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**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS - REGULAR MEETING**

**OSHTEMO TOWNSHIP HALL
7275 WEST MAIN STREET**

**TUESDAY, MAY 27, 2025
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: April 22, 2025
6. **Sign Variance: Maple Hill Auto Group (5622 West Main Street 3905-13-180-035)**
Zoning Board of Appeals to consider request for a variance to allow seven wall signs where four are allowed and for an increased sign area over ordinance limits in the C, Local Business District.
7. Other Updates and Business
8. Adjournment

(Meeting will be available for viewing through <https://www.publicmedianet.org/qavel-to-qavel/oshtemo-township>)

**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.

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| Township Department Information | | | |
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| <u>Assessor:</u> | | | |
| Kristine Biddle | 216-5225 | assessor@oshtemo.org | |
| <u>Fire Chief:</u> | | | |
| Greg McComb | 375-0487 | gmccomb@oshtemo.org | |
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| Alan Miller | 216-5230 | amiller@oshtemo.org | |
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| Vanessa Street | 216-5233 | vstreet@oshtemo.org | |
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| <u>Public Works Director:</u> | | | |
| Anna Horner | 216-5228 | ahorner@oshtemo.org | |

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS
MINUTES OF A REGULAR MEETING HELD APRIL 22, 2025

Agenda

Variances: Non-Motorized Facility and Landscaping & Site Plan Review: Blackberry Systems (6477 W KL Avenue 3905-23-405-013)

Request for variance from Section 57.90 of the Zoning Ordinance to eliminate the requirement of a non-motorized facility. Zoning Board of Appeals also to conduct site plan review of a proposed 2,100 square foot warehouse building and additions to the existing building.

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held Tuesday, April 22, 2025, beginning at 3:00 p.m.

MEMBERS PRESENT: Fred Gould
Harry Jachym, Vice Chair
Al Smith
Louis Williams, Chair
Ron Ver Planck

MEMBERS ABSENT: Rick Everett
Dusty Farmer

Also present were Jodi Stefforia, Planning Director; Colten Hutson, Zoning Administrator; Leeanna Harris, Planning and Zoning Administrator; Jim Porter, Township Attorney; and 3 interested persons.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Williams called the meeting to order at 3:00 p.m. Those in attendance joined in reciting the Pledge of Allegiance.

APPROVAL OF AGENDA

Chair Williams called for approval of the agenda.

Mr. Smith **made a motion** to approve the agenda as amended. Mr. Jachym **seconded the motion**. The motion was **approved unanimously**.

PUBLIC COMMENT ON NON-AGENDA ITEMS

There were no comments regarding non-agenda items.

APPROVAL OF THE MINUTES OF MARCH 25, 2025

Chair Williams asked for additions, deletions, or corrections to the Minutes of the meeting held on March 25, 2025.

Three changes were noted: Mr. Jachym was not in attendance, Mr. Ver Planck was in attendance, and Ms. Harris was in attendance.

Mr. Smith **made a motion** to approve the minutes of the meeting held on March 25, 2025 with the noted corrections. Mr. Gould **seconded the motion**. The **motion was approved** unanimously.

Variances: Non-Motorized Facility and Landscaping & Site Plan Review: Blackberry Systems (6477 W KL Avenue 3905-23-405-013)

Ms. Harris presented her staff report dated April 17, 2025, and incorporated herein, regarding site plan review for a variance to not be required to construct the non-motorized facility adjacent to S 9th Street, per Section 57.90 of the Zoning Ordinance; and a variance to not be required to install certain landscaping in the greenbelt along the S 9th Street right-of-way, per Section 53.60.

Project Summary

The property owner, Cameron Shields, of Blackberry Systems, is requesting site plan approval and two (2) variances. The site currently encompasses two buildings with additions of buildings for storage, office, and warehouse uses proposed. The project is planned to be constructed in three phases: the 2,100 square footage single story warehouse addition in phase one (2025), the 1,600 square footage office storage addition in phase two (summer of 2027), and the 800 square footage showroom addition in phase three (summer of 2028). The site possesses frontage adjacent to S 9th Street and W KL Avenue.

The applicant also requested two variances, which will be presented later in the meeting.

ANALYSIS:

When reviewing the site plan, the general Site Plan Review criteria outlined in Section 64 must be considered.

Section 64: Site Plan Review

Zoning:

Contractor services are considered a permitted use within the I-1: Industrial District. 6477 W KL Avenue is zoned I-1: Industrial District. Adjacent to the east are other industrial uses and to the south is Township-owned property and the Amtrak railway. The percentage of land proposed to be covered by buildings is 13.5% and remaining open

space is 63.5%. The proposed building and additions are permitted uses within this zoning district. All general zoning requirements have been met.

Lot Dimensions:

The property is approximately 2.63 acres, including rights-of-way, with 298 feet of frontage along W KL Avenue and 248 feet of frontage on S 9th Street. Lot size and dimensions satisfy requirements.

Setbacks:

From S 9th Street and W KL Avenue, a 70-foot setback is required. From the eastern side yard, a setback of 15 feet is required, due to a 5-foot setback variance that was granted by the ZBA at their August 20, 2024 meeting, and a 20-foot setback required from the south property line. Setback requirements are satisfied.

Access:

The property has an established drive from W KL Avenue, and this access is not expected to change. All circulation aisle widths meet the minimum required for two-way travel.

Parking:

There are 25 existing parking spaces on the site, the minimum required for the proposed uses on the site. There are also five large spaces proposed for equipment storage near the frontage to S 9th Street.

Easements:

There is a Consumer's Power easement that spans diagonally across the southwest of the site. Staff also suggest, if the non-motorized variance and site plan are approved, that an easement be provided to the Township to accommodate future non-motorized infrastructure along S 9th Street.

Non-motorized:

A variance was requested by the applicant to not be required to install the non-motorized infrastructure along S 9th Street at this time, per Section 57.90 of the Zoning Ordinance. If the variance is not granted, the site plan would need to be revised and administratively approved by staff and the non-motorized infrastructure would need to be installed at the time of construction. Most access and circulation requirements are satisfied.

Building Information:

The proposed 2,100 square foot single-story warehouse with a south elevation, to be constructed in phase one, is proposed to have a height of 19 feet and have steel siding. The approximate 1,600 square foot office addition on the east side of the site, to be accomplished in phase two, is proposed to have a height of 15 feet. Both this addition, and the approximate 800 square foot addition on the north side of the site to be accomplished in phase three which is not proposed to exceed the existing building in height, are proposed to match the existing side color and style.

Landscaping:

A variance was requested to not install the two (2) canopy and four (4) understory trees in the greenbelt along the S 9th Street right of-way; therefore, these are not currently shown on the site plan. Depending on the outcome of the variance request, the site plan would need to be revised and administratively approved by staff. There are eight (8) shrubs proposed along the parking lot adjacent to S 9th Street. The greenbelt requirements along the W KL Avenue right of-way are satisfied with the three (3) canopy trees and six (6) understory trees shown on the landscaping plan.

Engineering:

The Oshtemo Public Works Department reviewed the submission and have provided a memo, attached to the packet to be incorporated into the record, regarding the non-motorized infrastructure along the S 9th Street frontage. Besides their concerns about existing grades in the area as it pertains to the construction of a future non-motorized facility and the existing stormwater infrastructure, they are satisfied with the site.

Fire Department:

The Oshtemo Township Fire Marshal has reviewed the proposal and have found the site plan to be satisfactory and that it meets code requirements.

Recommendation

Planning Department staff recommend that The Zoning Board of Appeals approve the site plan with the following conditions:

- An updated site plan shall be submitted and approved by the Township prior to building permit issuance showing the following:
 - A note shall be added to the site plan indicating that the final location of the non-motorized facility shall be determined by the Township at the time of construction.
 - Any additional and necessary changes required due to variance approvals or denials.
- An easement for a future non-motorized facility shall be provided to the Township prior to occupancy being granted for the warehouse in phase one.

Chair Williams invited any representatives of the project to come forward and speak.

Mr. Mike Shields, representing Blackberry Systems, addressed the Board regarding the request for a landscaping variance. He explained that, due to Consumers Energy previously removing a significant number of trees, Blackberry Systems is hesitant to invest in landscaping between the parking area and the roadside curb—an area over which they have no control. Mr. Shields noted that if assurances could be made that such removals would not occur again, the company would be amenable to installing landscaping in that location.

Regarding the sidewalk installation, Mr. Shields stated that, at present, there is no connectivity to existing pedestrian infrastructure. However, should future connections be established, Blackberry Systems would be agreeable to installing sidewalks at that time.

Chair Williams asked if anyone else wished to speak. Hearing none, no additional comments were offered.

Mr. Smith **made a motion** to approve the site plan for 6477 W KL Avenue, including the recommendations outlined in the staff report. Mr. Gould **seconded the motion**. The motion was **approved unanimously**.

Ms. Harris informed the Board that the applicant is requesting two variances. The requested variances are from Sections 53.60 and 57.90 of the Zoning Ordinance. Per section 53.60, the applicant is requesting to not be obligated to install certain landscaping in the greenbelt area along the S 9th Street right-of-way. The applicant is also requesting relief from Section 57.90 to not be obligated to install the 6-foot wide sidewalk along the property's frontage on S 9th Street.

Section 69: Standards of Variance Review

The Michigan courts have applied the following principles for a variance, which collectively amount to demonstrating a practical difficulty, as follows:

- Special or unique physical conditions and circumstances exist which are specific to the property involved and which are not generally applicable to other properties in the same district.
- Strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use; or would render conformity to the ordinance unnecessarily burdensome.
- The variance is the minimum necessary to provide substantial justice to the landowner and neighbors.
- The problem is not self-created.
- Public safety and welfare.

Staff have analyzed the request against these principles and offer the following information to the Zoning Board of Appeals:

Standards of Approval of a Nonuse Variance (practical difficulty)

Standard: Unique Physical Circumstances

Are there unique physical limitations or conditions which prevent compliance?

Comment: **Sidewalk and greenbelt landscaping along S 9th Street** – The frontage of the property along S 9th Street where non-motorized facilities would be placed is steep and construction at this time would present significant grading challenges with existing terrain as well as impacts to stormwater infrastructure. Photos were shown and are also included in the packet. The same unique physical limitations or conditions are present with regard to the greenbelt landscaping along the rights-of-way with the addition of a Consumers Power easement, shown illustrated on the site plan, which would limit the area and the height available to install canopy or

understory trees. Shrubs required by the streets right-of way section, intended to provide screening to the parking lot, are still being provided on the site plan.

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

Comment: **Sidewalk along S 9th Street** – It would be unreasonable to require a sidewalk to be installed that does not connect to another non-motorized facility nearby. Given the recent changes in the law, constructing a ‘sidewalk to nowhere’ violates the new Public Right-Of-Way Accessibility Guidelines (PROWAG) statute. Additionally, as a part of the Comprehensive Master Plan which is underway, a close look will be taken at the non-motorized transportation plan and recommendations for revisions will arise with the completion and implementation.

Greenbelt landscaping along S 9th Street – It could be argued that there are reasonable options for compliance. The applicant is requesting not to be required to install the two (2) canopy and four (4) understory trees along the S 9th Street frontage in the greenbelt area and just install shrubs along the parking area. The applicant indicated in their narrative that plantings to satisfy this requirement were provided with past site plan reviews but were removed by Consumers Energy due to the restrictions of the easement, which indicates no trees are allowed to be in this area. This, coupled with the unique topography, could make conformance with the ordinance challenging.

To honor the intent of the ordinance and the restrictions of the easement, staff recommend the ZBA consider reducing the requirements by half, requiring one (1) canopy and two (2) understory trees, or a substitution of low-growing shrubs or other understory trees, to be located outside of the easement area.

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

Comment: In researching past ZBA decisions regarding variance relief from the non-motorized facilities requirements of Section 57.90 and Section 53.60 of the Zoning Ordinance, Planning Department staff were able to identify similar requests where these Ordinance requirements were considered, but there no decisions regarding variance relief from the greenbelt canopy and understory trees entirely found. A summary of these findings is available in the staff report included in the packet.

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: **Sidewalk along S 9th Street** – The applicant’s request for relief to not be obligated to install the subject non-motorized infrastructure is what is causing the variance request. However, it could be argued that this request is not entirely self-created given the parcel’s frontage along the east side of S 9th Street does not support non-motorized infrastructure at this time. Prior to an amendment to the Zoning Ordinance in 2021, the applicant would have been able to consent to a Special Assessment District and would not have to come forward with this request.

Greenbelt landscaping along S 9th Street – The applicant’s request for a variance to not install any trees along the frontage could be considered self-created. However, it should be noted that the property owner did not create the existing conditions along the S 9th Street road frontage, nor did they create the large easement that runs diagonally across the property that prohibits trees to be installed in this area. These, as well as the constructability issues and grading challenges, are not man-made.

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

Comment: **Sidewalk and greenbelt landscaping along S 9th Street** – It is not expected that these variance requests would negatively impact the health, safety, or welfare of others.

POSSIBLE ACTIONS

The Zoning Board of Appeals may take the following possible actions:

- Motion to approve as requested (conditions may be attached)
- Motion to approve with an alternate variance relief (conditions may be attached)
- Motion to deny

The motion should include the findings of fact relevant to the requested variance. Based on the staff analysis, the following findings of fact were shared and in the staff report included in the packet:

- Support of variance approval for the **sidewalk along S 9th Street** –
 - There are unique physical circumstances that prevent strict compliance with the Zoning Ordinance.
 - Conformance to the Ordinance is unnecessarily burdensome.
 - Minimum necessary for substantial justice is met.
 - The request is not entirely self-created. ○ It is not expected that the variance request would negatively impact the health, safety, or welfare of the public.
- Support of variance denial for **the sidewalk along S 9th Street** –
 - The applicant’s request to have the sidewalk requirement waived can be considered as a self created hardship.

- Support of variance approval for the **greenbelt landscaping along S 9th Street** –
 - There are unique physical circumstances that prevent strict compliance with the Zoning Ordinance.
 - The request is not entirely self-created. ○ It is not expected that the variance request would negatively impact the health, safety, or welfare of the public.
- Support of variance denial for the **greenbelt along S 9th Street** –
 - The applicant’s request to have certain landscaping in the greenbelt along the S 9th Street right-of-way be waived can be considered as a self-created hardship.
 - Conformance to the Ordinance is not unnecessarily burdensome.
 - Minimum necessary for substantial justice is not met.

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

1. The Zoning Board of Appeals denies the variance request from Section 53.60, but approves the variance from Section 57.90 with the condition that:
 - a. The applicant consents to a Special Assessment District for a future non-motorized facility.
 - b. An easement for a future non-motorized facility shall be provided to the Township prior to occupancy being granted for the warehouse in phase one.
2. The Zoning Board of Appeals approves the variance from Section 53.60 as requested but denies the variance request from Section 57.90.
3. The Zoning Board of Appeals approves alternate variance relief from Section 53.60, requiring a reduced number of plantings along the S 9th Street right-of-way in the greenbelt area, but denies the variance request from Section 57.90.
4. The Zoning Board of Appeals consider approving alternate variance relief from Section 53.60, requiring a reduced number of plantings along the S 9th Street right-of-way in the greenbelt area, and consider approving the variance from Section 57.90 with the following conditions:
 - a. The applicant consents to a Special Assessment District for a future non-motorized facility.
 - b. An easement for a future non-motorized facility shall be provided to the Township prior to occupancy being granted for the warehouse in phase one.
5. The Zoning Board of Appeals approves both variance requests as requested from Section 53.60 and Section 57.90 with the condition that:
 - a. The applicant consents to a Special Assessment District for a future non-motorized facility.
 - b. An easement for a future non-motorized facility shall be provided to the Township prior to occupancy being granted for the warehouse in phase one.
6. The Zoning Board of Appeals denies both the variance requests as requested from Section 53.60 and Section 57.90.

Mr. Smith requested clarification regarding the variance requests. Ms. Harris confirmed that one pertains to the greenbelt landscaping requirements, and the other relates to the requirement to install non-motorized infrastructure along S 9th Street.

Mr. Smith **made a motion** to support the request for a variance from the requirement to install a non-motorized facility along S 9th Street. He amended the motion to include the conditions recommended by staff and that the applicant consents to the establishment of a Special Assessment District for a future non-motorized facility.

In support of the motion, Mr. Smith stated that the subject property possesses unique physical characteristics that make compliance with the zoning ordinance exceptionally difficult. He noted that strict adherence would result in a sidewalk that leads to no connected infrastructure—essentially a “pathway to nowhere.” He further emphasized that the hardship was not self-created by the property owner and that granting the variance would not adversely affect public health or safety.

Mr. Smith **made a motion** to support the request for a variance from the greenbelt landscaping requirements. He amended the motion to include the conditions recommended by staff.

In support of the motion, Mr. Smith referenced prior actions by Consumers Energy, noting that trees planted in the area had previously been removed and may be removed again, even if planted outside the easement. He reiterated that the property has unique physical characteristics rendering compliance with the zoning ordinance impractical. He emphasized that the hardship was not self-created and that approval of the variance would not negatively impact health or safety.

Mr. Gould **seconded both motions** as presented. The **motions were passed** unanimously.

Mr. Gould inquired about potential changes that would enable staff to administratively approve more requests. Ms. Stefforia responded that this matter is currently under consideration; however, the completion of the Master Plan including a new Non-Motorized Plan should be in place before moving forward with such a change.

OTHER UPDATES AND BUSINESS

There were none.

ADJOURNMENT

There being no further business, Chair Williams adjourned the meeting at 3:30 p.m.

Minutes Prepared: April 24, 2025

Minutes Approved:

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May 22, 2025

Mtg Date: May 27, 2025

To: Oshtemo Township Zoning Board of Appeals

From: Leeanna Harris, Zoning Administrator

Applicant: Jason Headley, RWL Signs

Owner: Maple Hill Leaseholds, LLC

Property: 5622 West Main Street, Parcel Number 05-13-180-035

Zoning: C: Local Business District

Request: Requesting Two Sign Variances for a New Wall Sign

Section(s): Section 55.80 – Commercial and Office Use Districts

OVERVIEW:

RWL Signs, on behalf of Maple Hill Leaseholds, LLC, is requesting two sign variances pertaining to new on site wall signage for the property located at 5622 West Main Street.

The approximate 5-acre site is located on the north side of West Main Street, east of US-131, and has road frontage adjacent to West Main Street and Maple Hill Drive. The site currently serves as a new and used car sales lot and is zoned C: Local Business District. On the building’s south elevation, along West Main Street, there is approximately 185 square feet of sign area. On the east elevation, along Maple Hill Drive, there is approximately 101 square feet of sign area. Visuals of both elevations are attached.



Section 55.80 of the zoning ordinance governs the use, area, type, height, and number of signs allowed for commercial land uses, including for automobile sales. Both variance requests are for relief from this section.

For **Request A**, the applicant is requesting a variance to establish a total of 205 square feet (a variance of 9 square feet) of wall sign area on the south elevation of the building to allow a new 20.47 square foot “Genesis” wall sign. The maximum sign area is determined by allowing one (1) square foot for each foot in length or height (whichever is greater) of the wall to which it is affixed. Since this wall is 196 feet in length, only up to 196 square feet in area would be permitted per code. Multiple signs are allowed to be placed on the same wall provided the combined square footage and number do not exceed what is allowed. The east elevation currently has approximately 101 square feet of existing sign area.

For **Request B**, the applicant is requesting a variance in order to allow seven wall signs, while the Ordinance allows for a total four signs. A deviation was granted by the Zoning Board of Appeals in 2015 for six signs, where only four were allowed.

STANDARDS OF REVIEW - STAFF ANALYSIS

The Michigan courts have applied the following principles for a dimensional variance, which collectively amount to demonstrating a practical difficulty, as follows:

- Special or unique physical conditions and circumstances exist which are peculiar to the property involved and which are not generally applicable to other properties in the same district.
- Strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use; or would render conformity to the ordinance unnecessarily burdensome.
- The variance is the minimum necessary to provide substantial justice to the landowner and neighbors.
- The problem is not self-created.
- Public safety and welfare.

STANDARDS OF APPROVAL OF A NONUSE VARIANCE (PRACTICAL DIFFICULTY):

The applicant has provided a letter of intent for their request. This letter is attached to this report. Staff’s review against these criteria is provided below. **Request A** is to allow a total of 205 square feet in sign area where 196 square feet in sign area is allowed. **Request B** is to allow seven wall signs, where four wall signs are allowed.

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

Comment: It could be argued that there are not unique physical limitations or circumstances that are peculiar to the property involved that would not be generally applicable to other properties in the C: Local Business District.

Request A (sign area): The conditions that prevent compliance are the existing cumulative sign area (185 square feet) and the total linear wall length of the *south* elevation (196 feet). There is still 11 square feet of signage before the allowance would be exceeded.

The *east* elevation can accommodate additional signage - approximately 74 square feet.

Request B (number of signs): The condition that limits compliance with the ordinance is the number of signs currently existing on the *south* elevation and only four being allowed.

Six signs currently exist on the building, with the variance request to allow seven. Four signs exist on the south elevation and two signs exist on the east elevation.

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

Comment: It could be argued that there are reasonable options for compliance available and that reasonable use of the property does exist with the denial of the variance.

Request A: The building’s south elevation is 196 feet long. Currently having 185 square feet of signage, an additional 11 square feet would be allowed. Although this is not enough to cover the proposed 20.47 square foot “Genesis” sign, it could be argued that there are reasonable options while still in compliance with the Zoning Ordinance.

It could be reasonable to install the signage on the *east* elevation instead (facing Maple Hill Drive, rather than West Main Street) if the requirement is to have the brands displayed on the building. Or, considering the new Subaru dealership planned at 6565 West Main Street, removing the associated signage from this building would allow the “Genesis” sign to be installed without the variance.

If the variance were denied, the applicant would have to propose signage that meets Ordinance requirements, not allowing any signage beyond 196 square feet on the *south* elevation.

Reasonable options for compliance exist and reasonable use of the property would exist with denial of the variance.

Request B: The Zoning Ordinance allows four signs, while six were allowed with a 2015 deviation request. It could be argued that there are reasonable options for compliance in the same sense as above, that signs could be removed when the Subaru dealership at 6565 West Main Street is established, allowing the additional signage to be installed without the variance. Reasonable use of the property would also still exist.

- Discuss if the location of the signage is flexible (installing on the east elevation, rather than the south) **AND/OR** discuss whether to add a condition requiring the “Subaru” signs be removed with the establishment of the new Subaru dealership at 6565 West Main Street.

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

Comment: In researching past ZBA decisions regarding sign relief for commercial properties, Planning Department staff were not able to identify any similar requests to Request A for an increased wall sign area and one request to Request B for an increased number of wall signs. A summary of these findings is described below.

Request A: No similar requests were identified where the property is commercial, there are existing wall signs, and additional square footage was allowed to exceed the allowable area.

Most commercial deviations/variances were for one wall sign to exceed the allowance due to distance from the road, architectural details, etc.

Request B: Maple Hill Leaseholds, LLC, 5622 West Main Street, May 26, 2015:

Sign Art, Inc. requested a sign deviation to allow six wall signs, while four wall signs were allowed by Ordinance. The applicant wanted to maintain the existing number of signs on the property, which was six at the time. The applicant also noted similar reasons and requirements for needing signage for each car brand on the site. This request was following renovations at Maple Hill Auto where the subject building was separated from an addition by a fire wall and was interpreted by staff to be two separate buildings, allowing six signs to be installed. Once this fire wall was removed during the renovations, the allowance was removed and set at four signs per building. The request was to maintain the six signs that were allowed before. The Zoning Board of Appeals unanimously approved the request.

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

Comment: **Requests A & B:** The request could be considered a self-created hardship as it is the applicant’s desire to add a new 20.47 square foot sign that exceeds both the maximum sign area, and the number of signs allowed for the building. The applicant did state that a manufacturer requirement for a wall sign for the “Genesis,” car brand is the reason for the request.

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

Comment: **Requests A & B:** Allowing for increased sign area and an additional wall sign would not be expected to negatively impact the health, safety, or welfare of others as it would not be intrusive to motorists or any of the surrounding properties.

POSSIBLE ACTIONS

The Zoning Board of Appeals may take the following possible actions:

- Motion to approve as requested (conditions may be attached)
- Motion to approve with an alternate variance relief (conditions may be attached)
- Motion to deny

The motion should include the findings of fact relevant to the requested variance. Based on the staff analysis, the following findings of fact are presented:

- Support of variance approval for **Request A (sign area)**
 - Public health, safety, and welfare will be secured.
 - The request may not be considered a self-created hardship since it is a requirement from the “Genesis” car brand to have adequate signage.

- Support of variance denial for **Request A (sign area)**
 - There are not unique physical limitations or circumstances that are peculiar to the property involved that would not be generally applicable to other properties in the C: Local Business District.
 - Conformance with the Zoning Ordinance is not unnecessarily burdensome as reasonable use of the property would still exist if the variance is denied and reasonable options for compliance are available.
 - Minimum necessary for substantial justice is not satisfied. Similar requests were not identified where the requests were granted.
 - The request could be considered a hardship that is self-created, as it is the applicant’s desire to add a new sign that exceeds the total maximum sign area allowed on the building’s south elevation per code. The applicant could relocate the wall sign and mount it on the building’s east elevation while still achieving compliance with sign area requirements or remove an existing wall sign.

- Support of variance approval for **Request B (number of signs)**
 - There is minimum necessary for substantial justice as a previous request was identified where an additional number of signage was allowed beyond what the Zoning Ordinance would allow.
 - Public health, safety, and welfare will be secured.
 - The request may not be considered a self-created hardship since it is a requirement from the “Genesis” car brand to have signage.

- Support of variance denial for **Request B (number of signs)**
 - There are not unique physical limitations or circumstances that are peculiar to the property involved that would not be generally applicable to other properties in the C: Local Business District.
 - Conformance with the Zoning Ordinance is not unnecessarily burdensome as reasonable use of the property would still exist if the variance is denied and reasonable options for compliance are available.
 - The request could be considered a hardship that is self-created, as it is the applicant’s desire to add a new sign that exceeds the total number of wall signs allowed per code instead of removing an existing sign.

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

Request A

1. Variance Approval

The Zoning Board of Appeals approves the variance request due to the request not being considered a self-created hardship and approval will not negatively impact the health, safety, and welfare of the public.

2. Variance Denial

The Zoning Board of Appeals denies the variance request as there are not unique physical circumstances or limitations, conformance with code requirements is not unnecessarily burdensome, minimum necessary for substantial justice is not satisfied, and the need for the variance could be considered a self-created hardship.

Request B

1. Variance Approval

The Zoning Board of Appeals approves the variance request due to the minimum necessary for substantial justice being satisfied, the request could not be considered a self-created hardship, and approval will not negatively impact the health, safety, and welfare of the public.

2. Variance Denial

The Zoning Board of Appeals denies the variance request as there are not unique physical circumstances or limitations, conformance with code requirements is not unnecessarily burdensome, and the need for the variance could be considered a self-created hardship.

Attachments: Application, Letter of Intent, Existing Signage, Sign Graphics, and Minutes for Substantial Justice



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
 Phone: 269-375-4260 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS

MAPLE HILL AUTO GROUP
5622 WEST MAIN STREET.

PLANNING & ZONING APPLICATION

Applicant Name: JASON HEADLEY

Company: RWL SIGN COMPANY

Address: 6185 WEST K.L. AVE

KALAMAZOO, MI 49009

E-mail: [REDACTED]

Telephone: 269-372-3629 x 3 Fax: _____

Interest in Property: CONTRACTOR

OWNER*:

Name: JAMES K VANDENBERG

Address: 5622 W. MAIN ST.

KALAMAZOO, MI 49009

E-mail: [REDACTED]

Phone & Fax: 269-342-6600

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

Fee Amount _____

Escrow Amount _____

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- | | |
|---|---|
| <input type="checkbox"/> Pre-Application Review | <input type="checkbox"/> Accessory Building Review – I083 |
| <input type="checkbox"/> Site Plan Review – I088 | <input type="checkbox"/> Rezoning – I091 |
| <input type="checkbox"/> Administrative Site Plan Review – I086 | <input type="checkbox"/> Subdivision Plat Review – I089 |
| <input type="checkbox"/> Special Exception Use – I085 | <input type="checkbox"/> Interpretation – I082 |
| <input checked="" type="checkbox"/> Zoning Variance – I092 | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Site Condominium – I084 | <u>Section 55.80</u> |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): _____

Allow 7 WALL SIGNS TOTAL AND 205 SQUARE FEET OF WALL
SIGNAGE TOTAL.
DEALER WOULD LIKE TO ADD 20,47 SQUARE FOOT "GENESIS"
WALL SIGN.

Legal Description

SEC 13-2-12 COM C1/4 POST TH N ALG N&S 1/4 LI 75.05 FT TH S 87DEG48MIN53SC W 33.02 FT TO PL BEG TH S 87DEG48MIN53SC W ALG NLY LI W MAIN ST 359.8 FT TH N 00DEG01MIN55SC W PAR W LI E1/2 SE1/4 NW1/4 275 FT TH S 87DEG48MIN53SC W PAR E&W1/4 LI 200 FT TH N 00DEG01MIN55SC W 221.95 FT TH N 88DEG00MIN33SC E 560 FT TH S ALG W LI MAPLE HILL DR 495.06 FT TO BEG *

PARCEL NUMBER: 3905- 05-13-180-035
ADDRESS OF PROPERTY: 5622 W. MAIN STREET.
PRESENT USE OF THE PROPERTY: AUTO DEALERSHIP
PRESENT ZONING: 201 COMMERCIAL SIZE OF PROPERTY: _____

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

| Name(s) | Address(es) |
|---------|-------------|
| _____ | _____ |
| _____ | _____ |

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. 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.

[Signature] _____ 4/4/25 _____
Owner's Signature (*If different from Applicant) Date

[Signature] _____ 4/1/2025 _____
Applicant's Signature Date

- Copies to:
- Planning - 1
- Applicant - 1
- Clerk - 1
- Deputy Clerk - 1
- Attorney - 1
- Assessor - 1
- Planning Secretary - Original

PLEASE ATTACH ALL REQUIRED DOCUMENTS

The request is for a variance from Zoning Ordinance 55.80 Signs and Billboards- Commercial and Office Districts.

Maple Hill Auto Group would like to add one wall sign for the brand "GENESIS" which, although sold at the dealership, does not currently have any signage.

The requested sign is 20.47 square foot in area, 2'- 10 13/16" tall and 5'- 10 3/4" wide and will be placed between the current Volvo and Hyundai wall signs facing West Main Street.

Criteria 1: Conformance Unnecessarily Burdensome

A requirement of offering the Genesis car brand for sale at the dealership is having wall signage. The proposed wall sign is a bare minimum.

Criteria 2: Substantial Justice

Maple Hill Auto Group has received a ZBA variance in the past for additional signage due to the addition of car brands.

Criteria 3: Unique Physical Circumstances

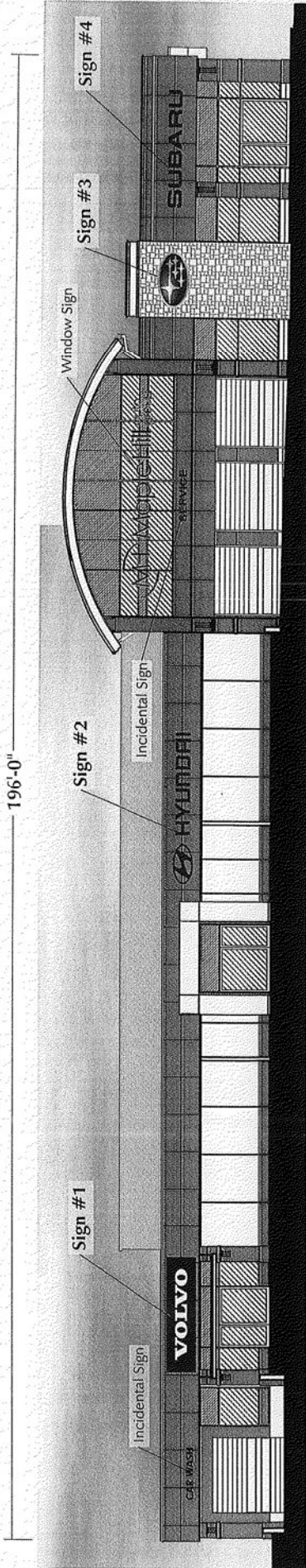
The number of car brands offered for sale at Maple Hill Auto Group make the limits on wall signage difficult to comply with.

Criteria 4: Self-Created Hardship

The hardship is self-created only to the extent that Maple Hill Auto Group is offering another car brand to the public. The car brand needs to be displayed on the building.

Criteria 5: Public Safety and Welfare

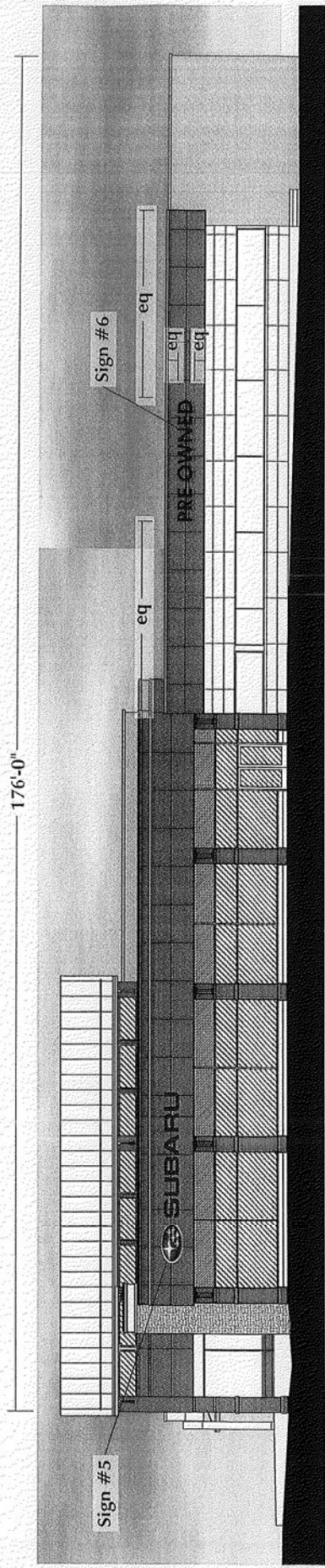
If a variance is granted, public safety and welfare would not be affected by allowing the addition of a wall sign for the Genesis brand.



South Elevation

Scale: 3/64" = 1'-0"

| Square Footage | |
|----------------------------|-----------------------------------|
| Sign #1 - 'VOLVO' | 4'-0" x 15'-4" = 62.67 Sq.Ft. |
| Sign #2 - 'HYUNDAI' + Logo | 2'-9" x 20'-4 3/8" = 55.99 Sq.Ft. |
| Sign #3 - Subaru Logo | 4'-5" x 8'-0" = 32.00 Sq.Ft. |
| Sign #4 - 'SUBARU' | 2'-0" x 17'-1 1/4" = 34.21 Sq.Ft. |
| Total | 184.87 Sq.Ft. |



East Elevation

Scale: 3/64" = 1'-0"

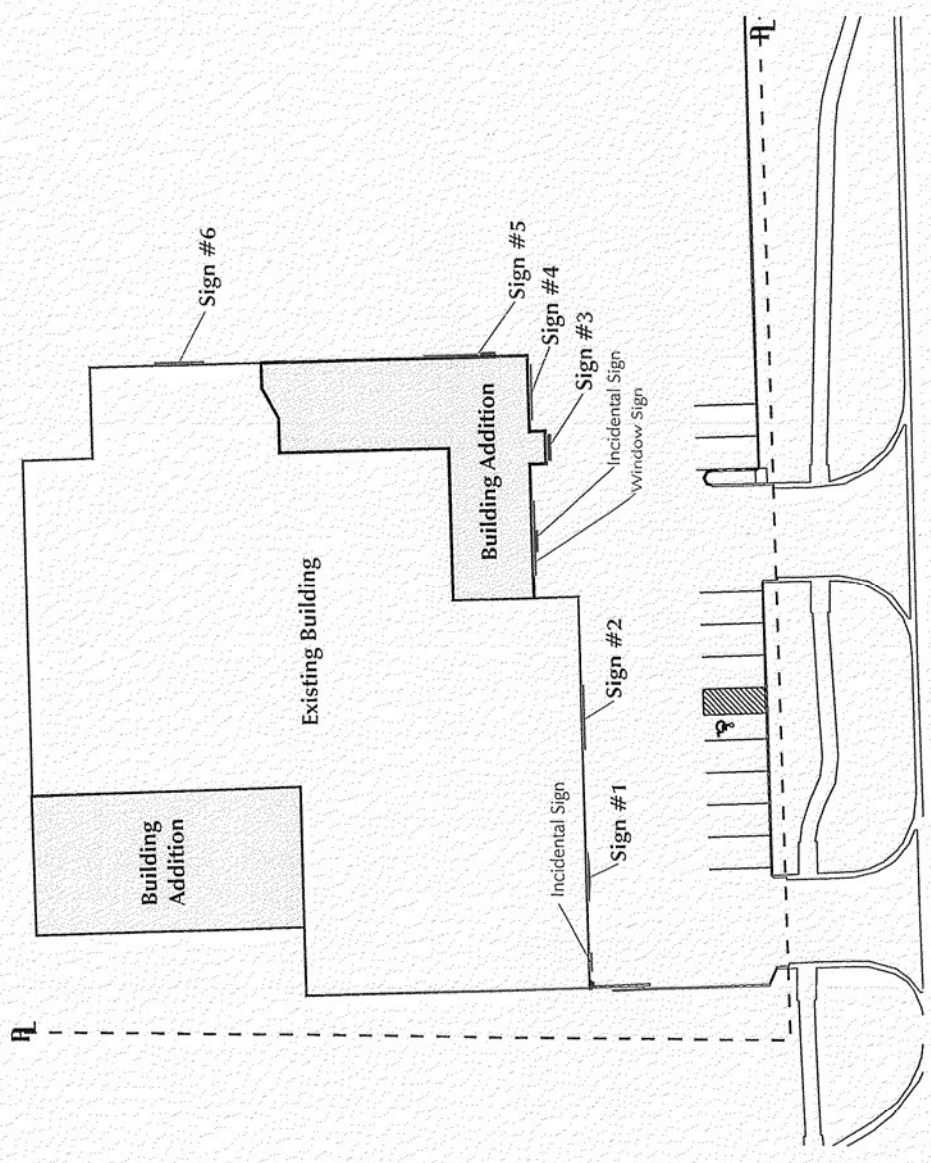
| Square Footage | |
|---------------------------|-----------------------------------|
| Sign #5 - 'SUBARU' + Logo | 3'-0" x 23'-1 3/4" = 69.44 Sq.Ft. |
| Sign #6 - 'Pre Owned' | 2'-0" x 16'-0" = 32.00 Sq.Ft. |
| Total | 101.44 Sq.Ft. |

Maple Hill Auto Group — 5622 West Main, Kalamazoo, MI 49009

This is an original unpublished drawing, submitted for your use in connection with a project being planned for you by SignArt. It is not to be reproduced, copied or exhibited in any fashion without written permission of SignArt.

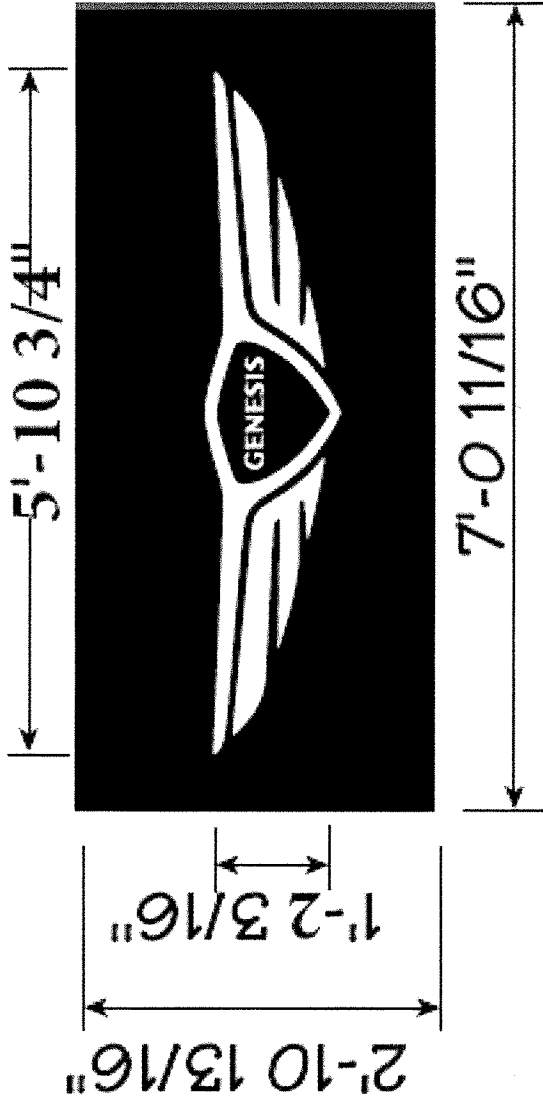
NS 4-29-15 Approved for: _____ By: _____ Date: _____

©2015 MapleHillAuto2 Lead #SV-4026899





Site Plan

Scale: 1" = 60'-0"



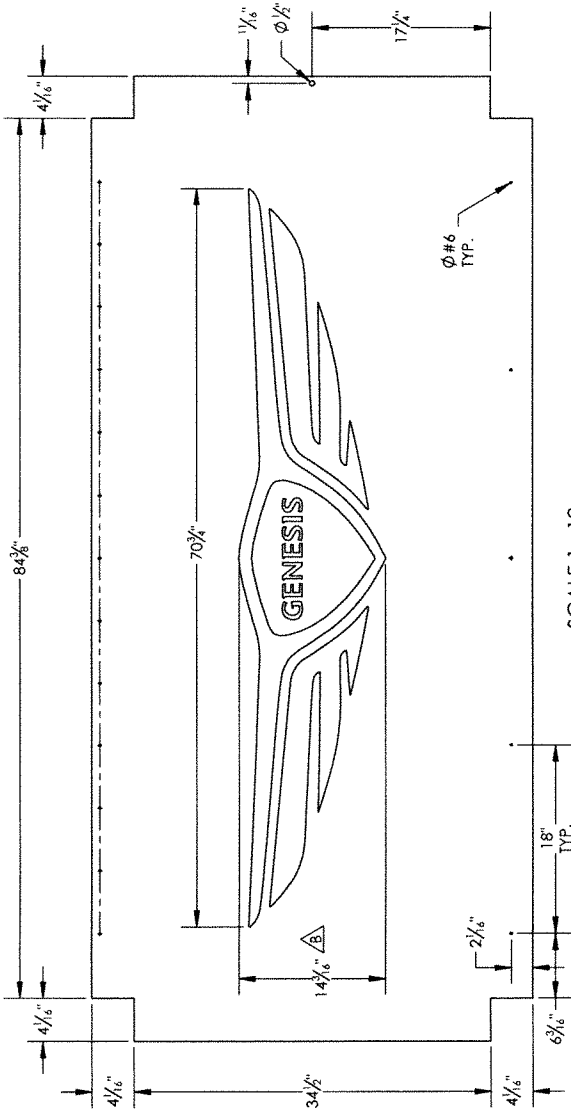
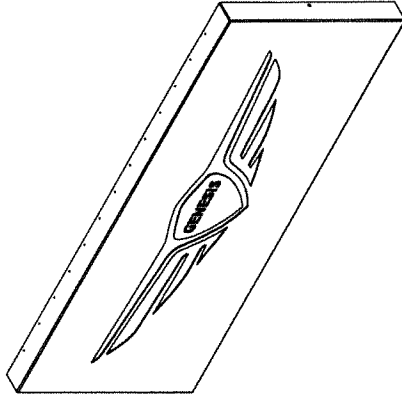
GEN-WALL-ILL-MD

20.47 sq. ft.

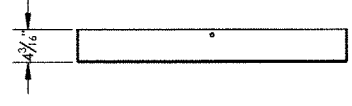
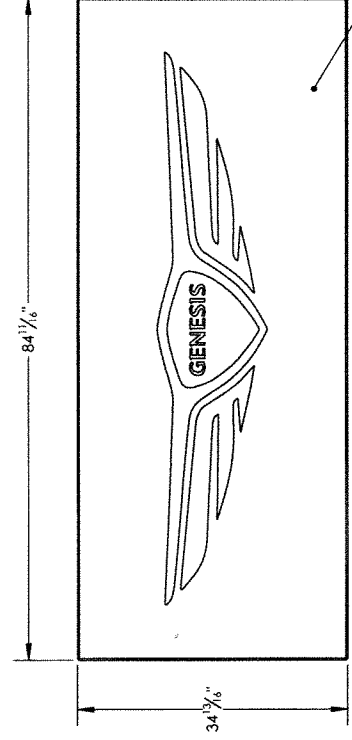
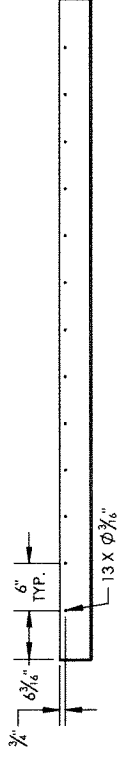
| | | | | | |
|---|--|--|-------------------------|--|---|
|  | MI023/MI706 Hyundai/Genesis 5622 W. Main St. Kalamazoo, MI 49009 | | CAM: M. Struther | |  |
| | AGI Rep: NSA / P Petkov | | Scale: NTS | | |
| | Drawn By: N/A | | Date: 11/21/2024 | | |

| REVISIONS | | | |
|-----------|------|------------|-----------------------------|
| ZONE | REV. | ECR NUMBER | REV CHANGE |
| B4 | B | 91956 | UPDATE LOGO SIZE |
| A2 | C | 92838 | UPDATE ACM TO TRICORN BLACK |

| REV DATE | REV DRAFTER |
|------------|-------------|
| 12/02/2024 | MCC |
| 01/29/2025 | MCC |



SCALE 1 : 12



4MM TRICORN BLACK ACM W/ 30% GLOSS

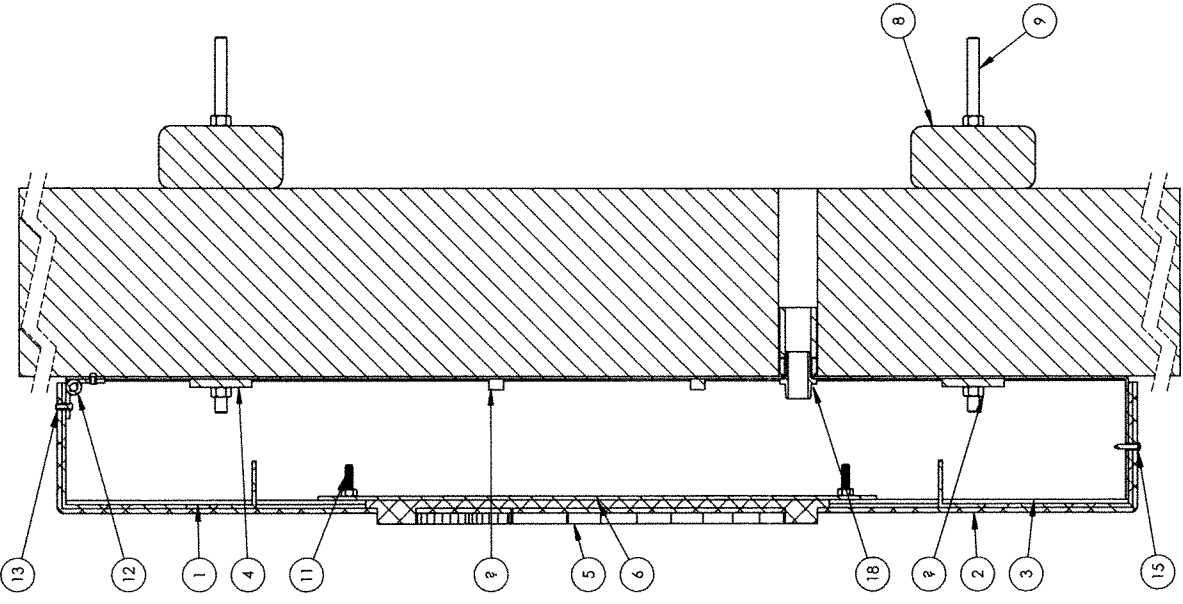
| | |
|---------------------|---------------------|
| Program/ Customer: | HMC (HYUNDAI) |
| Interior/ Exterior: | EXTERIOR |
| Sign Type: | |
| Engineer: | NICK CARRELL |
| Windspeed: | |
| Illumination: | ILLUMINATED |
| Voltage: | |
| Scale: | SCALE: 1:16 |
| Material: | MD LITC ACM FACE |
| Part Number: | GEN-WALL-ILL-MD-ACM |



AGI

REVISIONS

| ZONE | REV | ECR NUMBER | REV CHANGE | REV DATE | REV DRAFTER |
|------|-----|------------|-----------------------------|------------|-------------|
| 1-A3 | B | 91956 | UPDATE LOGO SIZE | 12/02/2024 | MCC |
| 1-B2 | C | 92838 | UPDATE ACM TO TRICORN BLACK | 01/29/2025 | MCC |



BOM TABLE: GEN-WALL-ILL-MD

| ITEM | PART NUMBER | DESCRIPTION | Default/ QTY. |
|------|----------------------------|---|---------------|
| 1 | GEN-WALL-ILL-MD-ANGLE | 4"x4" ANGLE | 1 |
| 2 | GEN-WALL-ILL-MD-ACM | XL COHAB ACM FACE | 1 |
| 3 | GEN-WALL-ILL-MD-B | MD BRAKEFORMED BACKER | 1 |
| 4 | GEN-WALL-ILL-MD-BAR | MOUNTING BAR | 2 |
| 5 | GEN-WALL-ILL-MD-WING | MD WINGS | 1 |
| 6 | GEN-WALL-ILL-MD-BKR | MD LOGO BACKER | 1 |
| 7 | GEN-WALL-ILL-MD-WL | WALL | 1 |
| 8 | GEN-WALL-ILL-MD-BLK | MOUNTING BLOCK | 2 |
| 9 | MCM# 93250A066 | 3/8-16x12 THREADED ROD-SS | 8 |
| 10 | MCM# 94804A029 | 1/4-20 STAINLESS HEX NUT | 24 |
| 11 | MCM# 97590A330 | 1/4-20 x 1" MOUNT STUD-ZINC | 8 |
| 12 | HYU-ZIN-STAINLESS-MD-HINGE | Z' S.S. PIANO HINGE | 1 |
| 13 | MCM# 97447A130 | 1/8" ALUM. POP RIVET | 26 |
| 14 | LS-U670-85K-B250-A | AGLIGHT ULTRA 670 12V 8500K LED | 16 |
| 15 | MCM# 90184A152 | # 6x3/4" R.H.S.S.M. SCREW | 5 |
| 16 | PST2-60WSL-100-277V | AGLIGHT 12V 60W PS | 1 |
| 17 | WESTRIM #39139 | DISCONNECT SWITCH | 1 |
| 18 | MCM 7513K11 | 1/2" CONDUIT ADAPTER | 1 |
| 19 | MCM# 3403K11 | 3/4 NPSM Female Straight Connector for Rigid Aluminum Conduit | 1 |

AGI

GENESIS LTC MD WALL SIGN

Scale: 1:4

Program/ Customer: HMC (HYUNDAI)

Interior/ Exterior: EXTERIOR

Sign Type: WALL SIGN

Engineer: NICK CARRELL

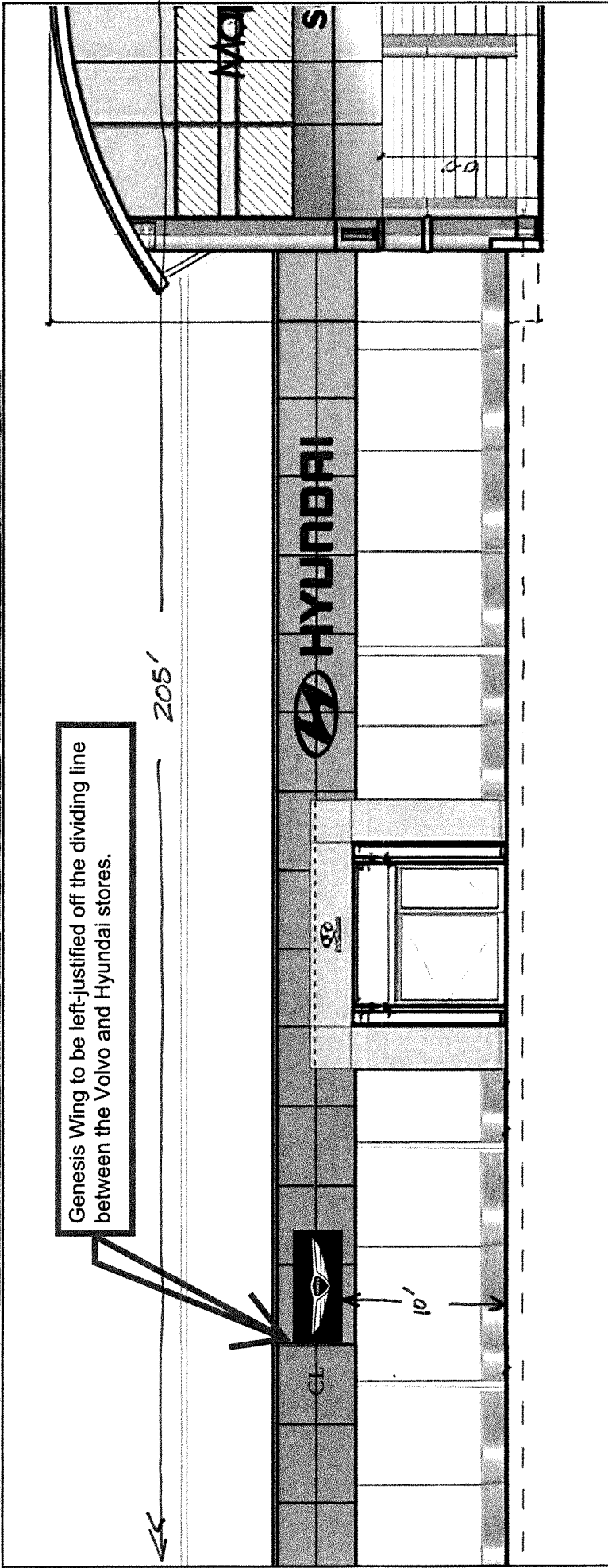
Wind Speed:

Illumination: ILLUMINATED

Valtage:

Wall Signs

Art represents an approximation of sign and aluminum composite material (ACM) panel appearance. Dealer to provide 120-volt, 20-amp dedicated circuit to each sign. Larger sets may require additional circuits. Dealer to provide behind-the-wall access for installation and structural support for signs. Dealer is responsible for covering signage mounting/wires/transformers if they are visible on the inside of the building. If an engineer alters quoted signage a change order will be provided to the dealer. Copy on and placement of signs to be verified by dealer. Proposal assumes the building will require a field survey to determine if any signage modifications are necessary. A change order will be provided if necessary.



GEN-WALL-ILL-MD
20.47 sq. ft.
Proposed

HEG-15-Custom
(entry element)
3 sq. ft.
Existing

HBL-33/HBC-24
(logo/letters)
56.75 sq. ft.
Existing

FRONT ELEVATION



M1023/M1706 Hyundai/Genesis
5622 W. Main St.
Kalamazoo, MI 49009

CAM: M. Strutner
AGI Rep: NSA / P Petkov
Drawn By: N/A

Scale: NTS
Date: rev 02/05/2025



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OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

MINUTES OF A MEETING HELD MAY 26, 2015

Agenda

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS A VARIANCE TO ALLOW PARKING SPACES TO BE LOCATED WITHIN THE REQUIRED 20 FOOT GREEN SPACE ALONG THE WEST BOUNDARY LINE OF A PROPOSED DEVELOPMENT IN THE C-LOCAL DISTRICT AS REQUIRED BY SECTION 75.130.D OF THE TOWNSHIP ZONING ORDINANCE. SUBJECT PROPERTY IS LOCATED NEAR THE SOUTHWEST CORNER OF CENTURY AVENUE AND WEST MICHIGAN AVENUE (PARCEL NO. 3905-25-240-009).

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS A VARIANCE TO ALLOW THE INSTALLATION OF 875-WATT LIGHT FIXTURES, 475-WATTS GREATER THAN THE 400-WATT MINIMUM AS REQUIRED BY SECTION 78.720 OF THE OF THE TOWNSHIP ZONING ORDINANCE. SUBJECT PROPERTY IS LOCATED NEAR THE SOUTHWEST CORNER OF CENTURY AVENUE AND WEST MICHIGAN AVENUE (PARCEL NO. 3905-25-240-009).

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS SITE PLAN REVIEW OF A PROPOSED 50,000 SQUARE FOOT RETAIL BUILDING ON A 5.43 ACRE LEASE AREA NEAR THE SOUTHWEST CORNER OF CENTURY AVENUE AND WEST MICHIGAN AVENUE (PARCEL NO. 3905-25-240-009).

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS A SIGN DEVIATION TO ALLOW THE INSTALLATION OF A 280 SQUARE FOOT WALL SIGN ON THE SOUTH FAÇADE OF A NEW RETAIL STORE IN THE C LOCAL BUSINESS DISTRICT, 45 SQUARE FEET LARGER THAN ALLOWED BY SECTION 76.170 OF THE ZONING ORDINANCE. SUBJECT PROPERTY IS LOCATED NEAR THE SOUTHWEST CORNER OF CENTURY AVENUE AND WEST MICHIGAN AVENUE (PARCEL NO. 3905-25-240-009).

PUBLIC HEARING. APPLICANT (GESMUNDO, LLC) REQUESTS A SIGN DEVIATION TO ALLOW THE INSTALLATION OF A MULTI-TENANT POLE SIGN WITH AN AREA OF 172.50 SQUARE FEET AND A HEIGHT OF 32 FEET, 88.5 SQUARE FEET GREATER AND 12 FEET TALLER THAN THE MAXIMUM PERMITTED BY SECTION 76.170 OF THE ZONING ORDINANCE. THE SUBJECT PROPERTY IS LOCATED NEAR THE NORTHWEST CORNER OF DRAKE ROAD AND STADIUM DRIVE IN THE C-LOCAL BUSINESS DISTRICT (PARCEL NO. 3905-25-240-009).

PUBLIC HEARING. APPLICANT (SIGNART, INC. FOR MAPLE HILL LEASEHOLD, LLC) REQUESTS A SIGN DEVIATION TO ALLOW THE INSTALLATION OF SIX WALL SIGNS, TWO MORE THAN THE MAXIMUM PERMITTED BY SECTION 76.170 OF THE ZONING ORDINANCE. SUBJECT PROPERTY IS IN THE C-LOCAL BUSINESS DISTRICT AT 5622 WEST MAIN STREET (PARCEL NO. 3905-13-180-035).

A meeting of the Oshtemo Charter Township Zoning Board was held on Tuesday, May 26, 2015, at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Cheri Bell, Chairperson
Bob Anderson, Second Alternate
Millard Loy
Neil Sikora, First Alternate
L. Michael Smith
James Sterenberg

ABSENT: None

Also present were Greg Milliken, Planning Director; James Porter, Attorney; Ben Clark, Zoning Administrator; Martha Coash, Meeting Transcriptionist; and seven interested persons.

Call to Order and Pledge of Allegiance

Chairperson Bell called the meeting to order and the "Pledge of Allegiance" was recited. Due to Mr. Larson's resignation from the Township Board, a vacant on the ZBA was created, and Mr. Sikora was called upon to act as a sitting member for the meeting.

Public Comment on Non-Agenda Items

There were no comments on non-agenda items.

Approval of the Minutes of February 24, 2015

The Chairperson asked if there were any additions, deletions or corrections to the minutes of February 24, 2015. No changes were noted.

Mr. Sikora made a motion to approve the minutes of February 24, 2015 as presented. Mr. Smith seconded the motion. The motion was approved unanimously.

Chairperson Bell moved to the next item on the agenda and asked Mr. Milliken for his review.

Attorney Porter suggested looking at the site in light of other development of the same nature.

Mr. Loy said he hated to see signs larger than what already exist.

Chairperson Bell asked about a sign at the south corner.

Mr. Milliken said he was not encouraging more signs and would discourage them from coming forward – he noted only one sign is being presented at this time.

Mr. Sterenberg asked if a larger sign is granted now whether smaller signs would be requested in the future.

Mr. Milliken said the game plan is for three financial institutions, each with one ground sign on Drake Road and a strip commercial center proposed for Drake Road that may or may not have a smaller version of the proposed sign. He noted the Ordinance has provisions for that.

Mr. Sterenberg commented the whole project and the sign are unique. He would rather see one large sign than 200 smaller ones.

In answer to a question from Mr. Sterenberg, Attorney Porter indicated a motion could say the deviation is granted in the spirit of the Master Plan.

Mr. Anderson moved approval of the sign deviation request as presented based on the reasons set forth in discussion, that it is treated similar to other multi-tenants in the Township and in the spirit of the Master Plan. Mr. Loy supported the motion. The motion was approved unanimously.

Chairperson Bell moved to the next item on the agenda.

PUBLIC HEARING. APPLICANT (SIGNART, INC. FOR MAPLE HILL LEASEHOLD, LLC) REQUESTS A SIGN DEVIATION TO ALLOW THE INSTALLATION OF SIX WALL SIGNS, TWO MORE THAN THE MAXIMUM PERMITTED BY SECTION 76.170 OF THE ZONING ORDINANCE. SUBJECT PROPERTY IS IN THE C-LOCAL BUSINESS DISTRICT AT 5622 WEST MAIN STREET (PARCEL NO. 3905-13-180-035).

Chairperson Bell said the final item was a request for sign deviation to allow the installation of six wall signs, two more than the maximum permitted at 5622 West Main Street. She asked Mr. Milliken to review the proposal.

Mr. Milliken said the applicant is requesting a sign deviation on behalf of Maple Hill Auto. As part of their site improvements and expansion, the property owner desires to update the signage in concert with the updates to the architecture of the building. These updates are also required by the auto companies as conditions of maintaining

the franchises. In doing so, the applicant desires to install six wall signs on the southern building that houses the Hyundai, Subaru, and Volvo dealerships and maintenance facilities. The Ordinance allows a maximum of four wall signs per building.

He indicated the subject property is located at 5622 West Main Street on the north side of West Main Street just west of Maple Hill Drive. Maple Hill Auto serves as the local dealership for five automobile brands. It is currently undergoing substantial improvements as the dealership upgrades the appearance and layout of the facility to satisfy requirements of the various brands and franchises.

Mr. Milliken explained this is the original building that existed on the site, and at some point in its history an addition was made onto the east side of the building. Because the addition was separated from the original building by a fire wall, it was interpreted by staff at the time that they were two separate buildings. Therefore, while there were four existing wall signs already in place on the original building, the interpretation allowed for two additional signs to be located on the east façade of the addition. Thus a total of six signs existed on the southern building prior to the current redevelopment project.

He said the proposed improvements eliminate the eastern addition and remove any internal separation between sections of the building. As a result of these changes, the allowance for additional wall signs is removed, and the limit is set at four. The applicant has requested the deviation in order to maintain the level of signage present at the site prior to redevelopment as well as to meet the manufacturer's requirements.

Mr. Milliken told the Board the applicant is proposing to install a series of new signs as part of the redevelopment project. Six of these signs count as wall signs. Four of those signs are located on the south (West Main Street) façade: "Volvo", "Hyundai", "Subaru", and Subaru logo. The other two, "Subaru" and "Pre-Owned" are on the east side. Other signage on the south façade is considered incidental and are not counted toward the number of wall signs. The sign area is compliant with Ordinance requirements. The maximum square footage is limited to the length of the wall upon which it is affixed. On both the south and east walls, the area meets this 1:1 requirement.

Mr. Milliken suggested the ZBA should review the following points regarding Standards of Approval in considering the request for deviation.

The granting of the requested deviation would not be materially detrimental to the adjacent property owners or tenants. If approved, the facility will have the same number of wall signs as previously existed. The area of the signage is compliant with Ordinance requirements. It is located in an intense commercial area, and the wall signs have been well designed to match the new architecture

The unique issue with the subject property is the fact that due to the previous configuration of the building it was permitted to have six wall signs. Now with the

proposed improvements and the change to the building configuration, the building is only permitted to have four signs.

The Board should consider the fact that the reason this request is coming forward is because the property owner is undergoing a substantial improvement project, something we generally want to encourage. The Board should also consider that the number of wall signs is not changing from what existed at the site previously.

Chairperson Bell asked if there were questions for Mr. Milliken.

Mr. Milliken confirmed these are new, updated signs, necessary to meet requirements of the auto manufacturers.

In answer to a question from Mr. Sterenberg regarding why four signs are allowed per building, Mr. Milliken said he believes that with four sides to a building it was established to allow one sign per side. There is no requirement about how to allocate the signs – all four could be on one side of the building, but the area of the signs on one side of the building cannot exceed the width of that side of the building.

Hearing no further questions, Chairperson Bell asked if the applicant wished to speak.

Mr. Steve VanderSloot said he was the Sign Art contractor for previous signs at Maple Hill. The request is a result of major re-vamping demands from the various car lines Mr. Vandenberg represents. It took a long time to get the sign deviation request to the Board since for every line carried a different sign vendor was used. If the request for deviation is not approved, there will be consequences for the dealership. He noted the signs meet area requirements based on a 1:1 standard. All signs are internally illuminated and will not take on a different characteristic than currently.

Mr. Jim Vandenberg, Maple Hill Auto Group, 5622 West Main Street, said he operates under five different manufacturers. Three of the five need improvement or he faces penalties in reduced payments or bonuses. He explained he has had to ask each individual manufacturer to keep requirements the same and asked for the Board's help and consideration.

In answer to a question from Mr. Sikora, Mr. VanderSloot said each sign is shifted over somewhat from its previous position, pretty much in the same order to the space they serve. He noted "Used" Cars was changed to "Previously Owned."

There were no further comments from the applicant or the public; Chairperson Bell moved to Board Deliberations.

It was the consensus of the Board that just because a firewall was removed internally it shouldn't affect outside signage. This request for deviation is needed only because of a technical difficulty and it meets the Standards of Approval.

Mr. Smith moved approval, based on Board discussion. Mr. Sikora supported the motion. The motion was approved unanimously.

Any Other Business / ZBA Member Comments

Chairperson Bell noted Maple Hill's situation did not involve separate buildings.

Attorney Porter explained that in the code a structure is designated as a separate structure if there is a firewall.

Mr. Milliken said at this point he has no agenda items for a June meeting but will keep Board Members informed.

Attorney Porter noted the Township Board will address replacing Mr. Larson on the ZBA at its June 9 meeting. He added that when there is a 5th person back on the Board, the alternates will not vote.

Mr. Loy reminded the Board of a drop-in session for preliminary study of a five-year plan at the Drake House and invited them to attend to provide their input.

Adjournment

Chairperson Bell noted the Zoning Board of Appeals had exhausted its Agenda, and with there being no other business, adjourned the meeting at 5:08 p.m.

Minutes prepared:
May 28, 2015

Minutes approved:
June 23, 2015