

**OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS**

**MINUTES OF A MEETING HELD JULY 24, 2018**

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**Agenda**

**PUBLIC HEARING: SIGN VARIANCE REQUEST (TABLED FROM JUNE 26 2018 MEETING)**

**A VARIANCE WAS REQUESTED BY THE VERNON GROUP, FROM SECTION 76.420.C OF THE TOWNSHIP ZONING ORDINANCE, TO ERECT A FREESTANDING SIGN WITH ZERO SETBACK FROM THE WEST MAIN STREET RIGHT-OF-WAY WHEN TEN FEET IS TYPICALLY REQUIRED. THE SUBJECT PROPERTY IS LOCATED AT 5945 WEST MAIN STREET, KALAMAZOO, MI 49009, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-14-435-011.**

**SITE PLAN REVIEW: DRAKE FARMSTEAD CARRIAGE BARN**

**OSHTEMO TOWNSHIP PARK'S DEPARTMENT REQUESTED SITE PLAN APPROVAL FOR A 1,200 SQUARE FOOT CARRIAGE BARN, AS WELL AS A PICNIC SHELTER, WITHIN THE DRAKE FARMSTEAD PARK LOCATED AT 927 NORTH DRAKE ROAD, PARCEL NO. 3905-13-230-031.**

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A meeting of the Oshtemo Charter Township Zoning Board was held Tuesday, July 24, 2018 at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

<b>MEMBERS PRESENT:</b>	James Sterenberg, Chair Nancy Culp Neil Sikora, Vice Chair Anita Smith
<b>MEMBERS ABSENT:</b>	Bob Anderson Bruce VanderWeele

Also present were Julie Johnston, Planning Director, Karen High Oshtemo Township Parks Director, and Martha Coash, Meeting Transcriptionist. Three other persons were in attendance.

**Call to Order and Pledge of Allegiance**

Chairperson Sterenberg 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 June 26, 2018**

Chairperson Sterenberg asked if there were any additions, deletions or corrections to the minutes of June 26, 2018. Hearing none, he asked for a motion.

Mr. Sikora made a motion to approve the Minutes of June 26, 2018 as presented. Ms. Culp supported the motion. The motion was approved unanimously.

### **PUBLIC HEARING: SIGN VARIANCE REQUEST (TABLED FROM JUNE 26 2018 MEETING)**

**A VARIANCE WAS REQUESTED BY THE VERNON GROUP, FROM SECTION 76.420.C OF THE TOWNSHIP ZONING ORDINANCE, TO ERECT A FREESTANDING SIGN WITH ZERO SETBACK FROM THE WEST MAIN STREET RIGHT-OF-WAY WHEN TEN FEET IS TYPICALLY REQUIRED. THE SUBJECT PROPERTY IS LOCATED AT 5945 WEST MAIN STREET, KALAMAZOO, MI 49009, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-14-435-011.**

Chairperson Sterenberg moved to the next item on the agenda and asked Ms. Johnston for her presentation.

Ms. Johnston reminded the group that at the June Zoning Board of Appeals meeting, Staff presented the sign variance requested by The Vernon Group to allow a zero-foot setback on West Main Street where a 10-foot setback is required. The Board requested additional information from Staff, tabling the application until the July meeting.

She indicated the Board questioned whether the applicant could remove some of the parking spaces along West Main Street to allow the sign to be setback the required distance from the right-of-way. Staff pulled the latest site plan for the Walnut Woods development, which was submitted in 2016 for administrative review after a fire damaged one of the office buildings.

According to the site plan, she said 141 standard parking spaces and 9 accessible spaces exist. The office buildings, including the new structure connecting two of the buildings, have a total net floor area of about 16,800 square feet. Based on one parking space for every 150 square feet of net floor space required by Section 68.400, only 112 spaces are necessary to meet code. The removal of three to five parking spaces to accommodate a new sign would not violate ordinance requirements.

The Board also requested Staff review the minimum variance necessary under the sites current configuration. The distance between the West Main Street right-of-way and the edge of the parking lot varies from zero to 20 feet at the widest location. However, the location with the widest available depth is at the most eastern corner of the frontage along West Main Street and the tree coverage to the east, found in the US131 right-of-way, significantly blocks visibility for westbound traffic.

Ms. Johnston said the applicant wished to place the sign at about the midpoint of their West Main Street frontage where the depth between the right-of-way line and the parking lot is approximately 14 feet. The sign mock-up illustration provided by SignWriter has a total width of 12 feet. The 10-foot variance request could be reduced to 8 or 9 feet, depending on placement location.

In addition, she said, the sign has two 2-foot columns on either side of the sign face. While providing aesthetic appeal, they are not necessary to the development of the sign. Removing and/or reducing the width of these end cap pillars could reduce the size of the needed variance.

Ms. Johnston said Staff believed there were three possible options:

1. Deny the variance indicating setback compliance can be reached by removing parking spaces from the site.
2. Approve the variance, based on the conclusions outlined in the staff report dated June 13, 2018, but reduce the needed variance from the requested zero-setback to something that would fit the space available between the right-of-way and the parking lot. For example, a sign with a width of 10 feet could reduce the variance needed to between 4 and 6 feet depending on placement of the sign within the requested location.
3. Approve the requested zero-foot setback citing the conclusions provided in the June 13<sup>th</sup> staff report.

Chairperson Sterenberg asked if there were questions for Ms. Johnston.

Mr. Sikora wondered about the required number and sizes for parking spots.

Ms. Johnston said they currently have 141 regular and 9 accessible spaces. 112 are required; required dimensions are 200 square feet which generally equates to 10 x 20 feet.

There were no further questions. The applicant was not present to speak and there were no public comments. The Chair moved to Board Discussion.

Mr. Sikora noted the goal for tabling this item from the June meeting was to explore other possibilities than a variance. He was disappointed a representative from the Vernon Group was not present to explain what might be the best option from their point of view in order to provide full information to the Board prior to a decision.

Ms. Smith felt the best option was option one, to deny the variance and reach compliance by removing parking spaces.

Mr. Sterenberg agreed, noting it would not cause undue hardship, and said alternatives were available that would provide the best placement for the sign.

Mr. Sikora concurred and noted it would have been helpful to have a discussion with the applicant in case the Board was missing something. He asked whether the two current signs would be removed if the variance were granted and what the next step would be for the applicant if the variance were denied.

Ms. Johnston said the two current signs are non-conforming and if the variance were approved they would be removed. Regardless of the Board's decision, when a new sign permit is issued the two current signs will need to be removed. If the variance is denied, the applicant will need to provide a new proposal.

Hearing no further discussion, Chairperson Sterenberg asked for a motion.

Ms. Culp made a motion to deny the variance request from the minimum 10-foot sign setback from the West Main right-of-way down to zero feet by the Vernon Group, based on information provided by Staff and Board discussion. Mr. Sikora supported the motion. The motion was approved unanimously.

**SITE PLAN REVIEW: DRAKE FARMSTEAD CARRIAGE BARN**  
**OSHTEMO TOWNSHIP PARK'S DEPARTMENT REQUESTED SITE PLAN**  
**APPROVAL FOR A 1,200 SQUARE FOOT CARRIAGE BARN, AS WELL AS A**  
**PICNIC SHELTER, WITHIN THE DRAKE FARMSTEAD PARK LOCATED AT 927**  
**NORTH DRAKE ROAD, PARCEL NO. 3905-13-230-031.**

Chairperson Sterenberg asked Ms. Johnston for her review of this application.

Ms. Johnston said development of the Drake Farmstead Park, a unique new 26-acre community park near the intersection of West Main Street and Drake Road, has been an ongoing project of the Townships for many years. A master plan was created in 2015 and the Parks Department has been steadily working on improvements through public/private partnerships, grants, donations, and Township contributions.

She said the park master plan includes walking trails, a picnic shelter and outdoor classroom, educational garden, multi-purpose building designed in the style of a carriage barn for indoor programs and events, and more. The site plan includes:

- A 1,200 square foot multi-purpose building (carriage barn) with 320 square foot porch for educational programs and private events, with a work area and accessible restrooms.
- Improvements to the gravel driveway, which includes a loop at the western end near the existing home and planned carriage barn. The total length of the gravel driveway is approximately 1,800 linear feet.

- The addition of a parking area, which will total approximately 23,400 square feet and will accommodate approximately 50 parking spaces.
- A picnic shelter totaling 1,200 square feet, to hold at least four picnic tables.

Ms. Johnston noted the largest majority of the Drake Farmstead Park is zoned C: Local Business District, with the frontage along Drake Road zoned R-3: Residence District for a depth of 320 feet. However, the property is also zoned with the Historic Overlay, which is the prevailing zoning district for development on the property.

Section 54.200 of the Historic Overlay Zone indicates any use significant to the historical purposes or characteristics of the property is permitted by right. The intent of the Drake Farmstead Park is to try and retain as much of the historical character of the property as possible considering the intended use as a park. The design of the multi-purpose carriage barn will be historically appropriate to the existing Drake house.

She indicated both the carriage barn and picnic shelter meet all setback requirements for the site. Only residential security lighting, which will be downward directed, is intended for the carriage barn so a photometric plan is not required. No lighting is planned for the picnic shelter.

The Landscaping Ordinance is more than satisfied with existing vegetation on site. The Parks Department is working towards removing invasive species, planting native trees, developing an educational garden, and reconstructing six acres of prairie.

For this phase of the park development, approximately half of the intended parking lot will be constructed. As the carriage barn increases in size during later phases, the parking lot will also be increased. The lot will be approximately 180 feet by 130 feet, totaling 23,400 square feet.

Section 68.300.C indicates that parking lots and associated drives are to be paved with a surface resistant to erosion. Use of permeable materials, similar to a paved surface, is encouraged. The parking lot and access drive are currently planned to be gravel, which is in keeping with the historic character of the Park. Section 54.200 of the Historic Overlay Zone states any use significant to the historical characteristics of the property is permitted.

Section 68.300 requires parking spaces to be 200 square feet in size, which generally equates to a 10 foot by 20-foot space. There is also a requirement for a 24-foot drive aisle. Based on these regulations, the planned configuration of the lot will allow for approximately 50 parking spaces. In addition, there is also a small overflow lot adjacent to the Drake home, which will accommodate approximately 10 spaces.

Based on the size of the carriage barn and new picnic shelter, Section 68.400 of the Off-Street Parking Ordinance indicates 44 spaces are needed on site. However, Section 68.300.K allows the maximum number of parking spaces to be 110 percent of

the minimum required by Section 68.400. Based on this allowance, a total of 49 spaces are permitted.

Section 68.300.K goes on to say that parking spaces may total more than 110 percent if approved by the reviewing body. When considering the other uses within the Drake Farmstead Park, for example the planned trails system and the Drake house, the 11 additional parking spaces beyond the 49 spaces allowed does not seem excessive.

Due to the gravel nature of the parking lot, delineating layout of the spaces and drive aisles to meet ordinance standards will be difficult to achieve. Therefore, some type of space markers will be needed to ensure proper parking and drive aisle spacing is achieved.

The Township Engineer did not have any concerns with the site plan. The size of the Park allows for storm water to be managed onsite, as required by code. The Fire Marshal reviewed the plan with the Parks Director and indicated concern with the loop road and ensuring fire truck access. Parks staff will work with the Fire Department to confirm the loop road meets the necessary curve radii.

Ms. Johnston said Staff is satisfied the project meets all applicable ordinance requirements and recommended approval with the following conditions:

1. Approval of the additional parking spaces beyond the maximum allowable permitted by Section 68.300.K.
2. Parking space markers of some type shall be utilized within the gravel parking lot to ensure proper drive aisle widths and parking space dimensions are achieved.

Chairperson Sterenberg asked if there were questions from the Board.

In answer to a question from Mr. Sikora regarding whether a conditioning approval of the turn radii by the Fire Marshal would be appropriate and consistent with other site approval requests, Ms. Johnston said the Board could choose to add this condition for consistency with other site plan approvals.

She also responded to questions about the need for extra parking spaces, citing the variety of activities at the Park and noted it has not yet been determined what type of parking markers might be used.

Hearing no further questions, Chairperson Sterenberg asked whether the applicant wished to speak.

Ms. Karen High, Parks Director for Oshtemo Township, explained moving the carriage house from the original planned location was due to the steep slope behind the house that would have required 11 feet of fill.

She also noted phase one includes funding from Michigan Department of Natural Resources and Oshtemo Township for trails, interpretive signs, picnic shelter and the parking lot.

Ms. High introduced Mr. Chris Newman who will be building the carriage barn with timber construction in conjunction with Glas Associates, in order to keep with the historical and rural character of the Farmstead and the authentic feel desired.

She also noted they originally planned a partnership to develop a hay field but were unable to find a partner. Instead, a Kalamazoo Community Foundation grant will allow a six acre prairie reconstruction with interpretive trails and signs. This is what the Drakes would have found when the family arrived to settle the land. It will provide a pollinator and wildlife habitat and is actually more desirable than a hay field.

Chairperson Sterenberg thanked Ms. High for her work on this project, noted the Farmstead development will be a great addition to the Township and moved to Board Discussion.

Mr. Sikora confirmed the setbacks meet ordinance and that appropriate numbers and locations for accessible parking spots will be included.

Hearing no further comments, the Chair asked for a motion.

Ms. Culp made a motion to approve the request from Oshtemo Township Park's Department for site plan approval, including the two stated conditions by Staff, and with the addition of a third condition that the Fire Marshal approve the turn radii of the looped drive provided for fire trucks. The motion was supported by Mr. Sikora. The motion was approved unanimously.

### **Any Other Business**

Ms. Johnston noted there will be an August ZBA meeting to consider another sign variance request.

### **ZBA Member Comments**

There were no comments.

### **Adjournment**

Chairperson Sterenberg noted the Zoning Board of Appeals had exhausted its Agenda. There being no other business, he adjourned the meeting at approximately 3:40 p.m.

Minutes prepared:  
July 25, 2018

Minutes approved:  
August 28, 2018