

**OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS**

**MINUTES OF A MEETING HELD JANUARY 28, 2020**

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**Agenda**

**ELECTION OF 2020 OFFICERS – CHAIR AND VICE CHAIR**

**SITE PLAN: ASHLEY HOMESTORE ADDITION**

**MEYER C. WEINER CO. REQUEST FOR SITE PLAN APPROVAL TO CONSTRUCT A 3,110 SQUARE FOOT ADDITION TO 5157 WEST MAIN STREET TO PROVIDE ADDITIONAL PRODUCT DISPLAY SPACE, STORAGE, AND A FEW SMALL OFFICES FOR THEIR NEW TENANT.**

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A meeting of the Oshtemo Charter Township Zoning Board was held Tuesday, January 28, 2020, at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Neil Sikora, Vice Chair  
Fred Antosz  
Ollie Chambers  
Fred Gould  
Micki Maxwell  
Anita Smith

MEMBER ABSENT: Cheri Bell

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. Two other persons were present.

**Call to Order and Pledge of Allegiance**

Vice Chair Sikora called the meeting to order and invited those present to join in reciting the “Pledge of Allegiance.”

**Public Comment on Non-Agenda Items**

There were no comments on non-agenda items.

**APPROVAL OF THE MINUTES OF DECEMBER 17, 2019**

Vice Chairperson Sikora asked if there were any additions, deletions or corrections to the minutes of December 17, 2019.

Mr. Antosz noted a typo on page four. Ms. Smith asked that her question regarding the parking spaces for the Bronson Ascension Site Plan be specifically stated on page 11.

Vice Chairperson Sikora asked for a motion to approve the Minutes with the requested corrections.

Mr. Antosz made a motion to approve the Minutes of December 17, 2019 as presented with the two corrections noted. Ms. Maxwell seconded the motion. The motion was approved unanimously.

Vice Chairperson Sikora moved to the next agenda item.

### **ELECTION OF 2020 OFFICERS – CHAIR AND VICE CHAIR**

Vice Chairperson Sikora asked for nominations for the positions of Chair and Vice Chair for 2020.

Mr. Antosz nominated Mr. Sikora for the position of Chair.

Mr. Sikora was willing to accept the nomination. No other nominations were made. The group unanimously elected Mr. Sikora as Chair for 2020.

Mr. Antosz nominated Ms. Smith for the position of Vice Chair.

Ms. Smith was willing to accept the nomination. No other nominations were made. The group unanimously elected Ms. Smith as Vice Chair for 2020.

Chairperson Sikora proceeded to the next item and asked Ms. Lubbert for the staff review.

### **SITE PLAN: ASHLEY HOMESTORE ADDITION MEYER C. WEINER CO. REQUEST FOR SITE PLAN APPROVAL TO CONSTRUCT A 3,110 SQUARE FOOT ADDITION TO 5157 WEST MAIN STREET TO PROVIDE ADDITIONAL PRODUCT DISPLAY SPACE, STORAGE, AND A FEW SMALL OFFICES FOR THEIR NEW TENANT.**

Ms. Lubbert reported that what once was the location of the MC Sports retail store, near the Southwest corner of Drake Road and West Main Street, will soon accommodate Ashley Homestore. Along with this change in tenancy, the property owner is seeking Township approval to construct a 3,110 square foot addition to the back of the existing structure for added product display space, storage, and a few small offices. Per section 18.40.A of the Zoning Ordinance, the primary use of the property—retail sales and service—is permitted by right, but the size of the addition warrants approval from the Zoning Board of Appeals.

She indicated the proposed placement complies with all zoning requirements not otherwise mentioned in her report. The use is permitted by right, and the proposed location of the addition is well within compliance with applicable setbacks. The increase in building footprint requires that any nearby existing landscaping deficiencies be addressed to some extent, and as part of this project the applicant will add one deciduous tree and two shrubs to a parking lot peninsula west of the project site; their placement appears to need adjustment from what is shown on the site plan. Some building-mounted lights will be added, and Township staff confirmed the proposed fixtures and their placement comply with Zoning Ordinance regulations.

Although no new site access is proposed, staff evaluated site circulation impacts and found the addition and associated truck dock will have no material impact on motorists, emergency vehicles, etc. Minimum circulation aisle widths are being maintained. The applicant has provided information affirming the property already has sufficient parking to accommodate the addition, in compliance with the Zoning Ordinance.

Ms. Lubbert said the proposed project location fits within the footprint of the former West Main Mall that once existed on the site, and the underlying surface is composed of that facilities impervious materials. As such, no new impervious surface will be added to the property with this addition, and Prein & Newhof, the Township's engineering representative, has verified the existing stormwater management facilities serving the property will not have to accept any additional runoff.

No additional stormwater facilities are needed currently, but staff is concerned the proposed water inlet at the truck bay floor could allow some amount of petrochemicals, such as motor oil and fuel that may drip from trucks, into the stormwater system. Staff will continue to evaluate this concern as a part of the project; some kind of pre-treatment device or other means of pollution mitigation may be necessary.

She explained the existing stormwater network that serves this property has been in place for a number of years and eventually drains off-site, as opposed to infiltrating on the property in accordance with current Township standards. The Township Engineer would like a better understanding of how the extant system works in general, and to that end staff will work further with the applicant. It is possible that the concern regarding chemical runoff will be addressed as part of a forthcoming larger-scale study.

Ms. Lubbert noted the Township Fire Marshal reviewed the site plan and has no concerns with the project as proposed.

Ms. Lubbert said based on the findings, staff recommended approval of the proposed site plan to the Zoning Board of Appeals, and asked that the following conditions be attached:

1. Placement of the deciduous tree and two shrubs on the site plan shall be adjusted accordingly so that they are correctly located within or near the parking lot peninsula. This correction shall be reflected on a revised site plan, submitted for administrative approval prior to issuance of a building permit.

2. If deemed necessary by Township staff, a stormwater pre-treatment device or other means of pollution mitigation shall be installed to ensure that additional pollutants do not enter the runoff network. Such shall be illustrated on a revised site plan, submitted to Township staff prior to issuance of a building permit.

Chairperson Sikora thanked Ms. Lubbert for her review and determined there were no questions from board members. He asked if the applicant wished to speak.

Ms. Shannon Orr, of Meyer C. Weiner Co., 700 Mall Drive, Portage MI, said they were excited to have a tenant for this property, which has been vacant for some time. She indicated the addition will be relatively small and it will not be noticeable. Their intent is to address the issues raised by staff and she hoped for Zoning Board approval.

Hearing no further comments, the Chair moved to Board deliberations.

Mr. Antosz said it was important to him to ensure that no pollution will enter the storm sewer and added that staff's recommended condition to address this concern be included in any motion for this item going forward.

Chairperson Sikora asked for a motion on the recommendation.

Mr. Antosz made a motion to approve the site plan as proposed with the inclusion of the following two conditions recommended by staff:

1. Placement of the deciduous tree and two shrubs on the site plan shall be adjusted accordingly so that they are correctly located within or near the parking lot peninsula. This correction shall be reflected on a revised site plan, submitted for administrative approval prior to issuance of a building permit.
2. If deemed necessary by Township staff, a stormwater pre-treatment device or other means of pollution mitigation shall be installed to ensure that additional pollutants do not enter the runoff network. Such shall be illustrated on a revised site plan, submitted to Township staff prior to issuance of a building permit.

Mr. Gould seconded the motion. The motion was approved unanimously.

### **Any Other Business**

Ms. Lubbert introduced and welcomed new board member Ollie Chambers, thanking him for his time and service.

Mr. Chambers noted he was a long time Oshtemo Township resident, has served two terms on the Township's Planning Commission, and looks forward to serving on the Zoning Board of Appeals and widening his understanding of zoning ordinance.

Ms. Lubbert indicated that for members who were interested she had educational tool kits from the Michigan Planning Association that cover the responsibilities/roles of the Zoning Board of Appeals

### **ZBA Member Comments**

Ms. Maxwell asked whether under the new scheme proposed for site plan review, tonight's site plan review might have been done administratively rather than coming before the board.

Ms. Lubbert said that would likely be the case. She reported the Planning Commission discussed her request for potential change to the site plan review process to allow administrative review in some cases, and that they were on board with it. The next step is to take it to the Township Board in February for consideration.

Ms. Smith asked whether more precise site plan maps might be included in future materials provided to the Board; Ms. Lubbert said that could be done.

Ms. Smith asked whether ZBA members should attend the public session regarding sewer development later in the day.

Attorney Porter said it was a policy related meeting, held to allow the Township Board to explain sewer development to the public and that there was no need for ZBA members to attend, though they would be welcome.

Ms. Lubbert said there may be an item making it necessary to hold a February ZBA meeting, but it is more likely the meeting will be cancelled.

### **Adjournment**

Chairperson Sikora noted the Zoning Board of Appeals had exhausted its Agenda. There being no other business, he adjourned the meeting at approximately 3:18 p.m.

Minutes prepared:  
January 29, 2020

Minutes approved:  
April 28, 2020