mr. Rakowski stated he felt that the open space community intent was served in that the runway preserved an open space recreational area. He felt it was significant that other development/building sites could have been established in the runway area. Ms. Heiny-Cogswell agreed, stating that she felt it was important that the runway was the focal recreational area for the development.

In response to questioning by Ms. Heiny-Cogswell, Ms. Stefforia stated that, if there were a change in use of the runway, the applicant would need to return to the Planning Commission for approval.

Ms. Stefforia recommended placing a stipulation on the project that each building site be limited to one hangar and one additional accessory building, such as a pole barn or shed. Further, she suggested restricting the placement of the accessory buildings on a site before the principal building (the house) was at least 50% complete. This stipulation would prevent the site from being developed with only hangar buildings and no houses.

She noted that the Fire Department had approved the layout at the site and had been advised by the applicant that no fueling of planes would take place on the property.

The Chairperson asked whether the hangar buildings were accessory buildings under the Ordinance. The Township Attorney responded that, since the recreational feature of the development was the grass runway, she felt that the hangar buildings would be accessory to the primary residential use. Further, size of accessory buildings was not controlled in the Ordinance but could be addressed as they would relate to the criteria for special exception use.

Ms. Heiny-Cogswell expressed the opinion that the layout of the proposed site did not meet the "clustering" requirement for open space communities. She felt there could be changes to the layout which would result in clustering. She illustrated her suggestions, using the color layout representation. Ms. Heiny-Cogswell stated that she felt the clustering requirement was a fundamental standard for the open space community concept.

Mr. Loy said that, in his opinion, the project did meet the clustering requirement, noting that the project was single loaded; and he felt that the design "clustered" the residences to one side of the property.

Mr. Loy moved to approve the special exception use permit and grant site plan approval with the finding that the criteria for special use permit stated under Section 60.100 had been met. The following conditions, limitations and notations were stated:

- (1) That the analysis of significant natural, cultural and geographical features on and near the site as required in Section 60.580 was waived in that there were no such features at the site.
- (2) That staff would prepare a narrative describing how the open space community was supported by the Master Land Use Plan.
- (3) That the Master Deed and Bylaws be reviewed and approved by the Township Attorney and staff and that all changes thereto be consistent with the approval of the Township Planning Commission.
- (4) That use of the open space was limited to grass runway, and any changes to that use must be approved by the Planning Commission.

(5) That each building site would be limited to one hangar and one additional accessory building, such as a pole barn or shed.

(6) That the placement of any accessory building at the site before the principal building (house) is at least 50% complete is prohibited.

(7) That the interior street system is subject to the review and approval of the Township Fire Department.

(8) That the stormwater management system is subject to acceptance by the Township Engineer based upon finding that the plans are adequate. The stormwater retention area is not required to be fenced.

(9) That no street lighting has been proposed or approved for the project.

(10) That the private interior street system with access to public streets at two locations (Almena Drive and 1st Street) is approved and must be built to design standards approved by Township staff.

(11) That no fueling of planes would occur on site, and therefore the development would be consistent with the Groundwater Protection Standards.

Mr. Rakowski seconded the motion. The motion carried 6:1 with Ms. Heiny-Cogswell voting in opposition.

SKY KING INDUSTRIAL PARK - SITE PLAN REVIEW - 7333 STADIUM DRIVE

The next item was the application for site plan review of a proposed six-unit site condominium industrial development. The subject property is located at 7333 Stadium Drive on the south side of Stadium Drive between 7th and 8th Streets and is within the "I-1" Industrial District zoning classification.

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

Jim McCarty of Delta Design and Jamie Dyer of Wightman-Ward were present on behalf of the applicant. Mr. McCarty stated that the project would be served by city water and municipal sewer. He noted that they were going to put as much stormwater as possible in the "natural area." This natural area would serve as a common retention basin for the entire site. Individual site plans might also include stormwater retention plans. For example, the site plan approval had already been received for lot #2, which included its own retention system.

The Chairperson pointed out that there had been complaints in this area regarding runoff onto the street and other properties. The Chairperson was concerned that there might be runoff from lots #2, #6, etc., to lot #5 and then from lot #5 to other properties. The applicant again stated that lot #2 would have its own retention site. He expected that other individual lots would have their own system for dealing with stormwater runoff. A berm had

LEGAL DESCRIPTION OF PROPERTY:**

*** (Use Attachments if Necessary)*

PERMANENT PARCEL (TAX) NUMBER: 3905- 18-430-020

ADDRESS OF PROPERTY: 10209 W MAIN

PRESENT USE OF THE PROPERTY: Residential

PRESENT ZONING AG SIZE OF PROPERTY 4.64 ACRES

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

Name(s)	Address(es)
<u>JAMES WM NAGLE</u>	<u>165 N 2ND ST</u>
<u>NANCY J NAGLE</u>	<u>165 N 2ND ST</u>
_____	_____
_____	_____

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate.

* _____
Owner's Signature & Date
(If different from Applicant)*

James Wm Nagle 10/14/99
Applicant's Signature & Date

PLEASE ATTACH ALL REQUIRED DOCUMENTS



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

To: Zoning Board of Appeals **Meeting Date:** November 1, 1999

From: Planning/Zoning Department **Agenda Item:** 4

Applicant: Maple Hill Mall / Don Brady

Subject Property: Maple Hill Mall -- 5050 West Main Street

Zoning District: C-1, Local Business District

Request: Sign variance to allow 64 square foot construction/real estate sign.

Ordinance Section(s): 76.140, 76.145 and 76.150

Planning/Zoning Department Report:

Background Information:

Currently, the mall is undergoing redevelopment with both interior and exterior improvements being made. The improvements are being phased over time. Part of the early phases is replacement of the freestanding sign along West Main Street.

As you may or may not have noticed, the sign that identified the mall was recently removed. The mall has permanently removed that sign and under variance will replace the remaining cinema sign with a new identification sign. The variance for this was granted in 1998.

While the cinema sign with the mall's name remains, the mall management feels that they do not have adequate identification at this time as the new sign is not ready to be installed yet.

Therefore, they are requesting a variance to allow a 64 square foot construction/real estate identification sign.

Relevant provisions of the Ordinance can be found in Sections 76.140 - Temporary Real Estate Signs; 76.145 - Temporary sign advertising new buildings, offices, rooms or apartments; 76.150 - Temporary sign advertising building contractors and professional persons. These sections address temporary signs similar to that proposed by the applicant.

However, each of these sections limit the area of the temporary signs to 16 square feet each. The Township has a policy of allowing these signs to be combined so long as the total area does not exceed 32 square feet. As the applicant is proposing an area of 64 square feet, a variance is being requested. You can see from the attached drawing of the sign that they are proposing to combine the content of the three permitted signs into one. They feel to have adequate visibility and identification, that 64 square feet is needed. The applicant is offering to combine the three permitted 16 square foot signs onto one 64 square foot sign.

The Maple Hill Mall has been before the ZBA several times over the years for sign variance requests. As a condition of the variance granted in 1998 for the replacement of the cinema sign with a new freestanding sign that exceeds the height and area permitted by Ordinance, the mall agreed to remove two existing freestanding signs. The new sign will be 30 feet tall with a sign area of 340 square feet. It replaces a 52 foot tall sign, 485 square feet in area.

The mall has approval for one permanent identification sign along West Main Street. This sign was approved to allow a central location for the mall identification and entrance drive. If any additional signs are desired, it will require a return to the Zoning Board of Appeals.

Department Review:

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

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

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

Comment: The site would be permitted up to three 16 square foot signs one each for identification of contractors, space for rent and the redevelopment. The established policy of the Township has been to allow the combination of these on one sign up to 32 square feet in area.

The applicant has indicated that the delay in replacing the cinema sign is beyond the control of the mall. They desire to have identification in the interim.

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

Comment: Staff was unable to find a similar variance request. The temporary signs at the West Main Mall property were erected without Township review and are being investigated. If not in compliance, appropriate action will be taken.

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

Comment: While not preventing compliance, the significant amount of frontage on West Main Street that the mall encompasses as well as the vegetation and existing businesses in front may be considered a physical condition justifying the requested variance.

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

Comment: The desire to have a 64 square foot sign is at the applicant's discretion. It should be noted, however, that the former mall identification sign (485 s.f. and 52' tall), was removed in anticipation of a new identification sign at 340 s.f. and 30' tall (replacing the existing cinema sign) would be erected shortly thereafter, which has not occurred.

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

Attachments:
application
sign sketch
excerpt - ZBA Minutes September 14, 1998



REG-RECEIPT:01-0000609 C:Oct 25 1999
CASHIER ID:I 12:32 pm A:Oct 12 1999

1092 APP-VARIANCES \$100.00

TOTAL DUE \$100.00

7275 W. RECEIVED FROM:
BRADY

CASH: \$100.00

PLANNING & ZONING APPLICANT

APPLICANT: Name Don BRADY

Company Maple Hill Mall

Address 5050 W main st.

Telephone 343-4654 Fax 343-0921

Interest in Property MAPLE HILL MALL

5050 WEST MAIN ST KALAMAZOO, MI

OWNER*: Name ITW MORTGAGE INVESTMENT III
CO INSIGNIA RESB, AGENT
Address 3100 MONTICELLO DALLAS TX 75205

LOCAL
Telephone 616 343-4654 Fax 616 343 0921

(*If different from the Applicant)

NATURE OF THE REQUEST: (Please check the appropriate box or boxes)

- | | |
|---|--|
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Subdivision Plat Review |
| <input checked="" type="checkbox"/> Administrative Site Plan Review | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Special Exception Use | <input type="checkbox"/> Interpretation |
| <input checked="" type="checkbox"/> Zoning Variance | <input type="checkbox"/> Text Amendment |
| <input type="checkbox"/> Site Condominium | <input type="checkbox"/> Other: _____ |

BRIEFLY DESCRIBE YOUR REQUEST**:

use of construction signs to be placed on main street
(copy attached).

Site plan review of Marshall's location and
update of redevelopment.

(**Use Attachments if Necessary)

"Temporary" Redevelopment Sign



8' x 8'

Handwritten notes and signatures at the bottom of the sign area:
OF
K. M. D. [unclear]
Woodward



SIGN DEPOT
 537 E. MICHRON AVE. KALAMAZOO, MI 49007
 PHONE (616) 342-3655 FAX (616) 349-4883

This is an unpublished drawing, created by Sign Depot. It is submitted for your personal use in connection with the project being planned for you by Sign Depot. It is not to be shown to anyone outside your organization, nor is it to be used, reproduced, copied or exhibited in any fashion whatsoever. All or any part of this design (except

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES OF MEETING HELD SEPTEMBER 14, 1998

Agenda

MAPLE HILL MALL - VARIANCE RE: SECTION 76.000 RE: SIGN PROVISIONS

NAYLOR LANDSCAPING - VARIANCE RE: OUTDOOR STORAGE - S. 8TH STREET

BRUCE VANDERWEELE - SITE PLAN REVIEW - 6,800 SQ. FT. OFFICE BUILDING - LOT 15, VENTURE PARK (5988 VENTURE PARK)

SEELBINDER - BOARD INTERPRETATION OF SECTION 11.310 - HOME OCCUPATION

A meeting was conducted by the Oshtemo Charter Township Zoning Board of Appeals on Monday, September 14, 1998, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall, pursuant to notice.

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

MEMBER ABSENT: Brian Dylhoff

Also present were Jodi Stefforia, Township Planning and Zoning Department, Rebecca Harvey, Township Planning Consultant, Scott Paddock, Ordinance Enforcement Officer, Patricia R. Mason, Township Attorney, and eight (8) other interested persons.

CALL TO ORDER

The Acting Chairperson called the meeting to order at 3:02 p.m.

MINUTES

The Board considered the minutes of the meeting of August 3, 1998. Ms. Meeuwse suggested a change to page 5 in the last sentence under #2 to state "It was felt that this situation is analogous in that there was only 50-75' between the subject site and the right-of-way and because the area in question is swampy." Mr. Saunders moved to approve the minutes as amended, and Ms. Meeuwse seconded the motion. The motion carried unanimously.

In addition, the applicant was seeking variance for four "specialty shop" signs which would be available for use by internal tenants. Therefore, the signage would not be located on the suite in which these tenants were located. The four "specialty shop" signs would be located in the area of the "Steketee's" wall signage at the main entrance point to the mall.

Mr. Bushouse was concerned that the Board had previously denied off-suite signage to an applicant inhabiting a suite at the Elks' Building. Ms. Harvey noted that the Board, during that consideration, indicated it might look more favorably on variance to allow off-suite signage if a "total package" for off-suite signage had been presented by or on behalf of the Elks' Building owner/manager. The Board did not want to deal with piecemeal applications from individual tenants. The Board felt that this would result in a haphazard rather than coordinated signage package. However, the Elks' applicant had never returned with a "coordinated total package." Mr. Bushouse expressed that the package presented by the mall was attractive, but he was concerned about consistency.

Ms. Harvey noted that the applicant had submitted a development plan for building and site modifications at the site. A majority of these modifications required administrative rather than Board review. However, the proposed modifications to existing freestanding and wall signage did require variance. She again summarized that the applicant proposed the removal of two existing mall pylon signs, the refurbishment of the existing pylon sign at the mid-site access point, and the establishment of coordinated exterior wall signage on the south building wall.

As to the specific variance criteria, Ms. Harvey noted that the site was allowed two nonconforming freestanding signs and two freestanding signs through Zoning Board of Appeals approval. Therefore, four freestanding signs totaling approximately 870 sq. ft. were allowed for the site. Currently, only three of these signs exist. The proposal of the applicant would reduce signage at the site to a single sign of approximately 340 sq. ft. This was comparable to the current pylon sign which would be replaced. Therefore, the applicant's proposal would bring the freestanding signage at the site into closer compliance to current Ordinance standards. Ms. Harvey also noted that generally the Board considers wall signage at the site a viable alternative to freestanding signage variance due to the liberal wall sign provisions of the Ordinance. She felt that, in this case, the use of wall signage for off-site identification would be of minimal use due to building placement (i.e., its setback from West Main), the land uses fronting West Main, and corridor landscaping.

As to the proposed wall signage, she felt that the proposed off-suite signage was distinguishable from that previously denied by the Board in that the applicant had presented a coordinated package for the entire mall and in that the signage would function primarily as "on-site" identification signage and would not necessarily advertise or provide identification for West Main traffic.

As to substantial justice, Ms. Harvey had included information with regard to similar past requests. As to the freestanding sign variance, she noted that the Hills' Department Store application had been granted. This application was similar to the proposed variance in that the

freestanding signage for off-site identification was not a reasonable option due to building placement (i.e., its setback from West Main), the land uses fronting West Main, and the corridor landscaping.

(2) That substantial justice weighed in favor of granting the variance in that the past decision of the Board regarding the Hills' Department Store application, which was analogous to the proposed application, had been granted. Further, the resulting signage would be in character with the area and reduce overall signage at the site and along West Main.

(3) That unique physical circumstances would weigh in favor of granting the variance in that the proposed sign would be located at the primary entrance to the mall. Further, the mall itself is at a significant setback from West Main and situated behind other developments, such as Applebee's, Old Country Buffet, Finley's, Comerica and Montgomery Wards. Further, the proposed signage is consistent with the Maple Hill Drive South Focus Area Plan.

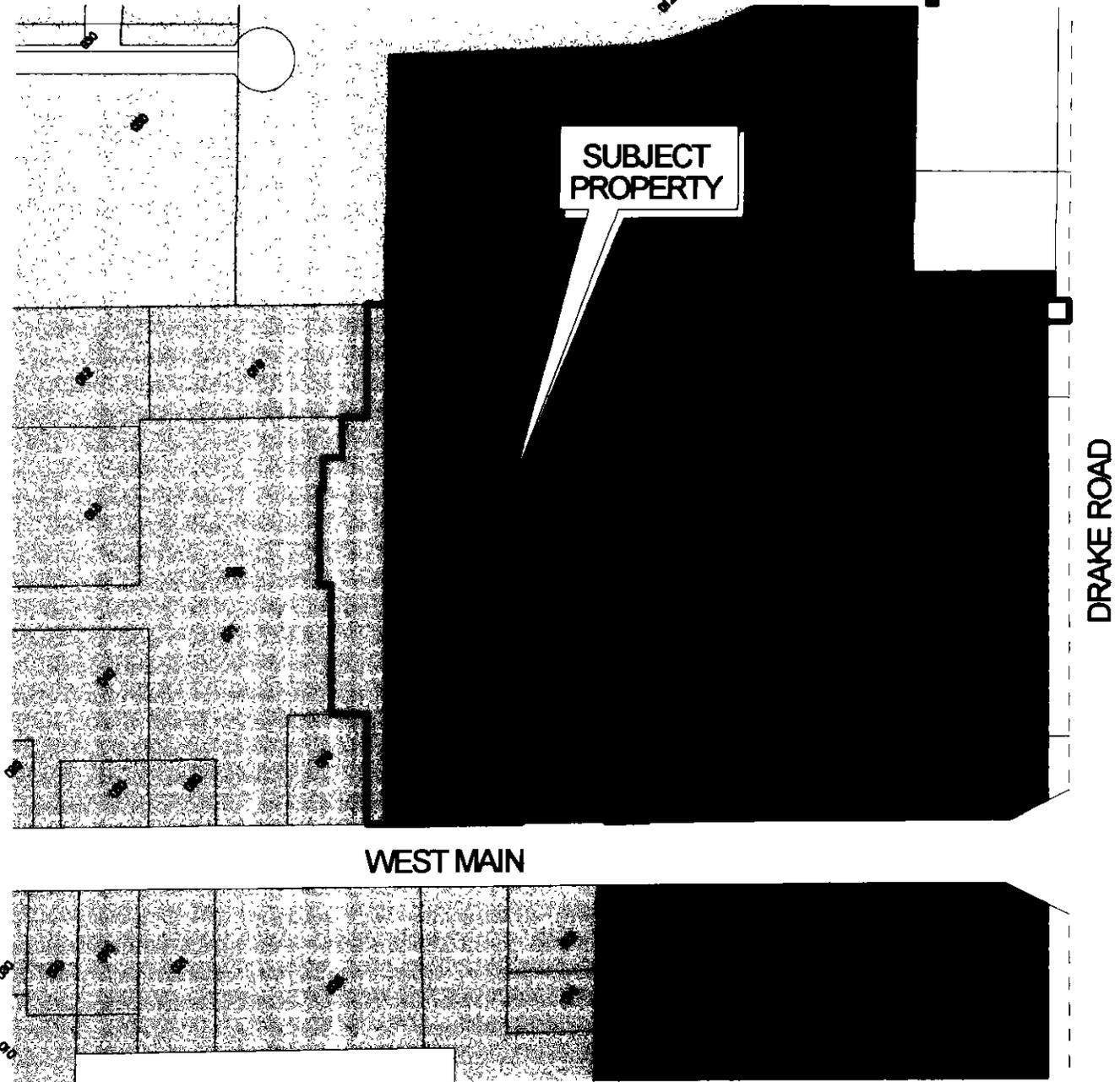
(4) That the hardship is self-created; however, that the proposed signage is within the spirit and intent of the Ordinance and the public health, safety and welfare would be secured with the granting of a variance. The proposal would result in the removal of two nonconforming signs, one sign permitted by Board approval, and the ability to establish a fourth sign along Drake Road. Freestanding signage for the mall property would be reduced by approximately 500 sq. ft. Further, the proposed signage was in keeping with the Maple Hill Drive South Focus Area Development Plan.

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

Ms. Meeuwse moved to approve the wall signage package as proposed by the applicant on the plan denoted "A-1 elevation" with the following reasoning:

(1) That conformance with the Ordinance was unnecessarily burdensome. Other options are available to the applicant; however, based upon the total coordinated package of signage, the proposed signage would be in keeping and in character of the area and with the Maple Hill Drive South Focus Area Development Plan. Further, the total wall signage at the site would be significantly less than that allowed by the Ordinance for the south façade of the Maple Hill Mall structure. Further, as to the Office Max signage, the south façade of the leased space was of such a length to justify the area of wall signage as proposed; the length of the south wall segment of the Office Max suite is 105' in length, permitting a wall sign of 210'; 154 sq. ft. were proposed for the Office Max sign. However, a portion of the wall segment of the Office Max suite extends out from the wall, and that protrusion is only 63' *in width*. The protrusion allowed for an aesthetically pleasing design for this segment of the mall but would, under Ordinance terms, limit the total square footage for wall signage on that segment to only 126 sq. ft. It was felt that the wall signage as proposed for Office Max would be in keeping with the area. As to the off-suite signage package, it was felt that the total coordinated proposal for off-suite signage was acceptable and that conformance with Ordinance provisions was unnecessarily burdensome.

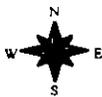
Oshtemo Township



- Maple Hill Mall.shp
- City
- 9th St. Focus Area Overlay
- 1/4 Section
- Section
- Parcels



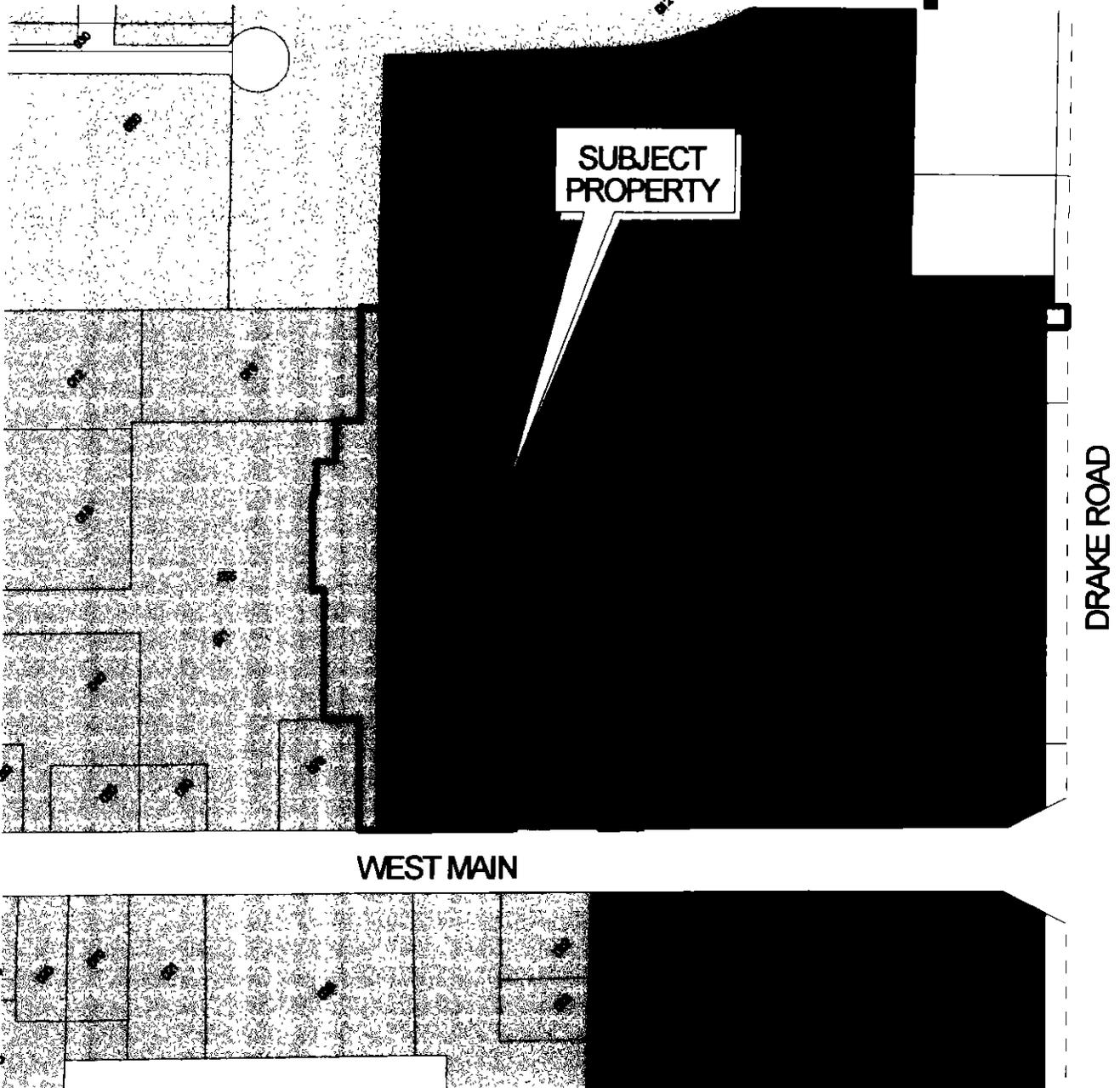
- Zoning
- AG-AGRICULTURE-RURAL DISTRICT
 - R1-RESIDENCE DISTRICT
 - R2-RESIDENCE DISTRICT
 - R3-RESIDENCE DISTRICT
 - R4-RESIDENCE DISTRICT
 - R5-RESIDENCE DISTRICT
 - C-COMMERCIAL
 - C1-LOCAL BUSINESS DISTRICT
 - CR-LOCAL BUSINESS DISTRICT RESTRICTED
 - IR-INDUSTRIAL DISTRICT RESTRICTED
 - I1-INDUSTRIAL DISTRICT MANUFACTURING & SERVICE
 - I2-INDUSTRIAL DISTRICT MANUFACTURING & SERVICE
 - I3-INDUSTRIAL DISTRICT SPECIAL



Street Revision: April 15, 1999
 Parcel Revision: April 15, 1999
 Zoning Revision: February 1999

MAPLE HILL MALL

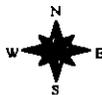
Oshtemo Township



- Maple Hill Mail Stop
- City
- 9th St. Focus Area Overlay
- 1/4 Section
- Section
- Parcels



- Zoning**
- AG-AGRICULTURE-RURAL DISTRICT
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Street Revision: April 15, 1999
 Parcel Revision: April 15, 1999
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MAPLE HILL MALL



1092 APP-VARIAN \$100.00
 TOTAL DUL \$100.00

7275 W. RECEIVED FROM
 BRADY

4
 10

PLANNING & ZONING APPLICATION

APPLICANT: Name Don BRADY

Company Maple Hill Mall

Address 5050 W main st

Telephone 343-4654 Fax 343-0921

Interest in Property MAPLE HILL MALL

5050 WEST MAIN ST KALAMAZOO, MI

OWNER*: Name ITW MORTGAGE INVESTMENT III
CO INSIGNIA RESB AGENT

Address 3100 MONTICELLO DALLAS TX 75205

LOCAL
 Telephone 616 343-4654 Fax 616 343 0921

(*If different from the Applicant)

NATURE OF THE REQUEST: (Please check the appropriate box or boxes)

- | | |
|---|--|
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Subdivision Plat Review |
| <input checked="" type="checkbox"/> Administrative Site Plan Review | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Special Exception Use | <input type="checkbox"/> Interpretation |
| <input checked="" type="checkbox"/> Zoning Variance | <input type="checkbox"/> Text Amendment |
| <input type="checkbox"/> Site Condominium | <input type="checkbox"/> Other: _____ |

BRIEFLY DESCRIBE YOUR REQUEST:**

Use of Construction sign to be placed on Main Street
(copy attached)
Site plan review of Marshall's location and
update of redevelopment.

(**Use Attachments if Necessary)

LEGAL DESCRIPTION OF PROPERTY:**

SEC 13-2-12 Com E 1/4 POST TH N ALG ELI 75 05 FT TH S
87 DE 657 MIN 33 SC W ALG N L1 W MAIN ST (M-43) 1589.73
FT TH (copy OF TAX NOTICE ATTACHED)

**** (Use Attachments if Necessary)**

PERMANENT PARCEL (TAX) NUMBER: 3905-13-255-021

ADDRESS OF PROPERTY: 5050 WEST MAIN KALAMAZOO MI

PRESENT USE OF THE PROPERTY: RETAIL MALL

PRESENT ZONING C-1 **SIZE OF PROPERTY** _____

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

Name(s)	Address(es)
_____	_____
_____	_____
_____	_____
_____	_____

SIGNATURES

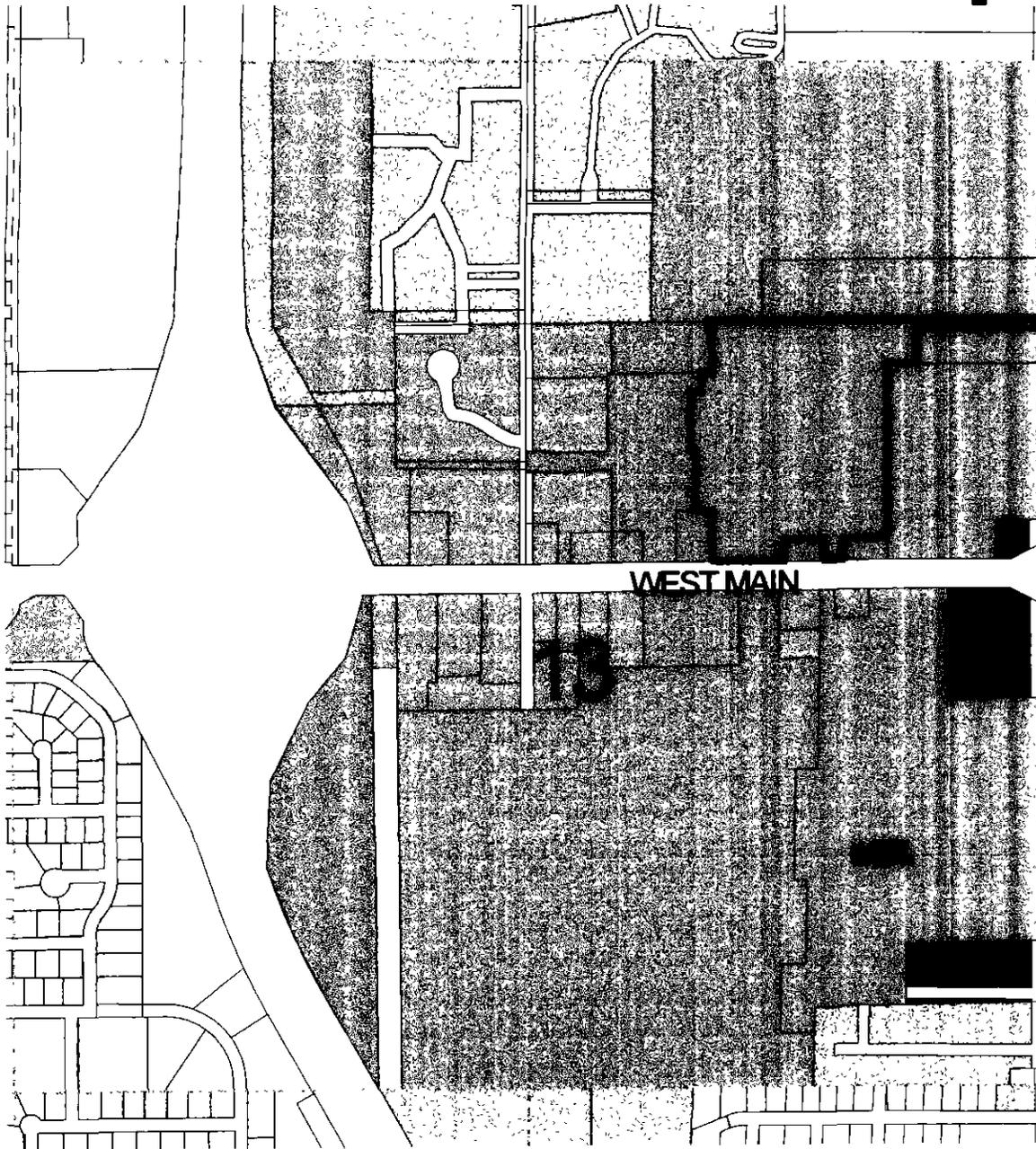
I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate.

**Donald Brody General Mgr*
Owner's Signature & Date
(If different from Applicant)*
as agent for owner

Donald Brody 10-25-99
Applicant's Signature & Date
General Manager
Maple Hill Mall

PLEASE ATTACH ALL REQUIRED DOCUMENTS

Oshtemo Township

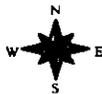


- Maple Hill Mall.shp
- City
- 9th St. Focus Area Overlay
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- Section
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Street Revision: April 15, 1999
 Parcel Revision: April 15, 1999
 Zoning Revision: February 1999



MAPLE HILL MALL

Date printed: 10/26/99

OSHTEMO TOWNSHIP
PROPERTY INFORMATION

PIN	Titleholder	Property Address
13230012	WMU FOUNDATION	N DRAKE ROAD KALAMAZOO MI 49006 <i>R</i> KALAMAZOO MI 49008 ✓
13230040	KALAMAZOO COLLEGE	927 N DRAKE ROAD KALAMAZOO MI 49009 ✓ 1200 ACADEMY STREET KALAMAZOO MI 49006 ✓
13255016	CTC PROPERTIES INC	MAPLE HILL DRIVE 00000 - 625 N MICHIGAN AVE SUITE 93 CHICAGO IL 60611 <i>R</i>
13255060	CTC PROPERTIES INC	5370 W MAIN STREET KALAMAZOO MI 49009 ✓ 625 N MICHIGAN SUITE 93 CHICAGO IL 60611 <i>R</i>
13255071	DAYTON HUDSON CORP T901	5350 W MAIN STREET KALAMAZOO MI 490091002 ✓ 777 NICOLLET MALL MINNEAPOLIS MN 55402 ✓
13255079	APPLEBEE'S OF MICHIGAN INC	5330 W MAIN STREET KALAMAZOO MI 49009 ✓ 1025 WEST EVERETT ROAD LAKE FOREST IL 60045 ✓
13280010	CTC PROPERTIES INC	5160 W MAIN STREET 49009 ✓ 201 MONROE NW SUITE 200 GRAND RAPIDS MI 49503 ✓
13280022	CTC PROPERTIES INC	5050 W MAIN STREET KALAMAZOO MI 49009 ✓ 625 N MICHIGAN AVE SUITE 93 CHICAGO IL 60611 <i>R</i>
13280030	COMERICA OPERATIONS CENTER	5080 W MAIN STREET KALAMAZOO MI 49009 ✓ PO BOX 75000 DETROIT MI 48275 ✓
13280040	GORDON FOOD SERVICE	827 N DRAKE ROAD KALAMAZOO MI 49009 ✓ 333 50TH STREET SW GRAND RAPIDS MI 49501 ✓
13280050	MONWAR PROPERTIES	5030 W MAIN STREET KALAMAZOO MI 49009 ✓ 1931 ROHLWING ROAD STE A ROLLING MEADOWS IL 60008 ✓
13405029	WALNUT WOODS OF MICH LLC	5349 W MAIN STREET KALAMAZOO MI 49009 ✓ 2012 28TH STREET SE GRAND RAPIDS MI 49508 ✓
13405030	ELKS LODGE NO 50	5303 W MAIN STREET KALAMAZOO MI 49009 ✓ 5303 W MAIN STREET KALAMAZOO MI 49009 <i>Dmp</i>
13430012	FIRST OF AMERICA K-A16-1G	5299 W MAIN STREET KALAMAZOO MI 49009 ✓ ONE FOA PARKWAY KALAMAZOO MI 49009 ✓
13430020	WDS VENTURES LLC	5171 W MAIN STREET KALAMAZOO MI 49009 ✓ 1620 SOUTH KALAMAZOO MARSHALL MI 49068 ✓
13430035	FIVE SHOPPING CENTER	5125 W MAIN STREET KALAMAZOO MI 49009 <i>R</i> WEST MAIN MALL OFFICE KALAMAZOO MI 49009 ✓ <i>R</i>