7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
269-216-5220 Fax 375-7180 TDD 375-7198
www.oshtemo.org

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS - REGULAR MEETING

OSHTEMO TOWNSHIP HALL
7275 WEST MAIN STREET

TUESDAY, OCTOBER 27, 2026
3:00 P.M.

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: September 22, 2026 (Pg 3)
6. **Frontage and Setback Variances: J. C. Customs, LLC (5088 W Michigan Ave 3905-25-485-011)** Zoning Board of Appeals to consider request for a variance from Section 50.10 to allow a land division resulting in a parcel without public street frontage and a variance from Section 59.80.F to allow three wireless support structures each with a setback less than the respective tower's height. (Pg 9)
7. **Site Plan Review: D&R Sports (8178 W Main Street, 3905-16-280-012)** Zoning Board of Appeals to conduct site plan review of a proposed 2,660 square foot building addition. (Pg 51)
8. **Site Plan Review: Wolverine Assemblies, LLC (6110 Technology Ave, 3905-35-450-007)** Zoning Board of Appeals to conduct site plan review of a proposed Consumers Energy Emergency Response Yard. (Pg 59)
9. Other Updates and Business
   a. Adopt 2027 meeting dates (Pg 67)
10. Adjournment

Broadcast Notice:
This meeting is being streamed live on the Public Media Network website and app and recorded for watching on-demand. It is also broadcast on Spectrum and AT&T community access channels.

Policy for Public Comment
Township Board Regular Meetings, Planning Commission & ZBA Meetings

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

   Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

   All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

   All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

   Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday, 8 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.–1 p.m. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees

Supervisor		
Cheri Bell	216-5220	cbell@oshtemo.org
Clerk		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
Treasurer		
Clare Buszka	216-5260	cbuszka@oshtemo.org
Trustees		
Neil Sikora	760-6769	nsikora@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Michael Chapman	375-4260	mchapman@oshtemo.org

Township Department Information

Assessor:		
Kristine Biddle	216-5225	assessor@oshtemo.org
Fire Chief:		
Greg McComb	375-0487	gmccomb@oshtemo.org
Ordinance Enforcement:		
Alan Miller	216-5230	amiller@oshtemo.org
Parks Director:		
Vanessa Street	216-5233	vstreet@oshtemo.org
Rental Info	216-5224	oshtemo@oshtemo.org
Planning Director:		
Jodi Stefforia	375-4260	jstefforia@oshtemo.org
Public Works Director:		
Anna Horner	216-5228	ahorner@oshtemo.org

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD SEPTEMBER 22, 2026

AGENDA

GUEST ROOM VARIANCES: 7 Oaks Ranch & Retreats (4824 South 1st Street, 3905-31-380-021)

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held Tuesday, September 22, 2026, beginning at 3:00 p.m.

MEMBERS PRESENT: Rick Everett, First Alternate
Dusty Farmer
Fred Gould
Harry Jachym, Vice Chair
Meg Blinkiewicz, Second Alternate
Alistair Smith

MEMBERS ABSENT: Louis Williams, Chair

Also present were Jodi Stefforia, Planning Director, Jim Porter, Township Attorney, Zoning Administrator Colten Hutson and two members of the public.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE
Vice Chair Jachym called the meeting to order at 3:00 p.m.

Those in attendance joined in reciting the Pledge of Allegiance.

APPROVAL OF AGENDA
Vice Chair Jachym called for approval of the agenda.

Ms. Farmer **made a motion** to approve the agenda as presented. Mr. Smith **supported the motion**. The motion **passed unanimously**.

PUBLIC COMMENT ON NON-AGENDA ITEMS
Vice Chair Jachym invited the public to comment on non-agenda items. No one came forward.

APPROVAL OF THE MINUTES OF MAY 26, 2026

Vice Chair Jachym asked for additions, deletions, or corrections to the Minutes of the meeting held on May 26, 2026. Ms. Blinkiewicz requested that the spelling of her last name be corrected.

Mr. Smith **made a motion** to approve the Minutes of the May 26, 2026, meeting with the correction to Ms. Blinkiewicz's name. Ms. Farmer **supported the motion**. The motion **passed unanimously**.

GUEST ROOM VARIANCES: 7 OAKS RANCH & RETREATS (4824 SOUTH 1ST STREET, 3905-31-380-021)

Ms. Stefforia presented her staff report dated September 22, 2026, which is incorporated herein. Jeff Ross, on behalf of the Jeff K. Ross Revocable Trust, requested two variances from Section 49.50 of the Zoning Ordinance for 7 Oaks Ranch & Retreats at 4824 South 1st Street. The approximately 18-acre property is zoned RR, Rural Residential, and is located at the southern end of South 1st Street adjacent to Texas Township. Approximately one-third of the property contains the residence, accessory buildings, pasture, and other improvements; the balance is wooded.

The request would permit the retreat use to include up to seven guest rooms plus one room for a facilitator, where the ordinance allows no more than six guest rooms, and would permit four of the guest rooms to be located in detached cabins rather than within the principal dwelling. The four cabins are approximately 12 feet by 16 feet and contain a bed, small bathroom, refrigerator, coffee maker, and microwave. Mr. Ross resides on the property.

Ms. Stefforia explained that the Planning Commission approved the bed-and-breakfast special exception use on August 27, 2026, subject to the requested variances and other conditions. The Planning Commission limited the use to no more than seven retreat participants and one facilitator for no more than six weekends per year. Any expansion would require additional Planning Commission review. Approval from the Kalamazoo County Health and Community Services Department was also required for food service and the well and septic systems. The special exception use approval and its conditions run with the land.

Ms. Stefforia reviewed the practical-difficulty standards applicable to a dimensional variance: unique physical circumstances; whether strict conformance would be unnecessarily burdensome; whether the requested relief is the minimum necessary to provide substantial justice; whether the circumstances are self-created; and whether the request would affect public safety and welfare.

Regarding the Unique Physical Circumstances standard, Staff noted that the residence and four cabins are already established on the property. Their existing configuration does not prevent the owner from complying by using no more than six guest rooms within the

residence, but the Board could consider the established buildings, acreage, and wooded setting when evaluating whether the requested arrangement is reasonable.

Regarding if the Conformance Unnecessarily Burdensome standard is met, Ms. Stefforia noted that the ordinance would allow six guest rooms without establishing a separate total-occupancy limit. The proposal would accommodate no more than seven retreat participants and one facilitator and would occur no more than six weekends each year. Although rooms in the residence could be used instead, the Board considered whether limiting all guests to the principal dwelling would be unnecessarily burdensome given the existing cabins, the small number of retreats, and the owner's continued family use of the cabins. Staff noted that the cabins do not contain full kitchens and are not separate dwelling units.

For the Minimum Necessary for Substantial Justice standard, Staff found no prior Township Zoning Board of Appeals decision involving a bed-and-breakfast request of this kind. The additional rooms and use of the existing cabins were limited to the approved retreat format, the number of participants, and six weekends per year. Given the size of the property, the location of the cabins, and the limited frequency of use, staff did not anticipate an adverse effect on neighboring property.

For the Self-Created Hardship standard, Staff noted that the owner constructed the cabins for family use and later proposed using them for retreats. The requested arrangement is therefore discretionary. The Board was asked to weigh that fact against the limited nature of the proposed use and the ordinance's regulation of more conventional commercial bed-and-breakfast operations.

Finally, the Public Safety and Welfare was considered. Staff did not anticipate a negative effect on public health, safety, or welfare because of the property's acreage, the limited number of guests, and the restriction to no more than six retreat weekends per year. The Board discussed the need to confirm that the cabins are suitable for overnight occupancy.

Board members asked about the size and facilities of the cabins, the number of rooms available in the residence, the owner's intended family use of the cabins, and whether the cabins had received required inspections. Ms. Stefforia explained that the cabins are approximately 192 square feet and may not have required building permits when constructed as accessory structures. Members noted, however, that overnight occupancy and the electrical, plumbing, and mechanical systems raised requirements beyond those applicable to an accessory shed.

Mr. Ross stated that the cabins were originally built to provide private accommodations for his four adult children and their families when visiting the property. He described three types of guests: family members, friends and clients from his financial-advisory practice, and participants in a limited number of intentional retreats involving equine coaching and personal reflection. He emphasized that the property would not be used for weddings,

large events, loud gatherings, or a continuous lodging business. He anticipated three to six retreat weekends annually, generally between May and October, with no more than seven participants and one facilitator.

Mr. Ross explained that he initially considered adding rooms within the residence, but the structure could not reasonably support a second-floor expansion without substantial reconstruction. The detached cabins provide privacy while remaining grouped near the residence and approximately 350 feet from the road within the wooded property. He stated that the retreat use is intended to remain small and is not being pursued as a profit-driven commercial operation.

In response to inspection questions, Mr. Ross stated that the contractor who constructed the cabins did not obtain electrical inspections. He subsequently retained Bosch Architecture and a structural engineer and had plumbing and electrical work corrected. The septic system and new well had been inspected, while County approval for the proposed lodging use remained a condition of the Planning Commission approval. Board members expressed concern that the cabins were intended for sleeping accommodations but had not been inspected and approved for occupancy by the Township Building Department. They discussed potential safety and liability issues and agreed that inspection and approval of the cabins for overnight occupancy should be a condition of the variance approval.

Board members sought clarification regarding the room charge, the inclusion of meals, and if a lodging use that generates income is allowed in the RR, Rural Residential, district. Ms. Stefforia explained that the room rate for a bed-and-breakfast includes meals and that a bed-and-breakfast is allowed in the district only as a special exception use. Staff was not aware of a prior bed-and-breakfast application in the Township. Members also discussed the distinction between the proposed owner-occupied use and a short-term rental, as well as concern that approval could be perceived as precedent for additional commercial lodging uses in rural residential areas. Attorney Porter advised that the Planning Commission had already approved the special exception use and that the Board's role was limited to applying the variance standards to the additional guest capacity and use of the cabins. He emphasized that each future request would be reviewed on its own facts and merits.

Board members asked how the approval would apply if the property changed ownership, whether a future owner could increase the frequency or intensity of the use, and how compliance would be monitored. Attorney Porter explained that the variance runs with the land but remains limited by the conditions of the Planning Commission's special exception use approval. Ms. Stefforia reiterated that the operation is limited to seven participants and one facilitator for no more than six weekends each year and that any expansion would require further Planning Commission review. She stated that the Zoning Ordinance requires an annual administrative review with an on-site inspection and that complaints, significant changes, or compliance concerns could result in additional review. The owner's continued

presence on the property and the meal component also distinguish the use from a conventional short-term rental.

Vice Chair Jachym opened the public hearing. No one spoke.

Vice Chair Jachym noted that the Township had received written comments in support from an adjoining property owner to the north, and one additional letter. Vice Chair Jachym closed the public hearing.

Ms. Farmer **made a motion** to approve the variances from Section 49.50 of the Zoning Ordinance to allow 7 Oaks Ranch & Retreats to operate with up to seven guest rooms plus one room for a facilitator, including use of the four cabins during retreats, which may occur no more than six weekends per year, subject to the Planning Commission's approval of the special exception use and inspection and approval of the cabins by the Township Building Department. Mr. Everett **supported the motion**.

Vice Chair Jachym called for a roll call vote.

Mr. Smith – Yes
Mr. Jachym – Yes
Ms. Farmer – Yes
Mr. Gould – Yes
Mr. Everett – Yes

The motion **passed by majority vote**.

OTHER UPDATES AND BUSINESS

Ms. Stefforia advised the Board that a meeting would be held the following month and that one, and possibly two, items were expected for consideration.

ADJOURNMENT

Vice Chair Jachym adjourned the meeting at 3:47 p.m.

Minutes Prepared: September 23, 2026
Minutes Approved

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Staff Report

Mtg Date: October 27, 2026

To: Oshtemo Township Zoning Board of Appeals

From: Planning Department

Applicant: J.C. Customs, LLC

Owner: J & J Carnago, LLC

Property: 5088 West Michigan Avenue, Parcel Number 3905-24-485-011

Zoning: I-1: Industrial District

Request: Variances from Sections 50.10 and 59.80.F to allow a land division resulting in a parcel without public street frontage where 200 feet is required and three wireless support structures each with a setback less than the respective tower's height.

Section(s): Section 50.10 – Schedule of Area, Frontage, and/or Width Requirements
Section 59.80 – Wireless Telecommunication Facilities 5G Ordinance
Article 27 – I-1: Industrial District, Manufacturing/Servicing

Planning & Zoning Department Report:

Overview:
Mike Fisher, with J.C. Customs, LLC, is interested in acquiring approximately 18.5 acres of the approximate 22-acre parcel at 5088 W Michigan Ave to construct a self-storage facility. The property is shown outlined in green in the aerial map to the right. In order to allow the land division and because of the three *existing* communication towers, the applicant is requesting two variances.



Request A is to allow the land division which results in an additional parcel without frontage. If approved, the land division will create a parcel separate from that portion of the property occupied by the communication towers. Although the subject property presently has no

frontage due to variances granted in the past, this new parcel is subject to the minimum dimensional criteria of the Zoning Ordinance, specifically, the 200-foot frontage requirement for any unplatted parcel in this zoning district. The proposed land division is shown on the aerial map on page 6 of this report and attached concept plan.

Request B is for relief from the setback requirements outlined in Section 59.80.F of the Zoning Ordinance for three *existing* communication towers where a setback equivalent to the height of the tower from all property lines is required.

Although the applicant's submission did not provide specific details on the resulting tower setbacks, for the ZBA's information, the requested relief is approximated in the following table.

Tower	Year Constructed ±	Height ± (ft)	Tower setbacks ± (ft) (from proposed property line)				Maximum relief requested ± ** (ft)
			North	East	South	West	
Guyed Tower A	1991	400 *	60	148	131	433	340
Guyed Tower B	1995	500 *	110	33	85	537	467
Monopole C	2003	230 *	73	353	118	226	157

* Approximate tower heights noted in Township records (with appurtenances).
** Maximum relief requested was calculated by subtracting the approximate overall tower height with the approximate minimum setback.

Planning & Zoning Department Review:
The Michigan courts have applied the following principles/standards for a dimensional variance, which collectively amount to demonstrating a practical difficulty. The Zoning Board of Appeals should consider these standards in considering the variance request. Staff review of the two requests against these criteria is provided below. Also review the applicants' materials for comments on these factors.

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

Comment: Request A: Consider that, per past variances, the property presently has no frontage and has access via an existing 24-foot-wide shared private drive within a 66-foot-wide easement for ingress/egress and utilities, which will remain in place.

Request B: As the fall radius for the towers, equivalent to their height, presently exceeds most of the boundaries of the site, the Zoning Board of Appeals may consider the existing towers and their height to be factors limiting compliance.

Township records indicate that the towers received proper approvals in the past.

Standard: Conformance Unnecessarily Burdensome
Is conformance unnecessarily burdensome?
Are reasonable options for compliance available or does reasonable use of the property exist with denial of the variance?

Comment: Request A and B: Reasonable options for compliance are available by continuing to operate

the property in its present state without the land division. Use is presently being made of the property and denial of the variance would not prevent continuing the current use.

Options appear limited for the applicant to explore dividing the parcel compliant with the Zoning Ordinance without creating a condominium or plat of the entire property and/or extending a public road to establish the required frontage.

Consider the limited industrial land in the Township and low impact nature of the proposed use. The property is almost 22 acres in area, and a large portion is underutilized.

Review the attachment for information on what surrounding municipalities require for tower setbacks.

Standard: Minimum Necessary for Substantial Justice
Applied to both the applicant as well as to other property owners in district.
Review past decisions of the Zoning Board of Appeals for consistency (precedence).

Comment: Request A: In researching past Zoning Board of Appeals decisions, at least two variance requests were granted for frontage relief for the subject property:

- *Roe-Comm, Inc. – 02-04-1991* – relief granted from the 200-foot road frontage requirement, conditioned upon the use of the site being for a wireless tower.
- *Roe-Comm, Inc. – 06-05-1995* – relief granted from 200-foot road frontage requirement, again conditioned upon the use of the site being for a wireless tower.

Request B: At least two *deviation* requests were granted for setback relief for wireless communication towers:

- *Message Express – 07-27-2000 – 624 S 4th Street* – site plan review and setback deviation for a replacement of a 160-foot-tall tower with a 260-foot-tall tower, with appurtenances. Minimum setback is 22.5-feet setback from the side property line (relief of 237.5 feet).
- *Aubrey Homes, LLC – 07-14-2005 – 1548 Concord Place* – site plan review and setback deviation for a replacement of a 96-foot-tall tower with a 130-foot-tall tower, with appurtenances. Minimum setback is 44-feet from the side property line (relief of 86 feet).

Prior to 2023, the Zoning Ordinance required the minimum setback to be equal to the height of the tower so the fall distance would be on the subject property. The reviewing body was allowed to grant deviations through site plan review when the spirit and intent of the ordinance was observed but still required a minimum setback of 150 feet from residences, residentially zoned property, or a public street.

With the adoption of Article 59, although these ordinance provisions are still inadvertently listed in Section 48.40 of the Zoning Ordinance, deviations are no longer allowed. As proposed, the towers remain at least 150 feet from residences, residentially zoned property, or a public street.

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

Comment: Requests A and B: This request is the result of the applicant's interest in the property without the towers to be a separate parcel; therefore, it could be argued that the hardship is self-created. However, the past variances granted, and the existing configuration and physical characteristics of the property might not be considered self-created.

Consider the deviation language in the Zoning Ordinance, that is now trumped by Article 59 and is not available for the applicant.

Standard: Public Safety and Welfare
Will the variance request negatively impact the health, safety, and welfare of others?

Comment: Request A: The purpose of the dimensional requirements as outlined in Section 50.10 of the Zoning Ordinance is to "…secure the more orderly development of property in unplatted areas through the encouragement and regulation of open spaces between buildings and lessening of congestion, the encouragement of more efficient and conservative land use, the facilitating of transportation, sewage disposal, water supply and other public requirements and by providing for future access to interior land which might not otherwise be adaptable to proper and advantageous development."

These requirements have value in that they serve to limit the number of driveways and control access along public streets. However, in this present case, it can be argued that the spirit of the ordinance would be observed because the site presently has no frontage and no additional driveways are being requested. The site would continue to be serviced by the existing 66-foot-wide access easement.

Allowing the balance of the land to be used productively for the self-storage business would meet the intent of the ordinance by encouraging efficient land use.

Request B: The purpose of the requirements for new wireless facilities in Article 59 of the Zoning Ordinance is to "…regulate the construction of wireless telecommunications facilities on private property, in order to accommodate the need for communication while protecting the public health, safety and welfare".

It is also understood that the setback requirements were likely established to protect surrounding uses and properties in case of tower collapse. The applicant should speak to this concern.

Consider that the uses surrounding the property are industrial, the highway, or the railroad. If the ZBA decides favorably, any development would still be required to complete site plan review, including by Planning & Zoning, Public Works, and Fire Department, to ensure conformance to all applicable codes.

Possible Actions:
Zoning Board of Appeals may take the following possible actions on the variance request:

- Motion to approve as requested (conditions may be attached).
- Motion to deny.

The motion should include the findings of facts relevant to the requested variance. Based on the staff analysis, the following findings of facts are presented for the Zoning Board of Appeals consideration for both requests:

- Support of variance approval
    - Unique physical circumstances or limitations may exist.
    - It is not expected that granting the variances would negatively impact the health, safety, and welfare of the public and the spirit of the ordinance will be observed.
    - The need for the variances might not be considered a self-created hardship.
    - Compliance with the Zoning Ordinance is unnecessarily burdensome.

- Support of variance denial
    - There are options for compliance through creating a condominium or plat.
    - The minimum necessary for substantial justice might not be satisfied.
    - The need for variances might be considered a self-created hardship.

Possible motions for the Zoning Board of Appeals to consider include:

1. The Zoning Board of Appeals approves the variance requests from Section 50.10 and 59.80.F of the Zoning Ordinance, as requested, to allow a land division resulting in a parcel without public street frontage where 200 feet is required and three wireless support structures each with setbacks less than the respective tower's height, with the following conditions:
    a. Approval is tied to a potential self-storage facility, which will require the applicant to return for site plan review.
    b. Approval is subject to final verification of setbacks by staff once the sealed survey is received at the time of land division application.
    c. The existing easement for ingress/egress and utilities stays in effect but may be improved as necessary with the new development and as may be required through site plan review.

2. The Zoning Board of Appeals denies the variance requests from Section 50.10 and 59.80.F of the Zoning Ordinance.

Attachments:
Applications
Narratives
Concept Plans
Zoning Ordinance Section 48.40
ZBA minutes from 02-04-1991 and 06-05-1995
PC minutes from 10-12-2000 and 07-14-2005
Nearby community’s setback comparisons


2025 Aerial Map of 5088 W Michigan Ave
Railroad
U.S. Highway 131
W Michigan Ave
C
A
B
Existing Prop. Line
Proposed Land Division
Towers
N

Oshtemo
CHARTER TOWNSHIP
· Established 1839 ·

Planning Department
7275 W. Main Street
Kalamazoo, MI 49009
Phone: 269.216.5223
planning@oshtemo.org

PLANNING & ZONING APPLICATION

1. Instructions & Fee Information

- Complete this application providing the requested supplemental documentation described herein, including the fee, and submit to the Planning Department for review. Incomplete applications will not be accepted.

2. Applicant Information

Name: J.C. Customs, LLC		
Mailing Address: 10062 Doubleday Drive	City, State: Richland, MI	Zip Code: 49083
Email: [redacted]	Phone: [redacted]	

3. Property Owner Information

Name: J & J Carnago, LLC		
Mailing Address: 2216 Hunters Pond	City, State: Kalamazoo, MI	Zip Code: 49048
Email: [redacted]	Phone: [redacted]	

4. Project Information

Project Name: J.C. Customs, LLC Self Storage		
Project Address: Part of 5088 West Michigan Avenue	Parcel Number: 05-24-485-011	
Email: [redacted]		

Property Legal Description (use attachments if necessary):

See attached Exhibit A for legal description

Current Zoning: I-1	Current Use: towers	Area of Property: see site plan attached

Type of Request (check all that apply):

- ☐ Site Plan Review (type, if applicable):
  - ☐ Pre-Application
  - ☐ Administrative
- ☐ Plat/Site Condo
- ☐ Rezoning
- ■ Zoning Variance
- ☐ Special Exception Use
- ☐ Clear Cutting
- ☐ Text Interpretation
- ☐ Accessory Building/Dwelling Unit
- ☐ Other: _____

Statement of Intent: Briefly describe your request (use attachments, if necessary).

Please see attachment for description of request.

5. Required Documents for Site Plan Review

Required Documents for Site Plan Review (complete and attach to this application):

☐ Environmental Permits Checklist

☐ Hazardous Substance Reporting Form

☐ Site Plan, if applicable

☐ Access predetermination form RCKC or MDOT, if applicable

6. Signatures

Names & addresses of all other persons, corporations, or firms having a legal or equitable interest in the property:

JC CUSTOMS, LLC 10062 DOUBLEDAY DRIVE, RICHLAND MI. 49083

Names(s) Address(es)

J & J Carnago, LLC 2216 Hunters Pond Kalamazoo, MI 49048

Names(s) Address(es)

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.

I (we) acknowledge that we have received the Township's Disclaimer regarding Sewer and Water Infrastructure.

I (we) understand the incomplete applications will not be accepted. If the application is found to be incomplete after submission, formal review and approval may be delayed. Significant revisions to an application or its attachments may result in requiring the submission of additional fees and/or additional escrow.

By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

8.23.2026 8-21-26

Applicant Signature Date Property Owner Signature Date

Docusign Envelope ID: 77CAA69A-63CC-8BF9-804B-59FBA92DA0B4

Warner Norcross + Judd LLP

August 31, 2026

Oshtemo Township
Zoning Board of Appeals
7275 West Main Street
Kalamazoo, MI 49009

Re: Variance Request from Road Frontage Requirements

Dear ZBA Members:

We are writing this letter in support of a variance request being made by J.C. Customs, LLC ("JC Customs") and J & J Carnago, LLC ("J&J"), which relates to the property located at 5088 West Michigan Avenue, Kalamazoo, Michigan 49008 (the "Property"). J&J is the current owner of the Property. JC Customs has entered into a purchase agreement to purchase a portion of the Property from J&J. JC Customs and J&J are referred to in this letter collectively as the "Applicant."

Background:

The Property currently consists of approximately 21.640 acres of land situated in the I-1 zoning district in Oshtemo Township. The Property is largely vacant land with the exception of three towers located in almost the center of the Property. Importantly, the Property also borders on US 131, which is located to the West. A portion of the Northwest corner of the Property is also covered by wetlands. The Property is also bordered to the North by a railroad right of way. JC Customs proposes to purchase approximately 18.5 acres of land and intends to construct a self-storage facility on the Property.

JC Customs met with the Township to discuss the project and the necessary steps Applicant should undertake in order to move forward. As part of the real estate transaction, the Applicant will request that the Township process a land division application. That will effectively divide the Property and allow JC Customs to purchase the needed acreage for the self-storage facility while J&J will retain the remaining acreage, which includes the towers. Before submitting the land division application, the Applicant appeared before the ZBA to request relief from the setback requirements contained in the Wireless Telecommunication Facilities 5G ordinance. The ZBA granted that variance request. Per the Township's request to stage these variance requests, the Applicant is now appearing before the ZBA to request a variance from the road frontage requirements contained in Section 50.10 of the Township's Zoning Ordinance.

Docusign Envelope ID: 77CAA69A-63CC-8BF9-804B-59FBA92DA0B4

The requested variance is warranted because the Property presents unusual physical and development characteristics that make strict compliance with the frontage requirement unnecessarily burdensome. The Property is suitable for the proposed industrial use and has adequate and safe access notwithstanding its inability to satisfy the ordinance's frontage requirement. The requested variance will allow reasonable use of industrially zoned property without compromising the purposes underlying the Township's frontage requirements.

Criteria 1: Conformance Unnecessarily Burdensome
Are reasonable options for compliance available?

No. Strict compliance with the road frontage requirement would be unnecessarily burdensome. The existing configuration and physical characteristics of the Property do not allow for the required frontage. Further, the Property has adequate and safe access.

The Property's physical constraints include substantial wetland areas, existing wireless communication towers located in the interior of the Property, proximity to US-131 and a railroad right of way, and a rough and sloped terrain. These existing conditions materially limit the portions of the Property that can reasonably be developed or reconfigured.

The Property, however, has safe and adequate vehicular access for the proposed industrial use through a 66 foot wide easement for a private road that already exists for the benefit of the Property. The requested variance therefore concerns the amount of technical road frontage, rather than the Applicant's ability to provide functional, safe, and appropriate access to the Property.

Requiring the Applicant to obtain additional frontage would not materially improve access, circulation, emergency response, or public safety. Instead, it would require alteration or reconfiguration of a property already constrained by wetlands, a challenging terrain, US 131, and a railroad right of way.

The Applicant is not relying upon economic hardship. The practical difficulty results from the existing physical configuration of the Property and its relationship to existing roads, wetlands, terrain, a railroad right of way and already existing improvements.

Criterion 2: Substantial Justice
Is the decision consistent with past decisions of the ZBA (precedence)?

Yes, granting the requested variance will result in substantial justice to the Applicant, neighboring property owners, and the Township.

The Property is located in an area designated for industrial development, and industrially zoned property is limited within the Township. The proposed use is compatible with the industrial district and with the existing wireless communication facilities located on the Property.

The frontage deficiency does not render the proposed use incompatible with surrounding properties nor will granting the variance adversely affect neighboring properties given adequate access, circulation, and emergency access can be provided.

The relevant distinction is between road frontage and road access. A parcel may lack the precise amount of frontage required by the ordinance while nevertheless having safe, functional, and

Docusign Envelope ID: 77CAA69A-63CC-8BF9-804B-59FBA92DA0B4

adequate access to the public road system. Where that is demonstrated, strict enforcement of the frontage requirement would provide little corresponding public benefit.

Granting the variance will permit productive use of industrially zoned land while preserving the substantive objectives underlying the frontage requirement. This is also consistent with the past ZBA decisions, which have granted relief from the road frontage requirement. In fact, the ZBA granted the towers located on this Property a variance from the road frontage requirement previously. Approving the variance here would be consistent with that decision.

Criterion 3: Unique Physical Circumstances
Are there unique physical limitations or conditions which prevent compliance?

Yes. The Property presents an unusual combination of physical circumstances that distinguishes it from a typical parcel within the zoning district. A portion of the Property is constrained by wetlands. Existing wireless communication towers and associated infrastructure are located in the middle of the Property. In addition, the Property's steep terrain, configuration, frontage along US-131 and proximity to a railroad right of way all affect its ability to have existing road frontage.

Most importantly, the physical circumstances creating the frontage deficiency do not prevent safe and reasonable access to the Property. The Property is currently served by an easement for a private road that is 66 feet wide and provides a means of ingress and egress to a public road.

Criterion 4: Self-Created Hardship
Are the conditions or circumstances which resulted in the variance request created by actions of the Applicant?

No. The conditions necessitating the requested variance are inherent in the existing configuration and physical characteristics of the Property and were not created by the Applicant for purposes of avoiding the Township's frontage requirement.

The Property's wetlands are naturally occurring conditions. US-131, the surrounding public road network, and the railroad right of way are all existing conditions outside the Applicant's control. The existing wireless communication towers and related infrastructure also constitute established site conditions that the proposed development must accommodate.

The Applicant is seeking approval for the self-storage use and is proposing to utilize the Property in a manner that accommodates its existing physical characteristics. The proposed development does not itself create the frontage deficiency. The deficiency exists independently of the proposed development and results from the configuration of the Property in relation to the public road system and the unique site characteristics mentioned.

Criterion 5: Public Safety and Welfare
If granted, will the spirit of the ordinance be observed, and public safety and welfare secured?

Yes. Granting the requested variance will preserve the spirit and intent of the frontage requirement and protect public health, safety, and welfare.

Road frontage requirements serve legitimate purposes, including ensuring that parcels have adequate access to the public road system, avoiding landlocked or inaccessible parcels, providing

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adequate access for emergency vehicles, promoting safe traffic circulation, and avoiding development patterns that place excessive demands on narrow access points.

Those purposes can be satisfied here notwithstanding the frontage deficiency. The Property will have safe and adequate vehicular access appropriate for the proposed industrial use through a shared easement for a private road (which Applicant will pave). The use of the easement for customers to access the self-storage facility is a light use of the easement, considering the amount of traffic that typically comes and goes from such a business on a daily basis. The proposed access easement can accommodate anticipated traffic and emergency vehicles. Accordingly, reducing the frontage requirement does not require the Township to compromise the objective behind the road frontage requirement.

The Property is also located adjacent to US-131 and is intended for industrial use. Allowing reasonable utilization of this Property advances the Township's land-use objectives by facilitating an appropriate industrial use on limited industrially zoned land while accommodating existing wetlands, challenging topography, and already existing infrastructure.

Conclusion:

The Property does not satisfy the Township's frontage requirement, but that deficiency does not prevent the Property from having safe, adequate, and functional access. Strict application of the road frontage requirement would impose a substantial restriction on the reasonable use of the Property without producing a corresponding improvement in access or public safety.

The practical difficulty is amplified by the Property's unusual physical circumstances. Wetlands restrict the developable portions of the site; a steep terrain creates an additional challenge; existing wireless communication facilities must be accommodated; and the Property's configuration and relationship to US-131 as well as the railroad right of way and the surrounding road network limit the Property's ability to have frontage.

At the same time, the Property is industrially zoned, industrial land within the Township is limited, and the Applicant proposes an industrial use compatible with both the zoning district and the existing wireless communication facilities.

The Applicant therefore respectfully requests approval of the variance from the applicable road frontage requirement.

Very Truly Yours,

Signed by:
Rachel J. Foster
46101C7A15124D3...

Rachel J. Foster

34781718-2

Oshtemo
CHARTER TOWNSHIP
Established 1839

Planning Department
7275 W. Main Street
Kalamazoo, MI 49009
Phone: 269.216.5223
planning@oshtemo.org

PLANNING & ZONING APPLICATION

1. Instructions & Fee Information

- Complete this application providing the requested supplemental documentation described herein, including the fee, and submit to the Planning Department for review. Incomplete applications will not be accepted.

2. Applicant Information

Name: J.C. Customs, LLC		
Mailing Address: 10062 Doubleday Drive	City, State: Richland, MI	Zip Code: 49083
Email: [redacted]	Phone: [redacted]	

3. Property Owner Information

Name: J & J Carnago, LLC		
Mailing Address: 2216 Hunters Pond	City, State: Kalamazoo, MI	Zip Code: 49048
Email: [redacted]	Phone: [redacted]	

4. Project Information

Project Name: J.C. Customs, LLC Self Storage		
Project Address: Part of 5088 West Michigan Avenue	Parcel Number: 05-24-485-011	
Email: [redacted]		
Property Legal Description (use attachments if necessary): See attached Exhibit A for legal description		
Current Zoning: I-1	Current Use: towers	Area of Property: see site plan attached

Type of Request (check all that apply):

- ☐ Site Plan Review (type, if applicable):
  - ☐ Pre-Application
  - ☐ Administrative
- ☐ Plat/Site Condo
- ☐ Rezoning
- ■ Zoning Variance
- ☐ Special Exception Use
- ☐ Clear Cutting
- ☐ Text Interpretation
- ☐ Accessory Building/Dwelling Unit
- ☐ Other: _____

Statement of Intent: Briefly describe your request (use attachments, if necessary).
Please see attachment for description of request.

5. Required Documents for Site Plan Review

Required Documents for Site Plan Review (complete and attach to this application):

- ☐ Environmental Permits Checklist
- ☐ Hazardous Substance Reporting Form
- ☐ Site Plan, if applicable
- ☐ Access predetermination form RCKC or MDOT, if applicable

6. Signatures

Names & addresses of all other persons, corporations, or firms having a legal or equitable interest in the property:

JC CUSTOMS, LLC 10062 DOUBLEDAY DRIVE, RICHLAND. MI. 49083
Names(s) Address(es)

J + L Carnago, LLC 2216 Hunters Pond Kalamazoo, MI 49048
Names(s) Address(es)

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.

I (we) acknowledge that we have received the Township's Disclaimer regarding Sewer and Water Infrastructure.

I (we) understand the incomplete applications will not be accepted. If the application is found to be incomplete after submission, formal review and approval may be delayed. Significant revisions to an application or its attachments may result in requiring the submission of additional fees and/or additional escrow.

By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

8.21.2026
Applicant Signature Date

8/21/26
Property Owner Signature Date

Docusign Envelope ID: D953B671-C4F8-85E0-83CF-09B1B6105238

Warner Norcross + Judd LLP

August 31, 2026

Oshtemo Township
Zoning Board of Appeals
7275 West Main Street
Kalamazoo, MI 49009

Re: Variance Request from Setback Requirements

Dear ZBA Members:

We are writing this letter in support of a variance request being made by J.C. Customs, LLC ("JC Customs") and J & J Carnago, LLC ("J&J"), which relates to the property located at 5088 West Michigan Avenue, Kalamazoo, Michigan 49008 (the "Property"). J&J is the current owner of the Property. JC Customs has entered into a purchase agreement to purchase a portion of the Property from J&J. JC Customs and J&J are referred to in this letter collectively as the "Applicant."

Background:

The Property currently consists of approximately 21.640 acres of land situated in the I-1 zoning district in Oshtemo Township. The Property is largely vacant land with the exception of three towers located in almost the center of the Property. Importantly, the Property also borders on US 131, which is located to the West. A portion of the Northwest corner of the Property is also covered by wetlands. The Property is also bordered to the North by a railroad right of way. JC Customs proposes to purchase approximately 18.5 acres of land and intends to construct a self-storage facility on the Property.

JC Customs has met with the Township to discuss the project and the necessary steps Applicant should undertake in order to move forward. As part of the real estate transaction, the Applicant will request that the Township process a land division application. That will effectively divide the Property and allow JC Customs to purchase the needed acreage for the self-storage facility while J&J will retain the remaining acreage, which includes the towers. Before submitting the land division application, the Applicant is appearing before the ZBA to request relief from the setback requirements contained in the Wireless Telecommunication Facilities 5G ordinance. In

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particular, Section 59.80(F) of the Zoning Ordinance.[1] The Township's ordinance requires a setback equivalent to the height of the tower from the property lines.[2] The existing towers are located generally in the middle of the Property, and application of the tower-height setback substantially restricts use of the Property.

If the ZBA grants the variance, it would allow productive use of industrially zoned property without compromising the purposes underlying the Township's tower setback requirement. As demonstrated below, the Applicant can satisfy the criteria applicable to the variance request.

Criteria 1: Conformance Unnecessarily Burdensome
Are reasonable options for compliance available?

No. Strict compliance with the tower-height setback would be unnecessarily burdensome because of the combined effect of the existing towers and the physical constraints affecting the Property.

The wireless communication towers are already existing structures located generally in the middle of the Property. The ordinance requires a setback equivalent to tower height, which means the setback extends substantially into the otherwise usable portions of the Property. At the same time, a significant portion of the northerly part of the Property is occupied or constrained by wetlands, the property is also in close proximity to US-131, is bordered to the north by a railroad right of way, and has steeply graded terrain. The combination of the wetlands, terrain, and the setback areas associated with towers located in the interior of the Property materially reduces the area reasonably available for development.

These circumstances are particularly significant because the Property is industrially zoned, industrial property is limited within the Township, and the Applicant proposes a use that is well suited to the industrial district. The proposed use is also compatible with the continued presence and operation of the existing wireless communication towers. It is unclear whether the setbacks were adopted by the Township for aesthetic reasons or because of concerns over safety. In our research, it appears the Township was not concerned about maximizing the distance of towers from other structures for safety reasons. Instead, it seems that the planning objective was to minimize the impact that the towers would have on other residential property within the Township. Nevertheless, the proposed use of the Property does not thwart either aesthetic or safety concerns if either were the impetus for the setback requirement in the ordinance.

If for aesthetically driven reasons, the Township was likely concerned with visual character, neighborhood compatibility, preservation of property values, and minimizing the number of towers. The setback requirements allow the Township to control where towers are located within the Township and encourages co-location rather than the installation of new towers. This certainly limits land conflicts while also reducing visual clutter by likewise limiting the number of towers in the Township. If the variance were granted, the Applicant's use of the Property would not hinder these objectives. Instead, this use is compatible – and unlikely to result in any land conflict given

[1] The Applicant will need to return to the ZBA to request a variance from the road frontage requirements as well. The Applicant is, however, following the Township's recommendation to proceed with this setback variance request first.
[2] The ordinance also contains an additional setback requirement related to setbacks from dwelling units. However, that setback requirement is not applicable in this case since the property is not located near any dwellings.

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that the Property is situated in an industrial zone. It is also a much less aggressive use of the Property, given the industrial zoning that applies to it.

Moreover, even if the setbacks were adopted for safety reasons, there are no safety concerns. The towers are subject to frequent reinspection and maintenance standards. The towers are also unlikely to fall – unless during a catastrophic weather related event (tornado, ice storm, etc.…) and in those limited instances the towers have been shown to collapse upon themselves and do not fall in such a manner as to utilize a setback area as a "fall zone." The towers are anchored to the ground by guy wires, which the Applicant has proposed to protect on the ground with concrete bollards to ensure their integrity is maintained. There is a clearance under such guy wires equivalent to the height applicable to bridges on major highways to ensure that motor vehicles and even recreational vehicles can safely pass under them.

It is also noteworthy that the proposed self-storage business is one where foot traffic is minimal – people come and go throughout the day but are never present on the site for long periods of time (unlike a manufacturing facility or office building, for example, which may be occupied all day). Further, such use is generally not occurring during the catastrophic weather related events mentioned above, i.e., people do not visit their storage units during a tornado or ice storm. At best, there may be a risk to the storage units located on site, which can be readily addressed with insurance.

The Applicant does not rely upon economic hardship as a basis for the variance either. The practical difficulty instead results from the physical configuration of the Property, including the existing location of the towers and wetlands, the proximity to US 131 and a railroad right of way, and the interaction of those conditions with the ordinance's tower-height setback requirements.

Criteria 2: Substantial Justice
Is the decision consistent with past decisions of the ZBA (precedence)?

Yes, granting the requested variance would result in substantial justice to the Applicant, surrounding property owners, and the Township.

The Applicant proposes to use property that is already designated for industrial purposes for a use compatible with that zoning classification. Industrially zoned property is limited within the Township, making the reasonable utilization of existing industrial property consistent with the Township's land-use framework. The use proposed, as previously discussed, is also a less aggressive land use than is typical for an industrially zoned property.

The surrounding circumstances also reduce the potential impact ordinarily associated with setback relief. The Property borders US-131 and a railroad right of way, and the existing towers are located generally in the middle of the Property rather than at its perimeter. The Property is surrounded by other industrial properties and the proposed use is compatible with the towers remaining in place and does not require alteration of the towers or expansion of the wireless communication use.

The variance would permit two compatible uses—the existing wireless communication facilities and the proposed self-storage business—to coexist on the Property. Denying the variance, by

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contrast, would substantially restrict the use of industrially zoned land and unnecessarily so – when the aesthetic and safety reasons behind the ordinance do not require it.

The ZBA has previously granted setback variances where unusual site conditions, existing improvements, or other physical constraints created practical difficulties. For this reason, granting this request in this case would be consistent with those decisions.

Criteria 3: Unique Physical Circumstances
Are there unique physical limitations or conditions which prevent compliance?

Yes. The Property presents an unusual combination of physical circumstances that materially restricts its development.

First, a portion of the northern part of the Property is occupied or constrained by wetlands, with steep hills extending up from those wetlands. The Property is also bordered to the north by a railroad right of way. This substantially limits the portions of the site reasonably available for development.

Second, existing wireless communication towers are located generally in the middle of the Property. Because the ordinance establishes setbacks based upon tower height, locating the towers in the interior of the site causes the setback areas to extend across substantial portions of the Property that might otherwise be available for development.

Third, the Property borders US-131, a major highway. The Property's location adjacent to a major transportation corridor reinforces its suitability for industrial development and distinguishes it from properties in predominantly residential or less intensive settings.

These circumstances are not characteristics shared by a typical parcel. The practical difficulty results from the interaction of the Property's wetlands, the location of the existing towers, the proximity to US 131 and a railroad right of way, and the tower-height setback requirement. Further, as previously explained, the purpose behind the tower setback requirement is not needed in this instance.

Criteria 4: Self-Created Hardship
Are the conditions or circumstances which resulted in the variance request created by actions of the Applicant?

No. The circumstances necessitating the requested variance were not created by the Applicant. The Property's unique physical characteristics – the wetlands, steep terrain, location along US 131, proximity to a railroad right of way, and tower improvements all pre-date the self-storage business.

Further, the Applicant's proposed use is compatible with the continued operation of the towers. The Applicant is not proposing a use that requires the towers to be relocated or removed; rather, it has designed its project to coexist with this preexisting infrastructure.

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The need for the variance, therefore, results from the strict application of the ordinance, which creates an unintended consequence that is unique to this case. It also results from the tower-height setback requirement that is combined with the Property's preexisting physical constraints—not from actions taken by the Applicant.

Criteria 5: Public Safety and Welfare
If granted, will the spirit of the ordinance be observed, and public safety and welfare secured?

Yes. Granting the requested variance will preserve the spirit and purpose of the wireless communication ordinance while protecting public health, safety, and welfare.

The setback requirement appears intended, at least in significant part, to provide separation between a wireless communication tower and surrounding uses and properties – particularly residential uses. Here, the towers already exist and are located generally in the middle of the Property. The variance does not involve construction of a new tower, an increase in tower height, or relocation of a tower toward on an adjoining property. Instead, this pertains to a harmonious land use located around the already existing structures and such compatibility is undeniable. The towers and the Property are not near any residential uses.

The Property's adjacency to US-131 and its industrial zoning further support the compatibility of the proposed development. The requested variance will facilitate productive use of limited industrially zoned property rather than introducing an incompatible use into a less suited area.

As previously stated by the Applicant, the proposed location of the self-storage business will not create an unreasonable safety risk associated with the towers. The towers are subject to maintenance and are attached to the ground with guy wires to ensure that, in the unlikely event of a collapse, the towers collapse or fold into themselves rather than utilizing a fall zone. The towers are designed and engineered just like any other office building and must meet applicable building codes. More importantly, any such catastrophic events are unlikely to happen unless during a significant weather related event, which actually further highlights the compatibility of the proposed use with the cell towers since customers of the self-storage business would not be utilizing the Property during such events.

The overall purpose of the setback is to separate the tower from neighbors in the siting process, but this situation is different. Here, the owner of the property, J&J, and the prospective purchaser of the split portion, JC Customs, have agreed to split the property and to locate the self-storage facility within the tower setback. These owners are working cooperatively to ensure that proposed use on the split parcel (the self storage facility) is harmonious with the existing towers, and in turn that the self storage facility use will be harmonious with and protect the existing tower use. Because both property owners that are potentially affected concur in this variance request, the spirit of the ordinance will be observed and public safety and welfare secured.

Conclusion:

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The strict application of a setback designed for wireless communication towers substantially interferes with the reasonable development of the Property because existing towers are located in the middle of the site, wetlands and terrain limit the use of this site, and the setback restriction is not necessary in this instance. The proposed use is precisely the type of use reasonably expected within an industrial district. Industrially zoned property is limited within the Township, the Property is adjacent to US-131 and is encumbered by wetlands, is in close proximity to a railroad right of way, and the proposed industrial use is compatible with the continued operation of the existing wireless communication facilities.

The requested variance therefore represents a reasonable accommodation to allow two compatible uses of the Property. It allows existing wireless communication infrastructure to remain while permitting reasonable development of industrially zoned land, providing much needed self-storage space to township residents, without materially undermining the purposes for which the tower setback was adopted.

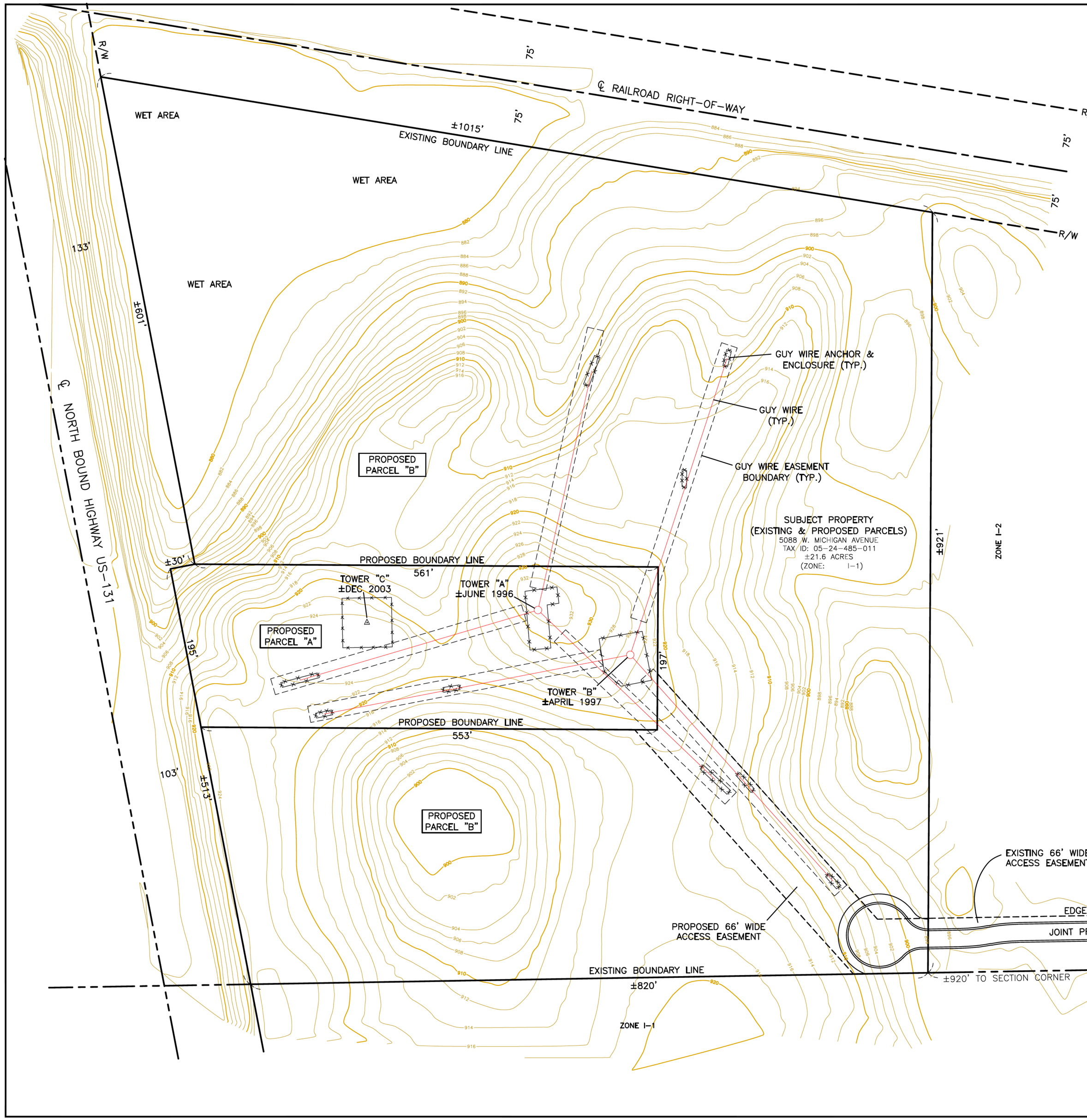
For these reasons, the Applicant respectfully requests that the Zoning Board of Appeals approve the requested setback variance.

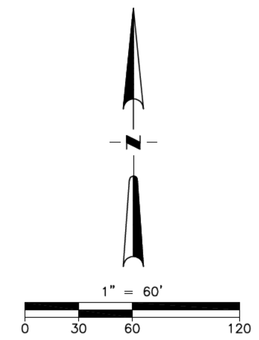
Very Truly Yours,

Signed by:
Rachel J. Foster
46101C7A15124D3...
Rachel J. Foster

34770231-3

Last Revised: 10-22-26





PROPOSED PARCEL "A" TOWER SETBACKS

	HEIGHT ± (FT)	TOWER SETBACKS ±(FT) TO PROPOSED BOUNDARY LINES			
		NORTH	EAST	SOUTH	WEST
GUYED TOWER A	400	55	145	145	430
GUYED TOWER B	420	105	35	90	525
MONOPOLE C	250	70	350	130	220

INNOVATIVE GEOSPATIAL & ENGINEERING SOLUTIONS

Engineering Group Associates, Inc. MEGA Monument

1209 MILHAM ROAD,
SUITE B,
PORTAGE, MI 49002
(OFFICE) 269-344-6165

PROPERTY SKETCH

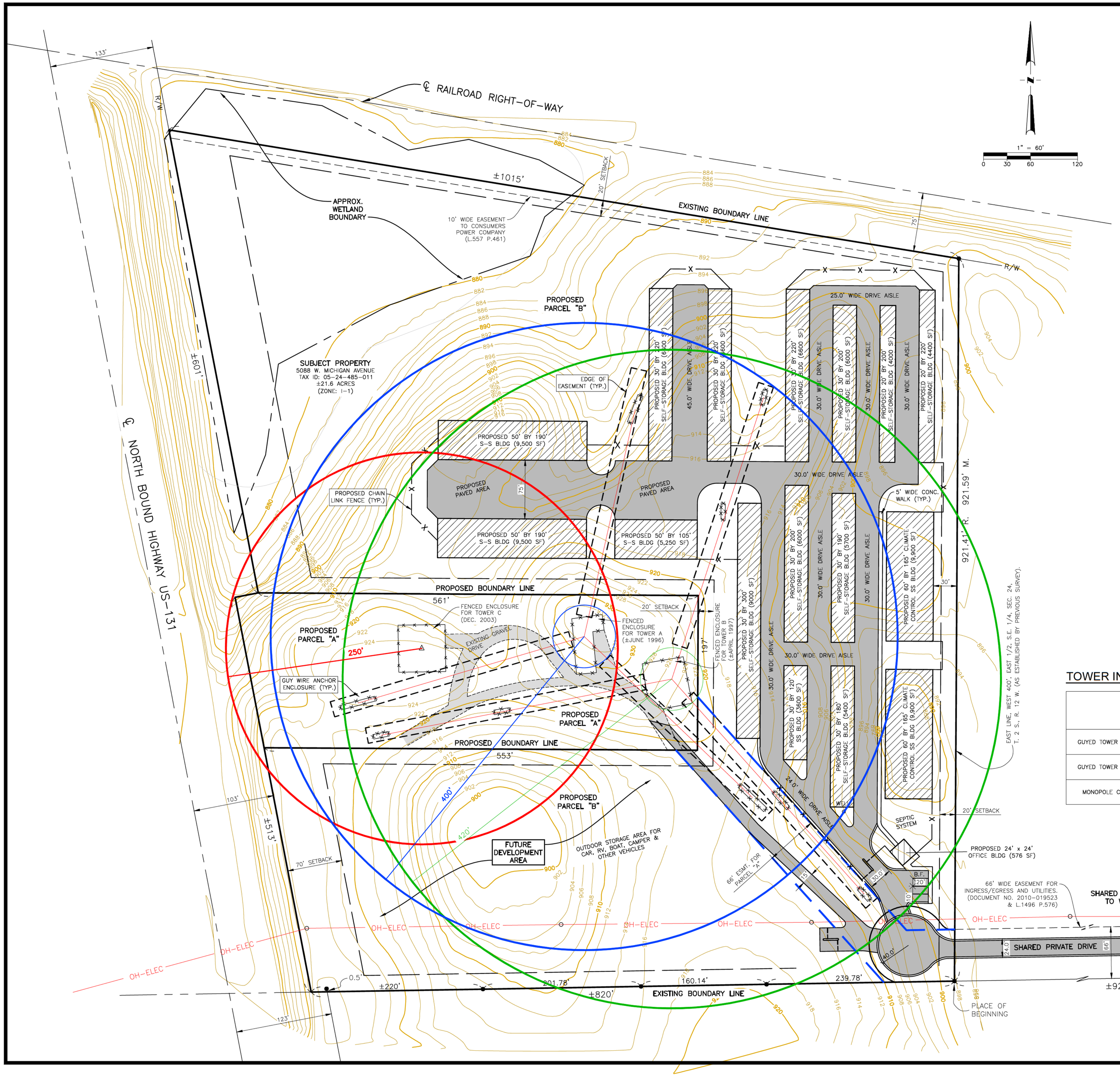
OWNER: J & J CARNAGO, LLC
PART OF SE 1/4 OF SEC. 24
OSHTEMO TOWNSHIP, MICHIGAN

APPLICANT: JC CUSTOMS, LLC
10062 DOUBLEDAY DRIVE
RICHLAND, MI 49083

JOB # : 25-059	DRAWN: DJ CHK: PF
SCALE : 1" = 60'	SHEET: 1
DATE : 8/31/2026	

Packet Page 29

Zoning Board of Appeals: 10-27-26





AERIAL PHOTOGRAPH

PARCEL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 24, T. 2 S., R. 12 W., OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 24, T. 2 S., R. 12 W.; THENCE WESTERLY 918.15 FEET ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION TO THE EAST LINE OF THE WEST 400.0 FEET, PERPENDICULAR MEASURE, OF THE EAST HALF OF SAID SOUTHEAST QUARTER AND THE PLACE OF BEGINNING; THENCE NORTHERLY 921.41 FEET PARALLEL WITH THE WEST LINE OF SAID EAST HALF TO THE SOUTH LINE OF THE 150 FOOT WIDE CONRAIL RAILROAD RIGHT-OF-WAY; THENCE NORTHWESTERLY ABOUT 1,015 FEET ALONG SAID RAILROAD RIGHT-OF-WAY LINE TO THE EAST LINE OF HIGHWAY US-131; THENCE SOUTHEASTERLY ALONG SAID HIGHWAY RIGHT-OF-WAY LINE TO SAID SOUTH LINE OF THE SOUTHEAST QUARTER; THENCE EASTERLY ABOUT 820 FEET ALONG SAID SOUTH LINE TO THE PLACE OF BEGINNING.

NOTE:

THE CONTOURS SHOWN HEREON WERE OBTAINED FROM TOPOGRAGHIC MAPS PREPARED FOR THE KALAMAZOO COUNTY PLANNING DEPARTMENT. DATE OF MAPPING MAY 1968. CONTOURS SHOWN ARE NOT FIELD VERIFIED.

10' WIDE EASEMENT CENTERED ON ELECTRICAL WIRES FROM PRIVATE DRIVE TO TOWERS NOT SHOWN. (DOCUMENT NO. 2004-010612)

EASEMENT FOR OUTDOOR ADVERTISING STRUCTURES, LOCATION UNKNOWN. (DOCUMENT NO. 2013-026728 & 2013-011384)

20' WIDE ACCESS EASEMENT TO TOWERS NOT SHOWN. (DOCUMENT NO. 2013-004566). TO BE REPLACED TO MATCH NEW ACCESS DRIVE.

EASEMENT TO MICHIGAN BELL TELEPHONE COMPANY DOES NOT IMPACT THIS PROPERTY (L.1287 P.1244 & L.1287 P.1247)

EASEMENT TO CONSUMERS POWER COMPANY, LOCATION IS INDETERMINATE (L.788 P.1341)

TOWER INFORMATION

	HEIGHT ± (FT)	TOWER SETBACKS ± (FT) (FROM EXISTING PROPERTY LINE)			
		NORTH	EAST	SOUTH	WEST
GUYED TOWER A	400	550	475	445	430
GUYED TOWER B	420	560	360	390	525
MONOPOLE C	250	600	680	435	220

INNOVATIVE GEOSPATIAL & ENGINEERING SOLUTIONS

Engineering Group Associates, Inc. MEGA

1209 MILHAM ROAD, SUITE B, PORTAGE, MI 49002
(OFFICE) 269-344-6165

CONCEPTUAL PLAN

OWNER: ROE COMM, INC.
PART OF SE 1/4 OF SEC. 24
OSHTEMO TOWNSHIP, MICHIGAN

APPLICANT: MIKE FISHER
10062 DOUBLEDAY DRIVE
RICHLAND, MI 49083

JOB # : 25-059	DRAWN: PF CHK: PF
SCALE : 1" = 60'	SHEET: 1
DATE : 8/06/2026	

Last Revised: 10-22-26
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Zoning Board of Appeals: 10-27-26

48.40 COMMUNICATION TOWERS

A. Purpose

The purpose of this section is to accommodate the need for communication while protecting the public health, safety and welfare. Co-location of equipment shall be required whenever possible.

B. Scope

Communication towers shall be considered as a permitted use with conditions in the I-1, I-2 and I-3 Industrial District Zoning classifications, subject to the provisions of this Section and Article 64.

Proposed co-location of equipment on an approved tower shall be considered a permitted use with conditions subject to the provisions of this Section and Article 64.

C. Communication tower provisions.

A communication tower shall be erected, constructed, located or established in compliance with the following:

1. Justification. A proposed tower shall not be established unless the communications equipment/antenna(s) planned for the proposed location cannot be accommodated on an existing or approved tower within the area of the proposed tower due to one of the following reasons:
    a. The planned equipment would exceed the structural capacity of the existing or approved tower as documented by a qualified and licensed engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate the planned or equivalent equipment at a reasonable cost.
    b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
    c. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
    d. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
2. Design of tower.
    a. Any proposed or modified tower shall be designed and constructed to accommodate future co-locations. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
    b. A proposed or modified tower shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities and located on the site so as to minimize its visibility from the public right-of-way and residentially zoned properties.
3. Height. The height of a tower shall be determined by measuring the vertical distance from the tower's point of contact with the ground or rooftop to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the height shall be considered with the combined height of the structure and tower.
4. Tower setbacks.
    a. A tower shall be located so that the setback from all property lines is equal to or greater than the height of the tower. The reviewing body may deviate from such requirements if the deviation is consistent with the spirit and intent of the Ordinance.
    b. Towers shall not be located between a principal structure and a public street, with the following exceptions:
        i. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
        ii. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
    c. A tower's setback may be reduced or its location to a public street varied to allow the integration of a tower into an existing or proposed structure, such as a church steeple, utility pole, power line support device or other similar structure.

d. Towers shall be set back at least 150 feet from any adjacent residences, residentially zoned property or a public street.

5. Accessory structures. Structures accessory to a tower, including utility buildings, shall be designed and located on the site to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district.
6. Landscaping/screening.
   a. Landscaping/screening at the site shall be designed and maintained to minimize visibility of the tower and related equipment from the public right-of-way and residentially zoned properties.
   b. Ground-mounted equipment and accessory buildings and structures may be required to be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the architectural character of the surrounding area.
7. Security fencing. Security fencing of at least six feet (unless other height is required by state or federal regulations) shall be required to prevent access to the tower, accessory building/structure and/or guyed wires. The reviewing body may deviate from such requirements if the deviation is consistent with the spirit and intent of the Ordinance.
8. Lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. Site lighting shall comply with Article 54.
9. Signs and advertising. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
10. Interference with public safety telecommunications. No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study by a qualified and licensed professional engineer which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.
11. Site access and parking. The reviewing body may allow deviation from the Access Management Guidelines, paving and/or parking standards of the Zoning Ordinance.
12. Inspections. All towers shall be inspected at regular intervals, no less than once a year, and serviced as frequently as may be necessary, to maintain the tower in a safe and weather-withstanding condition. Reports as to all inspections and servicing shall be made available to the Township upon written request.
13. Updated information. The tower owner or representative shall annually update the Township with the following information:
    a. Name, address, phone number of tower owner; name, address and phone number of contact persons for engineering, maintenance and other notice purposes.
    b. Organization name, address, phone number, and contact person of each co-locator and the operational status of the equipment.
    c. Notification of date of lease expiration and/or cessation of operation of any equipment and date of removal.
14. Abandonment or Unused towers, portions of towers, tower mounted equipment, and associated facilities. Abandoned or unused towers, portions of towers, tower mounted equipment and associated facilities shall be removed as follows:
    a. All abandoned or unused towers, portions of towers, tower mounted equipment, and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the reviewing body.
    b. In the event that a tower, portions of towers, tower mounted equipment, and/or associated facilities are not removed within 12 months of cessation of operations at a site, the subject facilities may be removed by the Township and the costs of removal assessed against the property.
    c. A copy of a signed lease, which includes a requirement that the applicant shall remove the tower, portion of tower, tower mounted equipment and associated facilities upon cessation of operations at the site shall be submitted at the time of application, if applicable.

D. Additional application requirements.

This comparison summarizes how nearby communities regulate setbacks for new wireless towers in industrial or manufacturing districts abutting the same districts. The provisions generally use one of three approaches: a fixed setback, a setback tied to tower height, or the underlying zoning district's principal building setbacks. Several require a setback equal to the height of the tower from publicly traveled roads. Several communities also allow a waiver when site conditions or mitigation measures reduce the need for strict compliance.

Community Comparison Table

Community	Setbacks from property lines (ft)			Waiver?
	Front	Side	Rear	
City of Kalamazoo	25	0-25	0-25	Yes. Based on stealth design, landscaping, site configuration, or mature trees.
City of Portage	75	20% of tower height		Yes. Based on landscaping, site configuration, neighboring uses, mature trees, or other features.
Kalamazoo Charter Township	Underlying zoning. 50	Underlying zoning. 20-30	Underlying zoning. 40-50	No. Waiver language not listed.
Comstock Charter Township	Underlying zoning. 40	Underlying zoning. 30	Underlying zoning. 50	No. Waiver language not listed.

This table was compiled based on publicly available information and should be used for reference-only.

OSHTEMO CHARTER TOWNSHIP ZONING BOARD OF APPEALS

MINUTES OF REGULAR MEETING CONDUCTED FEBRUARY 4, 1991

Agenda

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

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

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

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

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

Members absent: None

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

CALL TO ORDER

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

MINUTES

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

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

The Chairman stated that the next item of business was the

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

The applicant was present.

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

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

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

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

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

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

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

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

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

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

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

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

(1) Given the use, there would be no need for, or access by, the general public to the site in question. In fact, the site would be "gated" to keep general public traffic from the site. Further, given the use, the operator would need to access the site only two to four times per month. Therefore, given the use, conformance with the ordinance would be unnecessarily burdensome in that it would require platting of the parcel or the construction of a public road.

(2) Substantial justice would be done in that there are comparable sites within the Township (i.e., the Stadium Drive a.k.a. West Michigan site and the Beech Street site) within the Township; it appears that a site without frontage served by an easement, which easement is "gated" to prevent public access, is a typical design for this type of use.

(3) A tower and equipment building would be placed at a distance from the public road.

(4) Although the hardship was self created, and there were no physical circumstances preventing the site's compliance,

the variance was justified given the circumstances.

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

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

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

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

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

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

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

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

(1) That fencing be 10 foot in height;

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

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same;

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

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

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

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

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

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

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

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

Based upon the above, Ms. Branch moved to deny the variance. The motion was seconded by Mr. Brodasky.

Mr. Miller commented he believed that there were ways to alter the garage of the home so as to come into compliance with the Ordinance; he did not think that the home needed to be completely removed.

Upon a vote on the motion, The motion carried 4:1, with Mr. Saunders voting to deny same.

ROE-COMM, INC.- SITE PLAN REVIEW - PROPOSED COMMUNICATIONS TOWER/EQUIPMENT BUILDING - VARIANCE REQUEST FROM 200' FRONTAGE REQUIREMENT - 5088 W. MICHIGAN

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

The report of the Planning and Zoning Department is incorporated herein by reference. It was pointed out that on February 4, 1991, the applicant received site plan approval to locate a 400' communication tower and a 300-sq.-ft. equipment building on the subject site. In conjunction with that approval, variances were granted from the 200' frontage requirement and the paving requirement. Since the 1991 variances stated the variances were conditioned upon the use of the site for a "communications tower," it was felt that technically an approval of variance would be necessary to locate an additional tower. Ms. Harvey noted the Board should look to their previous minutes.Ms. Harvey stated the Planning and Zoning report indicated need for certain information, which information had been now provided by the applicant.

The applicant stated that a 400-500' tower (in addition to the first established on the site), along with an equipment building, was proposed. The site would accommodate 2-3 cars. However, no customers would be visiting the site. In addition, Fire Department turnaround would be established at the site. There would also be security fencing.

The Chairperson called for public comment. Vincent Bianco commented that the lack of paving had caused dust to come from the site. He noted that the land owner, with whom the driveway was shared by the applicant, had been accessing the drive with heavy machinery. The applicant responded that he would contact the neighboring property owner in that this was supposed to be a limited-access driveway and not for frequent use or for heavy equipment use.

The public hearing was closed.

In response to questions from Ms. Branch, the applicant indicated that there were no FAA or FCC rules as to the distance between towers to assure that one did not fall on

another. He stated an engineer had advised him that towers would not usually fall upon one another but a tower would spiral into itself and that it was unlikely that all guide wires would separate at once. He stated that the distance between towers was function of the distance necessary to retain full use of each tower.

Ms. Branch had a question with regard to location of parking, which the applicant indicated would be in front of the building. At most there would be two service vans at the site at any one time.

With regard to questions from Mr. Brodasky, the applicant stated there would be motion-sensitive lighting for the building and that the tower would be lit pursuant to FAA requirements. No signage was proposed.

After further discussion, Mr. Saunders moved to grant variance from the 200' road frontage and from the paving requirement of the Zoning Ordinance. The reasoning of the earlier variance approval, February 4, 1991, was referenced. Mr. Miller moved that variance be subject to the same conditions and limitations as the earlier variances granted. Mr. Saunders also moved for approval of the site plan with the following conditions, limitations and notations:

(1) That the additional tower would be served by the existing site access and no changes were proposed or approved.

(2) That the parking area in front of the building to accommodate 2-3 vehicles, as proposed by the applicant, was approved.

(3) That site lighting as proposed by the applicant was approved.

(4) That no signage had been proposed or approved.

(5) That existing vegetation on the site and in the vicinity of the tower should be retained to provide a buffer and maintain the character of the site and the general area.

(6) That approval be subject to Township Fire Department review and approval.

(7) That it was noted the applicant had indicated it would take steps to see that the access point had only limited use and was not used by heavy equipment; ~~this access point would be mainly dust free~~.

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

Ordinance provisions, and a continuous looped road for Bayfield Drive with access to H Avenue.

It was noted that the Planning Commission had previously suggested no direct access on H Avenue for abutting lots.

After further discussion, Mr. Heisig moved to recommend approval of the preliminary plat to include 39 lots with the following conditions, limitations and notations:

(1) That approval be conditioned upon receipt of a legal opinion as to ownership and use conditions/easements regarding the subject property.

(2) That a letter of approval for the preliminary plat had been received and was on file from the Kalamazoo County Road Commission.

(3) That no direct access to H Avenue from lots 1, 2, 38 and 39 (i.e. abutting lots) be permitted.

(4) That the block length for the proposed Hollison Drive and Bayfield Drive be approved, given the temporary nature of the block length in that future road extension to the north was proposed, and given the configuration of the internal street network.

(5) That all street lighting be designed to comply with the intent of Section 78.700 and be in character with the recommended lighting objectives and standards.

Mr. Rakowski seconded the motion. There was no public comment on the motion, and upon a vote, the motion carried unanimously.

MESSAGE EXPRESS - PUBLIC HEARING: SPECIAL EXCEPTION USE/SITE PLAN REVIEW - 624 NORTH FOURTH STREET - (PARCEL NO. 3905-16-305-050)

The Planning Commission considered the application of Message Express for a special exception use and site plan review of a proposed 250 foot tall telecommunication tower for antennae placement. The tower would be erected at 624 North Fourth Street within the "AG" Agricultural-Rural District zoning classification. The site is Parcel No. 3905-16-305-050. The Report of the Planning and Zoning Department is incorporated herein by reference.

It was noted that the subject property is a 100 x 208 foot parcel on the east side of North Fourth Street, immediately south of Valleyview Bible Church. Although the property is sub-standard in relation to the Zoning Ordinance requirements for buildable parcels, it existed prior to the Ordinance provisions, and therefore, is considered "grandfathered" and

buildable. On November 1, 1976, the Zoning Board of Appeals had approved the location of a 160 foot tower for use by ham radio operators and for civil defense purposes. At that time, no commercial use of the tower was anticipated. The 160 foot tower is still in use.

The applicant proposed the removal of the existing tower and replacement with a 250 foot telecommunications tower for commercial use. The existing ham antennas would be accommodated on the new tower. Further, the tower would accommodate other co-locators. The applicant had proposed a Rohn Model SSV lattice construction type tower. However, the applicant was willing to use a monopole design tower.

Because of the residential nature of the location, the applicant was proposing to use only one building, 24 x 36, of a residential character, 10 feet in height, at the site to accommodate all ground mounted equipment. The building would be wood with vinyl siding. All co-locators would be housed in this single building, providing for a neat and orderly site. The two ice bridges leading from the building to the side of the tower would also be shared.

The applicant was proposing access to the site via the existing gravel drive improved to handle the weight of emergency equipment and widened to 12 feet. The existing gate at the entrance to the driveway would remain, but be replaced if it was not in good condition. The applicant proposed that all existing vegetation remain in place.

Kenneth Bobo was present on behalf of the applicant.

He stated that Message Express provides wireless service for Barry County Telephone Company. The subject site would be part of an expanding service area. Other carriers were also interested in using the proposed site, as it was one of the few sites on the west side of Kalamazoo County. Mr. Bobo stated that the proposed site was chosen because of the existing tower. The new tower would be virtually identical and placed in the same location as the existing tower. He reiterated that the applicant had agreed to move the ham and civil defense antennas on to the new tower. He felt that the new tower would be an improvement in that the existing tower does not meet modern standards. He stated that the tower would accommodate the antennas of Message Express, the ham and civil defense antennas and up to five other commercial antennas. He stated that Nextel and OmniPoint had expressed interest in co-locating on this new tower. Only one building would be established on the site to accommodate equipment, therefore avoiding clutter. The gravel drive would meet all Fire Department requirements.

In addressing the issue of the possibility of tower collapse, Mr. Bobo stated that collapse was extremely unlikely. He had spoken with the engineer designing the tower. He stated that it would have a contained fall area of 100 feet. The Engineer had indicated that the only tower collapse of recent history had been during Hurricane Andrew cased by flying debris from a home. In his opinion, the existing vegetation would be sufficient screening.

In response to questions by the Chairperson, Mr. Bobo stated that Message Express would be seeking to purchase the site. A height of 250 feet was sought because of the number of antennas and type of users which would be using the site. As to interference, there would be no interference with the ham/civil defense antennas. He stated that FAA mandates that any interference be corrected, or the tower shut down.

Mr. Heisig had questions as to the lighting of the ~~to~~ tower, and Mr. Bobo stated that lights would be required for a tower of 200 feet or more. It would accommodate a medium intensity strobe light pursuant to FAA specifications. Mr. Bobo stated that the tower has a FAA approval for 200 feet, and that FAA approval for the additional 50 feet was expected within the next 90 days.

Mr. Heisig had questions with regard to the lattice versus monopole design. Mr. Bobo stated that there was an advantage with regard to cost in the lattice design, and that the lattice design was closer to the design of the existing tower.

In response to questions from Mr. Corakis, Mr. Bobo stated that the site is 1,004 feet above sea level. Further, the antennas and other appurtenances could take the height to 260 feet.

The Chairperson sought public comment, and Dennis Boersema stated that the site is currently used by his amateur radio group, and that they have a good relationship with the current owner. They anticipated a good relationship with Message Express. He felt that it made sense to have the tower serve a dual purpose, rather than solely be used for amateur radio operations. He stated that the Ham antennas still serve emergency communication functions.

Mr. Rakowski asked about the use of the extra 100 feet, and Mr. Boersema indicated that the ham operators would be locating at the same level on the new tower and therefore would be at the new tower's lower level.

Geri Nelson of Nextel Communications indicated that her company had been looking at the area for a tower. They were interested in considering locating on this tower at approximately the 200 foot height.

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

The Chairperson summarized the application. The Chairperson noted that the 1976 approval had anticipated no commercial use. However, it was acknowledged that there had been many changes in the communications industry since that time. He noted that Ordinance provisions in Section 60.600 had attempted to regulate the location of communication towers as special exception uses in all but the industrial zones. The Ordinance requires that the setback of the tower be equal to the height so that the fall distance would be on the subject property. However, the reviewing body is given the

authority under the Ordinance to deviate from this requirement, if the deviation is within the spirit and intent of the Ordinance.

The Township Attorney stated that, although this would be the first review of a new tower under the Ordinance provisions, the Board should consider in its special use analysis the fact that there is an existing tower at the site.

Reference was made by the Chairperson to Sections 60.600, 60.100 and 82.800. The Chairperson commenced an analysis of the special use criteria, first asking the Planning Commission to consider whether the proposed use was compatible with other uses expressly permitted within the zoning district. Mr. Heisig commented that he felt that the applicant had presented a justification for the increased height, and that considering that the site is presently used for a tower, ~~be~~ believed the proposed tower would be compatible with other uses expressly permitted in the district. Further, the one building to house all ground equipment at the site, as proposed by the applicant, would be residential in nature.

The Chairperson commented that this tower would be the only tower in the western half of the Township. Further, it was recognized that the topography of the property was unique in that it was one of the highest points in the Township. The Chairperson felt that it was hard to see the existing tower because of the topography and trees at the site. Mr. Rakowski concurred that the existing tower was not noticeable. Mr. Corakis was somewhat concerned that an increased height and strobe light would make the tower more noticeable. The Chairperson stated that he felt that adding height might make the tower visible, but since it would be painted gray and the strobe would not be apparent in daytime, he did not feel that the tower would be incompatible.

There was discussion of the design of the tower, and Ms. Bugge commented that the lattice style was twice as large in girth than the existing tower. Ms. Heiny-Cogswell stated that she felt that the monopole design would be less conspicuous given the proposed 250' height.

The Chairperson asked whether the Township had provided notice to neighboring properties, and Ms. Bugge confirmed that notice had been provided.

Returning to a discussion of design, Ms. Heiny-Cogswell again commented that the monopole would be more aesthetically acceptable and might be more acceptable due to the fall factor.

The Chairperson stated that given the topography lended itself to use as a tower site, and since the site had been used for towers since 1976 with no complaint, he felt that the site was appropriate.

Planning Commissioners concluded that the proposed use would not be detrimental or injurious to use of adjacent properties or the general public. The only concern as to this

element was with regard to the fall radius. It was recognized that the fall radius of the tower exceeded the boundaries of the subject property. However, reference was made to the letter of Rohn Industries regarding fall radius and the sheet G enlargement. Ms. Bugge indicated that the Engineer had stated that, with regard to both types of towers, the new tower would be reinforced so that the fall radius would be 100 feet. The tower would be engineered to buckle and fall down upon itself. Given the age of the existing tower, it was likely that the fall radius would be 160 feet.

The Chairperson stated that he felt the new tower would be an improvement over the existing tower. He recognized that the property to the south was not yet built upon, and that to the north, the fall radius would impact a church parking lot. He suggested referring the Rohn letter of June 29, 2000, that the strengthening suggested in the letter be required due to the fact that the lot was "smaller" than was required under current Ordinance standards. Mr. Sikora agreed, stating that he did not feel the Planning Commission should deny the tower just because the property, which is currently vacant, might sometime be built upon. He felt building a home within the 100 foot radius area would be unlikely since the tower would already be in place.

Ms. Heiny-Cogswell agreed, stating that, in her opinion, the screening existing at the time made it ideal for the establishment of a tower.

The Planning Commission considered whether the use promoted public health, safety and welfare. Planning Commissioners felt that the use would continue to promote public health, safety and welfare in that the ham and civil defendant use would continue. Further, it was felt that expansion of cell phone coverage areas would promote public health, safety and welfare. It was particularly noted that this tower would be the only tower on the west side of the Township. Use of the site would allow for use of an existing tower site and the possibility of future co-location. Moreover, establishing only one building on the site to handle all equipment would promote public health, safety and welfare.

The Planning Commission considered whether the proposed use would encourage the use of the land in accord with its character and adaptability. Mr. Sikora stated that the topography of the site would make this a prime site for tower use, and therefore, he felt that the use would encourage use of the land in accord with its character. Elizabeth Heiny-Cogswell agreed, stating that the vegetation would also make the site ideal. In her opinion, use of a monopole design would be in character. The Chairperson stated that, in his opinion, the size of the site would limit its possible use.

Reference was made to Section 60.600 with the Chairperson stating that he felt the co-location intent of the Ordinance would be served by the request in that the applicant had indicated future co-location by other commercial users would be permitted. The design would accommodate approximately five other commercial users. An engineering study of the existing tower had been conducted, and it was unable to support the applicant's equipment, and therefore, could not be approved for commercial use. Therefore, the existing tower did not meet the co-location intent of the Ordinance provision. It was

recognized that the proposed tower is at least 150 feet from all existing homes, and therefore, deviation from the setback provision might be appropriate.

After further discussion, Ms. Heiny-Cogswell moved to grant a special exception use permit to approve a tower to replace the existing tower at the site, which tower would be a maximum of 250 feet with appurtenances to 260 feet. Ms. Heiny-Cogswell reasoned that the proposed use met the criteria of Section 60.100 based upon the discussion of the Planning Commission. The motion included a deviation from the setback requirement to allow the height to exceed the setback. The permit was conditioned as follows:

(1) That the tower be strengthened as proposed by the applicant's Engineer's letter of June 29, 2000.

(2) That the fall radius be only 100 feet as confirmed by sealed plans and letter of the applicant's Engineer.

(3) That the tower design be a monopole.

(4) That FAA approval be obtained.

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

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

(1) That as to access, no change in the driveway placement was proposed. A deviation was granted to allow the driveway area to remain gravel. The driveway must be improved to meet Fire Department requirements. Township Staff approval of the proposed gate to the access point was required.

(2) That all ground equipment be located in a single building, and building elevations be submitted to Township Staff for approval.

(3) That all lighting must comply with Section 78.700 and details submitted to the Township Staff for review and approval.

(4) That only signs required by the FAA would be posted, and no advertising was permitted.

(5) That existing vegetation remain, be maintained, and replaced if damaged or dead.

(6) That deviation to allow driveway parking was granted.

(7) That deviation to allow setback as proposed was granted.

(8) That site plan approval is subject to the review and approval of the Township Fire Department.

(9) That site plan approval is subject to the Township Engineer finding site engineering adequate.

(10) That a Hazardous Substance Reporting Form and Environmental Permits Checklist were completed and on file with the Township.

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

STEENSMA LAWN & POWER EQUIPMENT - SPECIAL EXCEPTION USE AMENDMENT -SITE PLAN AMENDMENT - 7561 STADIUM DRIVE - (PARCEL NO. 3905-34-185-033)

The Planning Commission considered special exception use approval and site plan amendment for a proposed expansion of outdoor display and storage at 7561 Stadium Drive. The subject property is located in the "I-1" Industrial District zoning classification, and is Parcel No. 3905-34-185-033. The Report of the Planning and Zoning Department is incorporated herein by reference.

Ms. Bugge presented photographs of the site and the proposed display and storage areas. She noted that on January 26, 1995, the Planning Commission had granted special exception use/site plan approval under Section 41.401 to Heslinga Lawn and Power Equipment at the above site. At that time, outdoor display was limited to the paved area under the front and side overhang of the building during business hours. On April 27, 1995, amendment was granted to include outdoor storage.

The applicants have recently purchased the business, which is on a parcel of approximately 2.5 acres and adjacent to a parcel to the east consisting of 1.9 acres. The applicant was requesting expansion of outdoor display and storage areas. The outdoor display would consist of 4,775 square feet of grass area to the north of the parking spaces that are in front of the building and 1,875 square feet of grass area to the east of the building and parking lot. Most of this area is in front of the building setback line, and therefore, not in compliance with Section 31.403.d. Therefore, a variance would be required. Outdoor storage would consist of an additional 1,450 square feet to the east of the dumpster area on the existing grass. This area would be used on an as-needed basis. A chainlink fence had been installed around the property perimeter, and all display and storage would be within the fenced area.

In response to questions from Mr. Heisig, Ms. Bugge stated that the applicant was already using the proposed areas, but when approached by the Township, had applied

The Chairman said the next item on the Agenda was the approval of the minutes of June 9, 2005. Mr. Schley made a motion to approve the minutes as submitted, and Mr. Larson seconded the motion. The Chairman called for a vote on the motion, and the motion passed unanimously.

AUDREY HOMES, LLC - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - COMMUNICATION TOWER - 1548 CONCORD PLACE DRIVE - (PARCEL NO. 3905-24-410-020)

The Chairman stated the next item on the Agenda was consideration of a special exception use and site plan review for a 120-foot communication tower and related equipment at 1548 Concord Place Drive, Parcel No. 3905-24-410-020. The Chairman asked for a report from the Planning Department. Ms. Bugge submitted her report dated July 14, 2005, and the same is incorporated herein by reference.

Ms. Bugge reminded the Planning Commission that they had considered this request on March 24, 2005, but tabled it in order to obtain additional information from the applicant's engineer. She said the applicant had now changed the proposed design of the tower, and slightly altered its proposed location. Ms. Bugge told the Planning Commission that the applicant was requesting a 120-foot guyed wire tower with a 10-foot antenna on top to replace an existing 96-foot tower. She said the location was approximately 45 feet north of the existing tower.

Ms. Bugge then proceeded to take the Commission through Section 60.100 dealing with special exception uses, as well as Section 60.600 dealing with communication towers. After considering the special exception use and communication tower provisions, Ms. Bugge then took the Planning Commission through the provisions of Section 82.800 dealing with site plan review as set forth in her report.

The Chairman asked to hear from the applicant. Mr. Tim Kelly, agent for Audrey Homes, LLC, introduced himself to the Planning Commission. He said he appreciated the Commission's patience and explained that they had not only looked at two different types of towers, but had also done a soil boring analysis to ensure the safety of the tower. He referenced the Commission to the letter from Engineer Habib Azouri from Radian Communication Services dated June 2, 2005, indicating, with a reasonable degree of engineering certainty, that the structure would likely fall within a collapse zone, one-third to one-half the height of the structure.

The Chairman asked if there were any questions of Mr. Kelly. Mr. Schley asked whether any other party would be using the Audrey Homes' tower. He also asked whether there would be any additional compliance requirements to meet F.C.C. and/or F.A.A. rules. Mr. Kelly explained that no other party would want to locate on the proposed tower. He said, first of all, the top 60 feet of the 120-foot tower would be entirely used by Audrey Homes, and most users would have no reason to want to locate on the lower 60 feet. He said, second, if they did, the lower 60 feet would be unuseable due to the mature trees surrounding the tower location. With regard to lighting, Mr. Kelly

said that the subject tower was a sufficient distance from any airport so as to not require any type of lighting or registration with the F.A.A.

The Chairman asked about the statement from the applicant's engineer. He asked for clarification regarding the assumption the engineer was making about the guyed wires remaining in place. Mr. Kelly pointed out that, even without the guyed wires in place, the tower was designed with increasing levels of strength from bottom to top, and therefore, the tower would still buckle and not fall completely intact. The Chairman asked Attorney Porter what he thought the engineer was trying to say. Attorney Porter said he thought the engineer was making the assumption that, short of some type of sabotage, the tower would not come down intact but would, in fact, crumple and fall upon itself.

The Chairman asked if there was any remaining exposure to the Township. Attorney Porter said that he was satisfied that the applicant had addressed the questions previously raised and had provided sufficient information upon which the Commission could reasonably conclude that the tower was not a danger to the health, safety or welfare of the persons within Concord Place Apartments. Mr. Schley said he was satisfied with the information provided and thought that it was reasonable to approve the tower, but he did want to see the engineer's letter referenced if the tower was approved by the Planning Commission.

The Chairman called for public comment, and hearing none, closed the public portion of the meeting. The Chairman noted, when he was in Florida, that he had an opportunity to view cable access and the discussions of various planning commissions in southern Florida. He said that they were very interested in tower safety due to the storms in that area. He concluded, therefore, that tower safety was a very important issue. Mr. Smith agreed and said that he thought the questions which the Commission had raised last time had been addressed, and that the safety questions had been answered.

Mr. Larson said he was a bit concerned about a change in ownership and the possibility of the tower not being set back a sufficient distance from the property lines. Ms. Everett said she thought it would be difficult to meet the setbacks now considering it is a pre-existing development. Ms. Bugge pointed out that, in part, the setback requirements are based upon safety, and she thought those issues had been addressed by the applicant's engineer. The Chairman concurred with Ms. Bugge and said he equated the setback requirements to the safety issues involved and thought that those had been addressed.

Mr. Schley made a motion to approve the special exception use as submitted based upon the record and the Planning Department's report and review of Section 60.100 and Section 60.600. Mr. Smith seconded the motion. The Chairman called for discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

Mr. Schley then made a motion to approve the site plan with the requested deviation from the setback requirements from existing buildings and the property line, upon the following conditions and limitations:

(1) A deviation from the setback requirement from the east line and existing buildings as proposed on the site plan dated June 6, 2005, is granted, based upon the engineer's letter of June 2, 2005.

(2) Approval is subject to the removal of the existing tower once the new tower is operational.

(3) Lighting, if any, shall comply with Section 78.700. Details are to be provided for review and approval of Staff.

(4) Only signs required by the F.C.C. will be posted.

(5) Site plan approval is subject to the applicant satisfying Fire Department requirements, pursuant to adopted codes.

Mr. Smith seconded the motion. The Chairman called for discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

TRANSCENDING PROPERTIES, LLC - SITE PLAN REVIEW - HERITAGE PINES PLAT - SOUTH SIDE OF ALMENA DRIVE, BETWEEN VAN KAL AVENUE AND 1ST STREET - (PARCEL NO. 3905-19-355-081)

The Chairman said the next item for consideration was the site plan review of a proposed six-lot plat to be located on the south side of Almena Drive between Van Kal Avenue and 1st Street, Parcel No. 4905-19-355-081. The Chairman called for a report from the Planning Department. Ms. Bugge submitted her report dated July 14, 2005, and the same is incorporated herein by reference.

Ms. Bugge explained to the Commission that this was consideration of a recommendation for Step One Tentative Approval of the platting process. She said that the Planning Commission's recommendation along with the Kalamazoo County Road Commission's comments would be submitted to the Township Board for their consideration. She explained that the property consists of approximately 6.21 acres on the south side of Almena Drive. She said the applicant was proposing six lots ranging in size from .58 to 1.02 acres. She said the property was located in the Rural Residential District, and the applicant was proposing to serve the lots with septic systems and wells. She said the applicant's development met the minimum width requirements, as well as the density requirements, of the Ordinance.

Ms. Bugge then proceeded to review the plat with the Commission, pointing out that the stormwater basin would have to be approved and dedicated to the Kalamazoo County Drain Commissioner. She also pointed out that the public street would be subject to approval and acceptance by the Kalamazoo County Road Commission. She asked that the Commission take particular note of the fact that the non-motorized facilities map indicated the need for an

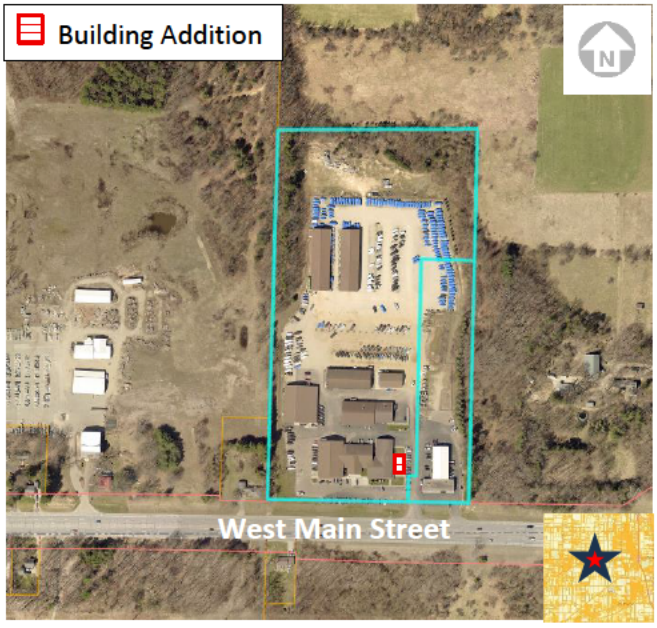
Staff Report

Meeting Date:	October 27, 2026
To:	Oshtemo Township Zoning Board of Appeals
From:	Planning Department
Applicant:	Hazelhoff Builders
Owner:	Whitetail Dreams, LLC
Property:	8178 West Main Street (Parcel #05-16-280-012 and 05-16-280-016)
Zoning:	C: Local Business District
Request:	Site plan approval to construct a 2,660 square foot building addition
Section(s):	Section 64 – Site Plan Review Section 18 – C: Local Business District

Planning & Zoning Department Report:

Overview:

Hazelhoff Builders, on behalf of the property owner, Whitetail Dreams, LLC, is requesting site plan approval to construct a 2,660 square foot addition on the east side of the principal building at D&R Sports Center located at 8178 West Main Street. The building addition will provide additional retail space for the business. The property is located on the north side of West Main Street between North 5th Street and North 6th Street. The subject property is outlined in light blue on the aerial, with the area of the building addition shown in red.

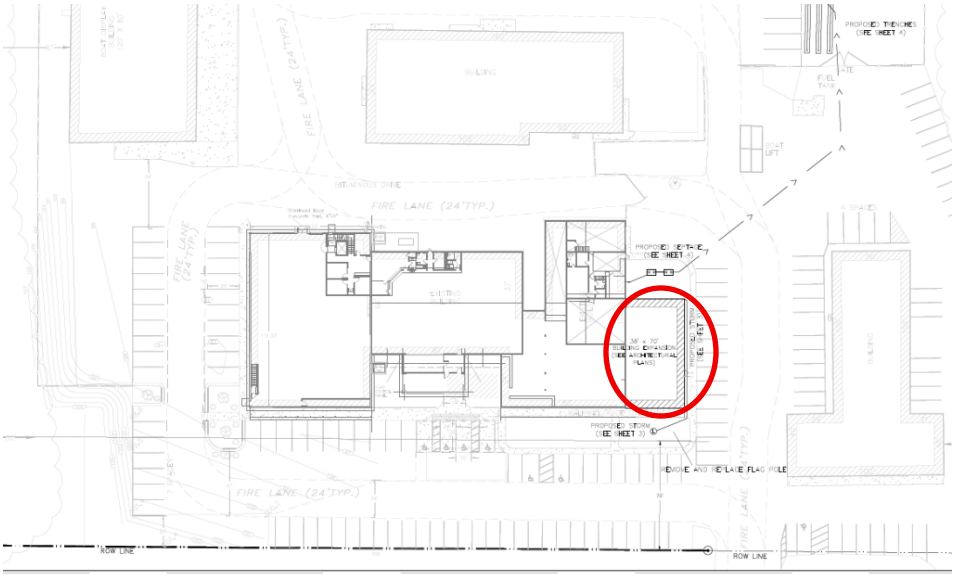


Analysis:

When reviewing this request, the site plan review criteria found in Article 64 of the Zoning Ordinance must be considered. An analysis of the proposal against this code section follows.

Section 64: Site Plan Review

General Zoning Compliance



Zoning: Zoned C: Local Business District, the subject property abuts farmland to the north, a single-family home the east, a single-family home and tree service to the west, and a single-family home and unimproved parcel to the south. Zoning wise, RR: Rural Residential District is adjacent to the west and south while AG: Agricultural District zoning abuts to the north and east.

The retail use is permitted by right in the C: Local Business District. All general zoning requirements have been met. A snapshot of the site plan is provided above with the addition outlined in red.

Access and Circulation

Access: There will be no changes to the existing access arrangement.

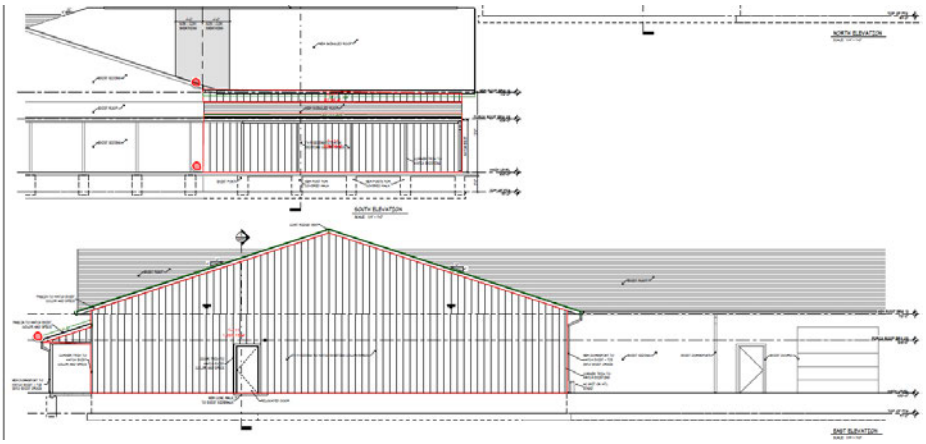
Parking and Circulation: No additional parking is being proposed. The building addition will not impact drive aisles.

Easements: All existing and proposed easements have been illustrated on the site plan.

Non-Motorized: The Township's Non-Motorized Action Plan identifies a paved shoulder along West Main Street. This stretch of West Main Street already has paved shoulders on both sides of the road. Requirement satisfied.

Building Design

Building Information: A 2,660 square foot addition is proposed on the east side of the 24,866 square foot principal building. The addition will have brown wood paneling, matching the materials of the existing building. Snapshots of the south and east building elevations of the proposed addition are shown.



The existing sewage treatment system will be required to be relocated on site as the present location conflicts with where the building addition is proposed. A septic permit through the Kalamazoo County Environmental Health Department will need to be acquired by the property owner as a condition of approval.

Setbacks: The minimum front yard setback is 170 feet from center of the West Main Street right-of-way. The minimum side and rear yard setback requirement is 20 feet or equivalent to the height of the building, whichever is greater.

During the plan review stage, staff identified that the building addition would not meet the minimum side yard setback from the east property line as the addition would encroach into the setback area by 3 feet. The property owner, Whitetail Dreams, LLC, also owns this abutting parcel at 8128 West Main Street. To resolve the conflict with the building setback, the property owner has elected to execute a land combination to eliminate the shared property line.

Since the two subject properties are to be combined through a recorded deed as a condition of approval, all minimum setback requirements are met.

Lot Dimensions: The D&R Sports Center parcel is 15 acres in size, including right-of-way, with approximately 460 feet of road frontage. The abutting parcel is about 3 acres in size with 200 feet of road frontage. The two properties combined satisfy minimum frontage and area requirements for parcels in the C: Local Business District.

Fencing: No changes are proposed to existing fencing on site. This portion of the review is not applicable.

Lighting: Three building mounted lights are proposed to be placed at 12 feet in height on the south and east elevations. All building mounted lights are proposed to be cut-off fixtures. A photometric plan satisfying Zoning Ordinance requirements was provided.

Signs: Existing site signage is not changing. This portion of the review is not applicable.

Landscaping

Article 53 offers modifications to landscaping requirements when there are unique physical circumstances on site. It also provides language on reductions to landscaping requirements if existing vegetation provides an equal or better landscape and buffering effect.

The applicant has requested a reduction and modification related to the greenbelt and screening between land use requirements. The applicant indicates that there are dense tree lines along the north, west, and east property lines, providing the necessary screening between land uses. Additionally, the parking lot in front of the principal building is paved to the front property line for the majority of the site's property frontage. There is also a 30-foot wide watermain easement which runs along the full length of the west property line. Given the limited area to accommodate plantings, the applicant is offering to provide one canopy tree and two understory trees for the width equivalent to that of the proposed building addition; these plantings will be placed in the southwest corner of the site.

The Zoning Board of Appeals will need to **make a finding** whether the existing tree buffer along the north, east, and west property line meets the spirit and intent of the Zoning Ordinance with respects to screening between land uses. The Zoning Board of Appeals will also need to **determine** whether the

proposed greenbelt plantings in the southwest corner meet the spirit and intent of the Ordinance given the unique physical limitations the site presents.

Article 53 also provides provisions for existing sites as it relates to parking lot and interior landscaping. Given there are no new parking spaces proposed, additional parking lot and interior landscaping is not required.

Engineering

The Oshtemo Public Works Department has reviewed the proposal and noted a handful of concerns. Oshtemo Public Works requests additional information and clarification on site elements pertaining to stormwater management and utilities. These elements of the site plan can be resolved prior to issuance of a building permit and should be a condition of site plan approval.

Fire Department

The Fire Marshal has reviewed the site plan and does not have any concerns.

Recommendation:

The Zoning Board of Appeals will need to grant or deny the landscaping modification and reduction requests.

If the modification and reduction requests are granted, Planning Department staff recommend that the Zoning Board of Appeals grant site plan approval for a 2,660 square foot building addition at D&R Sports located at 8178 West Main Street with the following conditions.

1. A septic permit from the Kalamazoo County Environmental Health Department must be obtained prior to building permit issuance.
2. A deed be recorded with the Kalamazoo County Register of Deeds Office reflecting the combination of Parcels 05-16-280-012 and 05-16-280-015 prior to building permit issuance.
3. An updated site plan and supplemental documentation satisfying any remaining comments from the Township Engineer at time of this report be submitted for administrative review and approval prior to building permit issuance.
4. Identify tree species within the proposed greenbelt on the revised plan prior to building permit issuance.

Attachments: Application, Narrative, and Site Plan

Oshtemo
CHARTER TOWNSHIP
· Established 1839 ·

Planning Department
7275 W. Main Street
Kalamazoo, MI 49009
Phone: 269.216.5223
planning@oshtemo.org

PLANNING & ZONING APPLICATION

1. Instructions & Fee Information

- Complete this application providing the requested supplemental documentation described herein, including the fee, and submit to the Planning Department for review. Incomplete applications will not be accepted.

2. Applicant Information

Name: Hazelhoff Builders		
Mailing Address: 7687 Douglas Ave	City, State: Kalamazoo, MI	Zip Code: 49009
Email: [redacted]	Phone:	

3. Property Owner Information

Name: Whitetail Dreams LLC		
Mailing Address: 5641 N. 3rd Street	City, State: Kalamazoo, MI	Zip Code: 49009
Email: [redacted]	Phone:	

4. Project Information

Project Name: D & R Sports Center		
Project Address: 8178 W. Main Street	Parcel Number: 05-16-280-012	
Email: [redacted]		

Property Legal Description (use attachments if necessary):

SEC 16-2-12 BEG ON W LI SE 1/4 NE 1/4 AT N'LY ROW LI HWY M-43 TH N 00 DEG 35 MIN 48 SEC E 1217.35 FT TO N LI SE 1/4 NE 1/4 TH N 89 DEG 08 MIN 47 SEC E THEREON 657.45 FT TO E LI W 1/2 SE 1/4 NE 1/4 TH S 00 DEG 20 MIN 48 SEC W ALG SD E LI 432.71 FT TH N 89 DEG 26

Current Zoning: 201 Commercial	Current Use: 201 Commercial	Area of Property: 15.29 acres

Type of Request (check all that apply):

- ☒ Site Plan Review (type, if applicable):
  - ☐ Pre-Application
  - ☐ Administrative
- ☐ Plat/Site Condo
- ☐ Rezoning
- ☐ Zoning Variance
- ☐ Special Exception Use
- ☐ Clear Cutting
- ☐ Text Interpretation
- ☐ Accessory Building/Dwelling Unit
- ☐ Other: _____

Statement of Intent: Briefly describe your request (use attachments, if necessary).
Approval to build a 2,660sf addition to the existing building

5. Required Documents for Site Plan Review

Required Documents for Site Plan Review (complete and attach to this application):

- ☐ Environmental Permits Checklist
- ☐ Hazardous Substance Reporting Form
- ☐ Site Plan, if applicable
- ☐ Access predetermination form RCKC or MDOT, if applicable

6. Signatures

Names & addresses of all other persons, corporations, or firms having a legal or equitable interest in the property:

Names(s)	Address(es)
N/A	
N/A	

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.

I (we) acknowledge that we have received the Township's Disclaimer regarding Sewer and Water Infrastructure.

I (we) understand the incomplete applications will not be accepted. If the application is found to be incomplete after submission, formal review and approval may be delayed. Significant revisions to an application or its attachments may result in requiring the submission of additional fees and/or additional escrow.

By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

Applicant Signature	Date	Property Owner Signature	Date
Jason Klok	09.17.26	Janice Van Dam PoA	9/17/26

Colten and Oshtemo Planning & Zoning,

Since there is an existing parking lot along the street right-of-way, we are proposing a reduction in the required greenbelt landscaping. The southwest corner of the site is the only possible area for planting along the ROW, which is also limited by an existing 30' watermain easement. Per the owner's request, the plan proposes 1 canopy tree and 2 understory trees to accommodate the width of the building expansion. (See Sheet)

Additionally, the existing trees along both sides of the property provide effective screening between adjacent land uses. These trees will remain in place and will not be affected by the proposed building expansion.

Thank you.

Andrew Wright

Assistant Project Engineer

Civil Engineers, Inc.

[redacted]

SITE AREA CALCULATIONS:

ORIGINAL SITE AREA (NOT INCLUDING ROW) = 666,165 SFT (15.29 ACRES)
TOTAL BUILDING COVERAGE = 86,076 SFT / 666,165 = 12.92%

COMBINED PARCELS AREA (NOT INCLUDING ROW) = 809,913 SFT (18.6 ACRES)
COMBINED PARCELS TOTAL BUILDING COVERAGE = 95,326SFT / 809,913 = 11.77%

LIGHTING:

SITE LIGHTING IS ADDRESSED ON ARCHITECTURAL PLANS.

LANDSCAPING:

PROPOSING 1 CANOPY TREE AND 2 UNDERSTORY TREES IN THE SOUTHWEST REGION OF SITE.

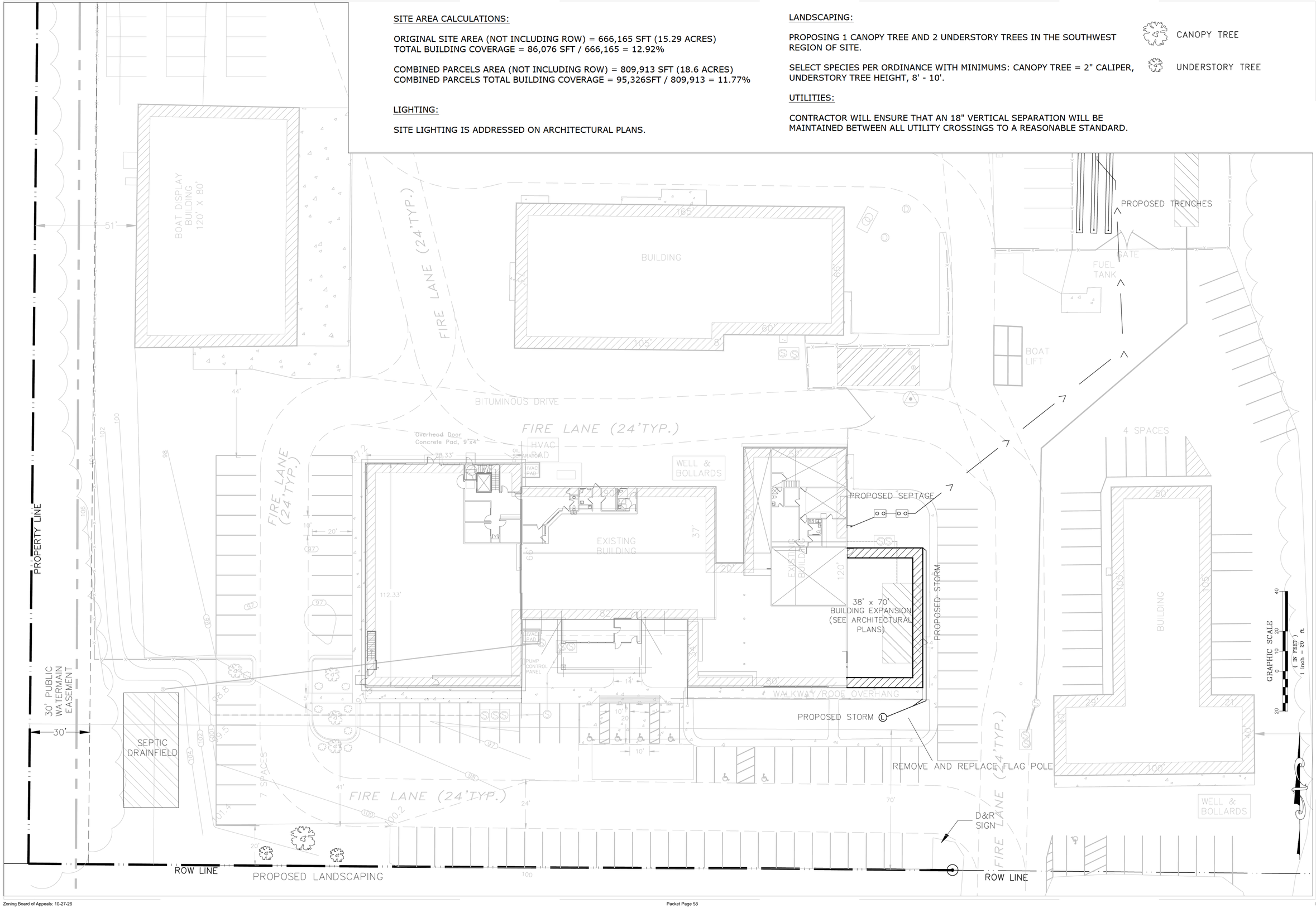
SELECT SPECIES PER ORDINANCE WITH MINIMUMS: CANOPY TREE = 2" CALIPER, UNDERSTORY TREE HEIGHT, 8' - 10'.

CANOPY TREE

UNDERSTORY TREE

UTILITIES:

CONTRACTOR WILL ENSURE THAT AN 18" VERTICAL SEPARATION WILL BE MAINTAINED BETWEEN ALL UTILITY CROSSINGS TO A REASONABLE STANDARD.



CEI
Civil Engineers Inc.
14250 Beadle Lk Rd
Suite 150
Battle Creek, MI
49014-7202
www.cei-bc.com
269-962-5127

JOB NO: 241203
DATE: 10/14/26
DRAWN BY: JAS
REVIEWED BY: RAR

OWNER
D and R Sports, Inc.
8178 W Main St.
Kalamazoo MI 49009
Attn: Randy Van Dam

D and R Sports Expansion

Site Plan

Know What's Below, Call MISS DIG.

REVISIONS

Date	Comment

SHEET 2/7

Oct 14, 2026 4:01pm P:_2024\241203_D & R Expansion\DESIGN\04-Drawings\site-plan.dwg

Staff Report

Meeting Date:	October 27, 2026
To:	Oshtemo Township Zoning Board of Appeals
From:	Planning Department
Applicant:	Wolverine Assemblies, LLC
Owner:	6110 Technology, LLC
Property:	6110 Technology Avenue (Parcel #05-35-450-007)
Zoning:	I-R: Industrial District
Request:	Site plan approval to establish an essential service staging yard for Consumers Energy
Section(s):	Section 64 – Site Plan Review Section 26 - I-R: Industrial District

Planning & Zoning Department Report:

<u>Overview:</u>

The applicant, Wolverine Assemblies, LLC, is requesting site plan approval to establish an essential service staging yard for Consumers Energy located at 6110 Technology Avenue. The layout of the site is proposed to be split into nine zones, with each zone housing different materials. Materials proposed to be stored within the nine zones include poles, transformers, circuit switchers, containers, and regulators. The staging yard would support high voltage distribution projects and help with response to impacts from storms and natural disasters occurring throughout the greater Kalamazoo area.

The site is located on a 9-acre building site within the Oshtemo Business Park development east of South 9th Street and north of West N Avenue. The site under consideration is outlined in light blue on the aerial.



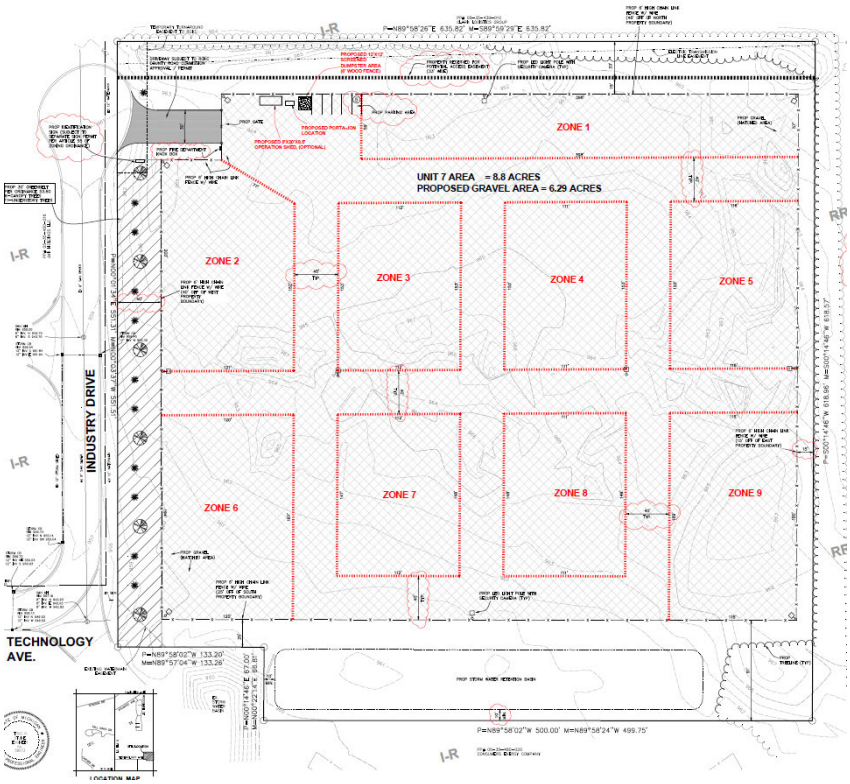
Analysis:

When reviewing this request, the site plan review criteria found in Article 64 of the Zoning Ordinance must be considered. An analysis of the proposal against this code section follows.

Section 64: Site Plan Review

General Zoning Compliance

Zoning: 6110 Technology Avenue is zoned I-R: Industrial District. The subject property abuts farmland to the north, overhead powerlines to the east, an industrial building to the west, and a natural gas regulator station to the south. Zoning wise, RR: Rural Residential District is adjacent to the east while I-R: Industrial District zoning abuts to the north, south, and west.



The proposed use, an essential service, is permitted by right in this zoning district. All general zoning requirements have been met. A snapshot of the proposed site plan is provided.

Access and Circulation

Access: A driveway is proposed off the cul-de-sac at the north end of the property. A driveway permit from the Road Commission of Kalamazoo County will be required as a condition of approval.

Parking and Circulation: Circulation aisle widths between zones are acceptable for essential services. Five parking spaces are proposed near the entrance on the north side of the property. The Zoning Ordinance does not detail parking requirements for this land use. The Ordinance grants the authority to determine appropriate parking counts; based on other essential service sites in the Township, the proposed number of parking stalls is found to be appropriate.

Easements: All existing and proposed easements have been illustrated on the site plan.

Non-Motorized: There are no sidewalks in the Oshtemo Business Park development. No non-motorized facilities are identified on the Township's Non-Motorized Action Plan. This portion of the review is not applicable.

Building Design



Building Information: No buildings are proposed; however, a 160 square foot operations trailer is proposed in the northwest corner of the property. The trailer will be 8 and ½ feet tall and used to accommodate administrative functions on site. As a condition of approval, permits for the structure will be required to be obtained through the Oshtemo Building Department. A visual of the trailer can be found here.

Lot Dimensions: The property is about 9 acres in size, including right-of-way, with approximately 550 feet of road frontage. The property satisfies minimum frontage and area requirements for building sites in the I-R: Industrial District.

Setbacks: The minimum front yard setback is 40 feet, minimum side yard setback is 10 feet, and minimum rear yard setback is 15 feet. All minimum setback requirements have been met.

Fencing: A 6-foot chain link fence with 18 inches of barbed wire is proposed along the perimeter of the site. Barbed wire fencing is allowed within Industrial zoning districts.

Lighting: 11 pole mounted lights are proposed to be mounted at 25 feet in height to illuminate the various zones. All pole mounted lights are proposed to be cut-off fixtures. A photometric plan satisfying Zoning Ordinance requirements was submitted.

Signs: Separate approval will be required for any identification signs that may be proposed. This portion of the review is not applicable.

Landscaping

Six canopy trees and 11 understory trees are proposed in the greenbelt along Industry Drive. With identification of the proposed species, the landscaping plan satisfies Ordinance requirements for essential services.

Engineering

The Oshtemo Public Works Department has reviewed the proposal and does not have any site design concerns.

Fire Department

The Fire Marshal has reviewed the site plan and is satisfied with the proposal.

Recommendation:

Planning Department staff recommend that the Zoning Board of Appeals grant site plan approval to establish an essential service staging yard for Consumers Energy at 6110 Technology Avenue with the following conditions.

1. Permits must be obtained through the Oshtemo Building Department.

2. A soil erosion and sedimentation control permit from the Kalamazoo County Drain Commissioner's Office must be obtained prior to any earth change movements occurring on site.
3. A driveway permit from the Road Commission of Kalamazoo County must be obtained prior to building permit issuance.
4. Any changes in equipment, materials, etc. being stored in each designated zone is subject to administrative review and approval.
5. Identify tree species within the proposed greenbelt on a revised plan.

Attachments: Application, Narrative, and Site Plan

Oshtemo
CHARTER TOWNSHIP
Estab ished 1839

Planning Department
7275 W. Main Street
Kalamazoo, MI 49009
Phone: 269.216.5223
planning@oshtemo.org

PLANNING & ZONING APPLICATION

1. Instructions & Fee Information

- Complete this application providing the requested supplemental documentation described herein, including the fee, and submit to the Planning Department for review. Incomplete applications will not be accepted.

2. Applicant Information

Name: Wolverine Assemblies LLC Attn: Hershel Hutcherson		
Mailing Address: 30260 Oak Creek Dr.	City, State: Wixom, MI	Zip Code: 49393
Email: [redacted]	Phone: [redacted]	

3. Property Owner Information

Name: Derek Wissner		
Mailing Address: 628 West Milham Avenue	City, State: Portage, MI	Zip Code: 49024
Email: [redacted]	Phone: [redacted]	

4. Project Information

Project Name: Consumers Energy Emergency Response Yard		
Project Address: 6110 Technology Ave	Parcel Number: 05-35-450-007	
Email:		
Property Legal Description (use attachments if necessary): See site plan		
Current Zoning: Industrial Restricted (I-R)	Current Use: Vacant	Area of Property: 8.8

Type of Request (check all that apply):

- ☒ Site Plan Review (type, if applicable):
  - ☐ Pre-Application
  - ☐ Administrative
- ☐ Plat/Site Condo
- ☐ Rezoning
- ☐ Zoning Variance
- ☐ Special Exception Use
- ☐ Clear Cutting
- ☐ Text Interpretation
- ☐ Accessory Building/Dwelling Unit
- ☐ Other: _____

Statement of Intent: Briefly describe your request (use attachments, if necessary).

Proposed Emergency Response Yard for Consumers Energy. 7 Acre gravel lot for staging and storage of materials and equipment. See Site Plan Attached

5. Required Documents for Site Plan Review

Required Documents for Site Plan Review (complete and attach to this application):

- ☒ Environmental Permits Checklist
- ☒ Hazardous Substance Reporting Form
- ☒ Site Plan, if applicable
- ☒ Access predetermination form RCKC or MDOT, if applicable Submitted for preliminary review of entry drive to KCRC

6. Signatures

Names & addresses of all other persons, corporations, or firms having a legal or equitable interest in the property:

6110 Technology, LLC

Names(s)	Address(es)
Members: Wissner Family Trust	628 W Milham Ave, Portage, MI
Commercial Asset Company	628 W Milham Ave, Portage, MI
JandyB, LLC	2119 Carmen Ct., Goshen, IN

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.

I (we) acknowledge that we have received the Township's Disclaimer regarding Sewer and Water Infrastructure.

I (we) understand the incomplete applications will not be accepted. If the application is found to be incomplete after submission, formal review and approval may be delayed. Significant revisions to an application or its attachments may result in requiring the submission of additional fees and/or additional escrow.

By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

6110 Technology, LLC
Managed by Commercial Management Company, LLC

Applicant Signature	Date	Property Owner Signature	Date
[signature]	8/3/26	Derek Wissner	8/3/2026

Wolverine Assemblies, LLC
30260 Oak Creek Drive
Wixom, Mi 48393

8/10/2026

To whom it may concern:

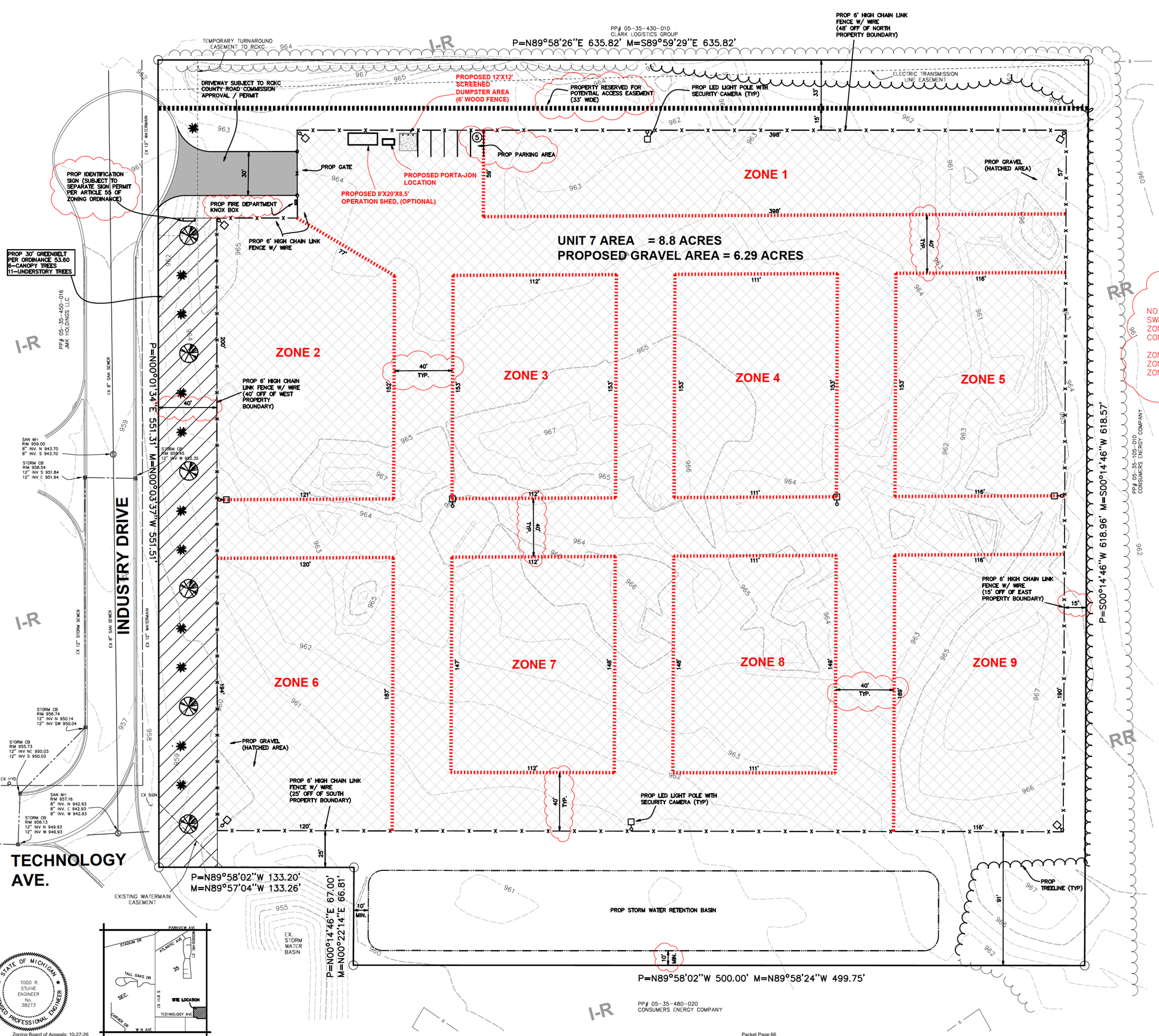
The proposed Consumers Energy Laydown Yard would provide a centralized location for materials supporting High Voltage Distribution projects in and around the Kalamazoo area. Establishing this facility would improve the efficiency of crew mobilization by ensuring critical materials are readily available when needed, helping to support timely project execution.

Currently, there are no CE-managed laydown yards serving this area. This location would enhance inventory management, increase visibility of material deliveries and usage, and improve overall operational oversight. In addition, the laydown yard would support crews performing essential system reliability work, helping to ensure the safe and reliable delivery of service to our customers.

Approval of this request would provide significant operational benefits by improving material accessibility, inventory control, and workforce readiness for ongoing and future High Voltage Distribution projects.

Hershel Hutcherson
Vice President of Operations
Wixom, Mich 48393

[redacted]



P:\Projects\2026\261646\Drawings\261646-P-V2.dwg, 02-SDP, 10/2/2026 1:19:25 PM, ckidwell

Property Description:
(Sun Title Agency of Michigan, LLC, File No. 215751, dated July 15, 2022)
Land situated in the Township of Oshtemo, Kalamazoo County, State of Michigan.
Unit 7, Oshtemo Business Park, a condominium according to the Master Deed recorded in Instrument No. 2002-035031, Kalamazoo County Records, and designated as Kalamazoo County Condominium Subdivision Plan No. 147, and amendments thereto, if any, together with rights in general common elements and limited common elements as set forth in the Master Deed and as described in Act 59 of Public Acts of 1978, as amended (8.8 acres)

NOTE :
GRAVEL AREA TO BE USED AS A STORAGE AND STAGING AREA FOR CONSUMERS ENERGY EMERGENCY RESPONSE
- VEHICLES (ON SITE HI-LO)
- EQUIPMENT
- MATERIALS

NOTE: PROPOSED TO BE COMPLETED IN ONE PHASE. FALL/WINTER 2026

8" (MIN) GRAVEL (CIP) (21AA NATURAL, 21AA CRUSHED CONCRETE, 22A MDOT, OR BLACKTOP MILLING)
12" (MIN) SAND SUBBASE (CIP) (MDOT CLASS II) - EXISTING SOIL

GRAVEL CROSS SECTION
(SUBJECT TO GEO-TECH RECOMMENDATION)

6" MIN
2" RCKC HMA 13A MOD. OR 36A MOD. WEARING COURSE
2" RCKC HMA 13A MOD. LEVELING COURSE
2" RCKC HMA 13A MOD. BASE COURSE
8" (MIN) GRAVEL CIP MDOT 22A AGGREGATE BASE
24" (MIN) SAND SUBBASE (CIP) (MDOT CLASS II)

COMMERCIAL ROAD CROSS SECTION
•RCKC STANDARDS AND SPECIFICATIONS APPENDIX E

NOTE: ZONES 1-9 WILL BE USED TO STORE POLES, TRANSFORMERS, REGULATORS, CIRCUIT SWITCHERS, AND STORAGE CONTAINERS THAT WILL HOUSE VARIOUS SMALL HARDWARE. THE ZONES ARE SHOWN FOR OPERATIONAL ORGANIZATION OF THE DIFFERENT MATERIALS. CONSUMERS ENERGY RESERVES THE RIGHT TO CHANGE ZONE MATERIAL LISTED BELOW

ZONE 1: POLES	ZONE 4: REGULATORS	ZONE 7: STORAGE CONTAINERS
ZONE 2: TRANSFORMERS	ZONE 5: POLES	ZONE 8: REGULATORS
ZONE 3: CIRCUIT SWITCHERS	ZONE 6: TRANSFORMERS	ZONE 9: CIRCUIT SWITCHERS

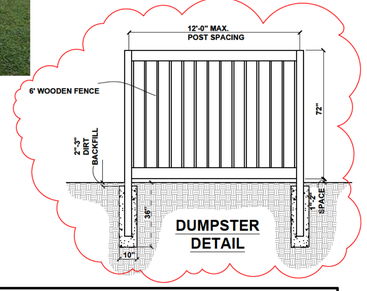


OPERATION SHED (OPTIONAL)



6' CHAINLINK FENCE W/ WIRE

FENCING NOTES:
CHAINLINK HEIGHT = 6'
TOP WIRE HEIGHT = 18"
(ANGLE WIRE BRACKET INTO SITE OR STRAIGHT UPWARDS



DUMPSTER DETAIL

N
0' 15' 30'
1' CONTOUR INTERVAL
SCALE: 1" = 30'

Zoning Board of Appeals: 10-27-26

LOCATION MAP

SITE DEVELOPMENT PLAN

6110 TECHNOLOGY AVE.

FOR: WOLVERINE ASSEMBLIES LLC
ATTN: HERSHEL HUTCHERSON
30260 OAK CREEK DR.
WIXOM, MI 49393

PART OF THE SE 1/4, SECTION 35, T2S, R12W, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN

exxel engineering, inc.
planners · engineers · surveyors
5252 Clyde Park, S.W. • Grand Rapids, MI 49509

DATE	REVISION	BY
10/2/26	REV PER STAFF REVIEW	CJK
08/10/26	REV PER STAFF REVIEW	JDB

DRAWN BY: CJK | APPROVED BY: TRS | FILE NO.: 261646 | PROJ. ENG.: TRS | PROJ. SURV.: . | DATE: 8/3/26

SHEET 2 of 3

Last Revised: 10-22-26

Zoning Board of Appeals

2027 Meeting Schedule

Regular meeting dates for the 2027 calendar cycle

Meeting Dates
January 26, 2027
February 23, 2027
March 23, 2027
April 27, 2027
May 25, 2027
June 22, 2027
July 27, 2027
August 24, 2027
September 28, 2027
October 26, 2027
November 23, 2027
December 28, 2027

7275 W. Main Street, Kalamazoo, MI 49009 | Phone: 269.375.4260 | Oshtemo@oshtemo.org