

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

**NOTICE
OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

REGULAR MEETING

**Tuesday, October 22, 2019
3:00 p.m.**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Public Comment on Non-Agenda Items
4. Approval of Minutes: September 24, 2019
5. **Accessory Use Review: David and Bree Bennett**
A request for plan review and approval to locate a new accessory building within the front yard of 7067 Hawthorne Valley Avenue. Parcel No. 05-10-290-070.
6. **Site Plan Review: Meijer Improvements**
A request for site plan review and approval of a 2,310 square foot addition to the existing Meijer store and a 490 square foot addition to the existing Meijer convenience store located at 6660 and 6700 West Main Street. Parcel No.'s 05-14-185-022 and 05-14-185-040.
7. Any Other Business
 - a. Draft ZBA By-Laws
8. ZBA Member Comments
9. Adjournment

**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 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. 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		
<u>Supervisor</u>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Grant Taylor	216-5221	gtaylor@oshtemo.org
<u>Trustees</u>		
Cheri L. Bell	372-2275	cbell@oshtemo.org
Deb Everett	375-4260	deverett@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Ken Hudok	548-7002	khudok@oshtemo.org

Township Department Information		
<u>Assessor:</u>		
Kristine Biddle	216-5225	assessor@oshtemo.org
<u>Fire Chief:</u>		
Mark Barnes	375-0487	mbarnes@oshtemo.org
<u>Ordinance Enf:</u>		
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org
<u>Parks Director:</u>		
Karen High	216-5233	khigh@oshtemo.org
Rental Info	216-5224	oshtemo@oshtemo.org
<u>Planning Director:</u>		
Julie Johnston	216-5223	jjohnston@oshtemo.org
<u>Public Works:</u>		
Marc Elliott	216-5236	melliott@oshtemo.org

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

MINUTES OF A MEETING HELD SEPTEMBER 24, 2019

Agenda

1. Call to Order
 2. Pledge of Allegiance
 3. Public comment on Non-Agenda Items
 4. Approval of Minutes: August 27, 2019
 5. Any Other Business
 6. ZBA Member Comments
 7. Adjournment
-

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held Tuesday, September 24, 2019 at approximately 3 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Neil Sikora, Vice Chair
Cheri Bell
Fred Gould
Micki Maxwell
Anita Smith
Fred Antosz (Alternate 1)

MEMBER ABSENT: James Sterenberg, Chair

Also present was James W. Porter, Township Attorney. There were no other persons in attendance.

1. Call to Order

The Vice Chair called the meeting to order.

2. Pledge of Allegiance

The Vice Chair called for the Pledge of Allegiance which was recited by those in attendance.

3. Public Comment on Non-Agenda Items

There being no public to comment on non-agenda items, the Board moved to item #4.

4. Approval of the Minutes of August 27, 2019

Vice Chair asked if there were any additions, deletions or corrections to the minutes. Mr. Antosz said that the minutes should be corrected on page 7, last paragraph, third to the last sentence, to read as follows: “Conversations with the applicant and their engineer after this date informed staff that approximately 3,000 square feet would be retail space and 6,000 square feet would be stockroom/storage.”

5. Any Other Business

Vice Chair asked if there was any other business. Hearing nothing from the Board members, he did note that there would be a Joint Board meeting on October 15, 2019.

6. ZBA Member Comments

The Vice Chair asked if there were any member comments. Hearing none, the Vice Chair moved on to item #7.

7. Adjournment

The Vice Chair adjourned the meeting at 3:05 p.m.

Minutes prepared:
September 26, 2019

Minutes approved:
_____, 2019

October 10, 2019



To: Zoning Board of Appeals
Mtg Date: October 22, 2019
Applicant: David and Bree Bennett
Owner: Same as above
Property: 7067 Hawthorne Valley Avenue
Zoning: R-2: Residence District

APPLICATION OVERVIEW

The applicants, David and Bree Bennett, submitted a request to the Planning Department to construct a new accessory building within the front yard of their lot. Typically, Planning Department staff review and approve accessory buildings per Zoning Ordinance requirements. However, Section 57.100 indicates that the Planning Director may refer any accessory building request to the Zoning Board of Appeals for review.

Section 57.100.B goes on to say that accessory buildings placed in the front yard require additional scrutiny through a plan review process. These types of structure within the front yard of large parcels, often within the Rural Residential District, are characteristically approved. However, when the request is within a platted subdivision or site condominium development, placement in the front yard is regularly denied. Lot size and the residential character of a subdivision do not often lend themselves to accessory buildings in the front yard.

With this application, staff felt there may be some merit to their proposal and requesting scrutiny from the Zoning Board of Appeals seemed prudent. The applicant indicated in their submittal that they are requesting a variance. Per Section 57.100, no variance is needed, just approval from either the Planning Director or the Zoning Board of Appeals, if referred.

Section 57.100 indicates that to ensure harmonious relationships and to minimize conflicts between adjacent uses, the Planning Director or designee, which is the Zoning Board of Appeals in this case, shall consider the proposed characteristics and uses of the building in relation to the following:

- Size of property,
- Size of dwelling,
- Proposed placement on property,
- Existing land uses in area, and
- Future land uses as reflected in the Master Land Use Plan.

The property in question is addressed as 7067 Hawthorne Valley Avenue within the Country Trail Homesites Subdivision, No. 2. The property is 1.75 acres and is one of three lots that gain access from the Hawthorne Valley cul-de-sac. From an aerial of the site, it appears that there are two small accessory structures on the property, totaling approximately 370 square feet. According to the Township's assessing database, the existing home is 2,118 square feet.

The applicant's documents indicate the requested accessory building will be located approximately 30 feet from the existing single-family home on site. It will also be approximately 30 feet from the northeast property line, 62 feet from the southwest property line, and 90 feet from the right-of-way. These planned setbacks meet the requirements of Section 50.60 of the Setback Ordinance.

There appears to be some respectable tree cover between the proposed location of the accessory building and the road right-of-way. While it will still be visible from the road, the location of the lot at the end of a cul-de-sac, which is only accessed by three households, helps to mitigate compatibility concerns. From the elevation drawings provided by the applicant, the accessory building will be residential in character, with a pitched roof, roof overhangs, and a porch. Per the applicant's narrative, the colors of the accessory building are intended to match the existing home, to the best extent possible. The siding will be vinyl like the home and the roof will be steel painted to look like architectural shingles.

The subject property and a significant area surrounding the site is zoned R-2: Residence District. Adjacent land uses are single-family residential. The home to the north of the subject site combined two lots and has a total of 4.46 acres and the lot to the west includes 1.86 acres. These are larger lots within the Country Trail Homesites neighborhood, with the average lot ranging from 1.0 to 1.3 acres. The Future Land Use Plan indicates this area to be planned for low-density residential. The Country Trail Homesites neighborhood and the subject lot are consistent land uses to both the Township Zoning Ordinance and Master Plan.

POSSIBLE ACTIONS

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

1. Motion to approve the accessory building within the front yard. If the ZBA favors this course of action, staff recommends adding the following conditions of approval, which will be outlined below.
 - The accessory building will be built with the vinyl siding proposed and color scheme of the main home, to the best extent possible.
 - Corrugated steel shall not be utilized for the steel roof.
 - Only those trees need for clearing of the building site will be removed.
 - The setbacks of the 90 feet from the street, 60 from southwest and 30 from northeast
2. Motion to approve with an alternate approach determined at the ZBA meeting after dialogue with the applicant to the placement of the accessory building.
3. Motion to deny the placement of the accessory building within the front yard.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Julie Johnston". The signature is written in a cursive, flowing style.

Julie Johnston, AICP
Acting Planning Director

Attachments: Applicant documents:

- application
- narrative
- aerial maps
- elevation details



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS Bennett Detached Garage

PLANNING & ZONING APPLICATION

Applicant Name : David & Bree Bennett

Company —

Address 7067 Hawthorn Valley Ave.
Kalamazoo, MI 49009

E-mail dbbennet@hotmail.com

Telephone ^(Dave) (269)271-8410 Fax —

Interest in Property Owners

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

Fee Amount —

Escrow Amount —

OWNER*:

Name David & Bree Bennett

Address 7067 Hawthorn Valley Ave.
Kalamazoo, MI 49009

Email blbennett1980@gmail.com

Phone & Fax ^(Bree) (269)251-1330

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

- Planning Escrow-1042
- Site Plan Review-1088
- Administrative Site Plan Review-1086
- Special Exception Use-1085
- Zoning Variance-1092
- Site Condominium-1084
- Accessory Building Review-1083
- Land Division-1090
- Subdivision Plat Review-1089
- Rezoning-1091
- Interpretation-1082
- Text Amendment-1081
- Sign Deviation-1080
- Other: —

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary):

We would like to build a detached garage within our "front yard" attached to our driveway to store our RV & other trailered equipment (boat & utility). Due to location of house it would be difficult not to.

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

Country Trail Homesites #2, Lot 32 * ** 6-87
1987 split from 10-280-011 & 10-280-012

PARCEL NUMBER: 3905- 10-290-070

ADDRESS OF PROPERTY: 7067 Hawthorn Valley Ave

PRESENT USE OF THE PROPERTY: Primary Residence - Homestead

PRESENT ZONING 401- Residential **SIZE OF PROPERTY** 1.76 acres

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

Name(s)	Address(es)
<u>Arbor Financial Credit Union</u> <small>(lien holder-mortgage)</small>	<u>269-544-3105 (Mortgage Dept.)</u> <u>1551 S. 9th Street, 49009</u>

SIGNATURES

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

David B. Burns

Owner's Signature (* If different from Applicant)

10-02-19

Date

David B. Burns

Applicant's Signature

10-02-19

Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS

Bennett Detached Garage Variance Request and Accessory Building Review Additional Info

Due to the shape of the parcel and the location of existing structures we would like to request a variance to install an accessory building (detached garage) between the main dwelling and the front property line, or the "front yard". The intent of the accessory building is to provide protected storage of our RV, boat trailer, utility trailer and tractor mower which are currently stored outside. The parcel has a diamond shape with the point coming up off the cul-de-sac and the "front yard" consists solely of the driveway going back over 160 feet to the garage. The driveway is the only visible portion of the "front yard" because the property is densely wooded between the right-of-way (ROW) and the house. The proposed location for the garage would be situated off to one side of the driveway and nearly completely hidden from view from the ROW. Alternative locations are not feasible due to nature of the property and the lack of ingress and egress. I've attached GIS maps from the Kalamazoo County Parcel Viewer with setbacks for the proposed building location as well as a dimensional map of the entire parcel with measurements directly from the Parcel Viewer measurement tool. From this map an overview of the entire parcel with existing structure locations and natural features can be seen as they are instead of a drawn interpretation. I've also attached 3D images of the proposed structure from the project estimating application for review also. The attached 3D prints of the proposed building vary from the actual in the three (3) ways;

1. Colors: The colors of the roof and siding will match the house as closely as possible, not those shown.
2. Roof and Siding: The siding in the pic is vertical steel sheets, however, we will be installing premium vinyl lap siding to match the house. The roof in the pic is solid brown steel sheets, however, we will be installing steel sheets that have been painted to look like architectural shingles the same color as the shingles on our house. We prefer to use steel since we intend to leave as many trees surrounding the structure as possible which would significantly shade the roof, which is not desirable for shingled roofs.
3. Height: The 3D drawing shows the standard 4/12 pitch trusses, however, the actual garage will have a 6/12 pitch putting the peak of the building at roughly 20.5'. The attached dimensional drawing with setbacks indicates this.

All of these things are being done to make the structure much more aesthetically pleasing for ourselves and our neighbors than having all our "toys" parked all up and down the edge of the driveway.

The proposed location is set back greater than 90 feet from the front property line, greater than 30 feet from the property line with our neighbor to the northeast and over 230 feet from the closest corner of their house and should be barely visible from the right-of-way (ROW) or their house due to all the vegetation and trees of various heights between the them. The southwest corner of the proposed location will be set back greater than 60 feet from the property line with our neighbor to our west and over 140 feet from the closest corner of their garage and also should not be visible from their house due to all the vegetation and trees of various heights between.

We feel that there really is no alternative location that better fits the intent and accessibility of the garage than the location proposed and we really hope that we can get this "front yard" variance request approved.

Thank you,



David B. Bennett

Property Summary Details

Equalization Department / Property Summary Details of Parcel Search

Data is ONLY updated annually. **Last updated June 1, 2019.**

For current information contact **local assessor** - Refer to [List of Assessors](#) page

Tax information contact **Treasurer (269-384-8124)**

Recorded documents contact **Register of Deeds (269-383-8970)**

« Search Results

Property Summary

Parcel:	05-10-290-070	Property Class:	401 - Residential
Gov. Unit:	05 - OSHTEMO TWP	Previous Class:	401 - Residential
		School:	39010 - Kalamazoo Public
Property Address:	7067 HAWTHORN VALLEY AVE KALAMAZOO, MI 49009		
Owner's Name:	BENNETT DAVID B & BREE L		

Owners Mailing Address:

7067 HAWTHORN VALLEY
KALAMAZOO, MI 49009

Physical Property Characteristics

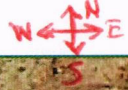
2019 S.E.V.:	148,000	Taxable:	125,544
2018 S.E.V.:	145,900	Taxable:	122,602
PRE:	100%	Acreage:	0
Legal Description:	COUNTRY TRAIL HOMESITES #2, LOT 32 * **6-87 1987 SPLIT FROM 10-280-011 & 10-280-012		

« Search Results

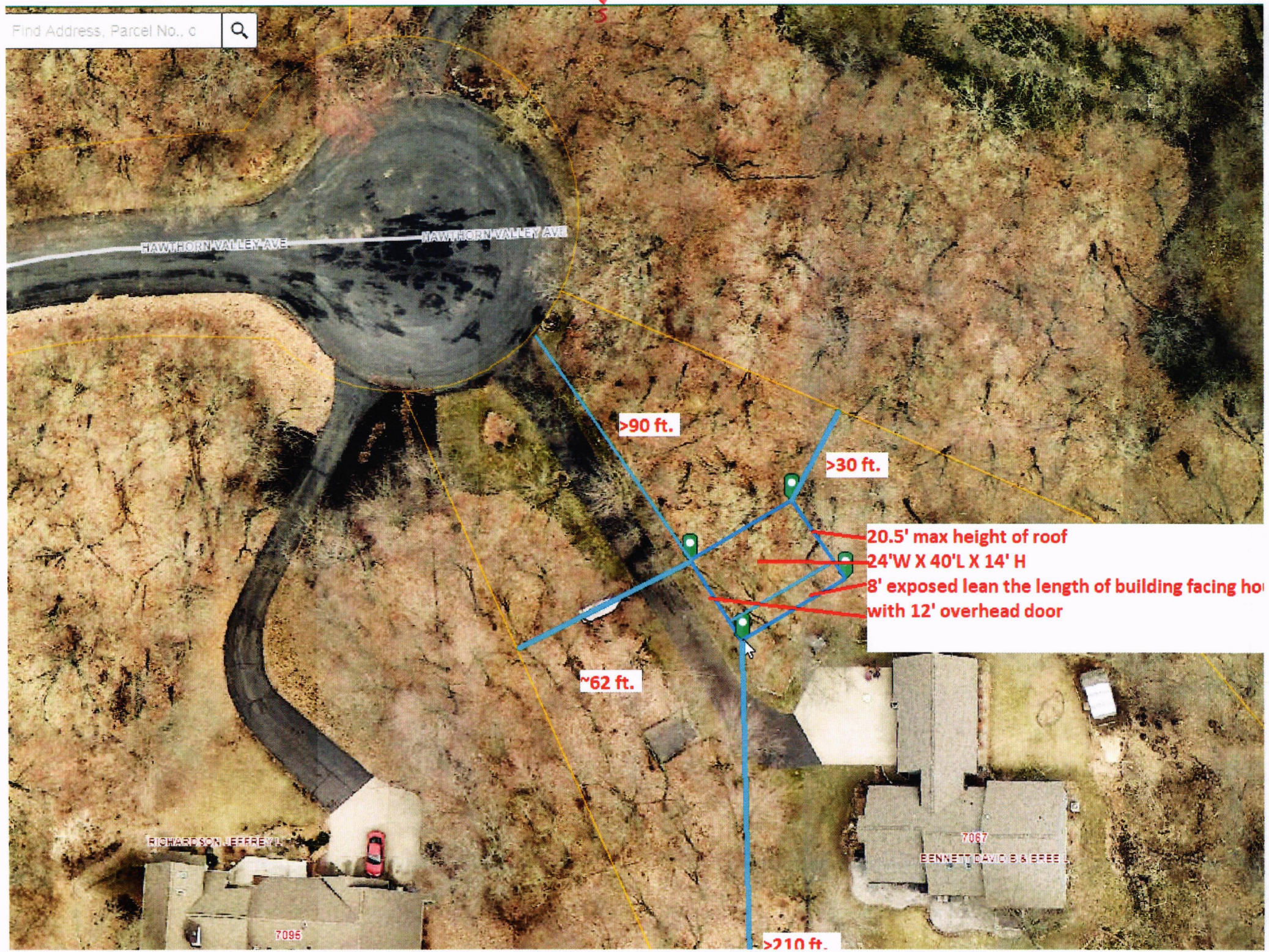
Data is ONLY updated annually. **Last updated June 1, 2019.**

For current information contact **local assessor** - Refer to [List of Assessors](#) page

Tax information contact **Treasurer (269-384-8124)**



Find Address, Parcel No., c



HAWTHORN VALLEY AVE

HAWTHORN VALLEY AVE

>90 ft.

>30 ft.

20.5' max height of roof
24'W X 40'L X 14' H
8' exposed lean the length of building facing ho
with 12' overhead door

~62 ft.

>210 ft.

RICHARDSON JEFFREY L

7095

7067
BENNETT DAVID B & BREE L

ss, Parcel No., c



GELING KATHERINE TRUST

thorn Valley

HAWTHORN VALLEY AVE

>230ft.

~140ft.

RICHARDSON JEFFREY L

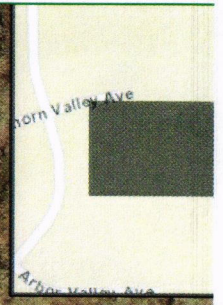
7095

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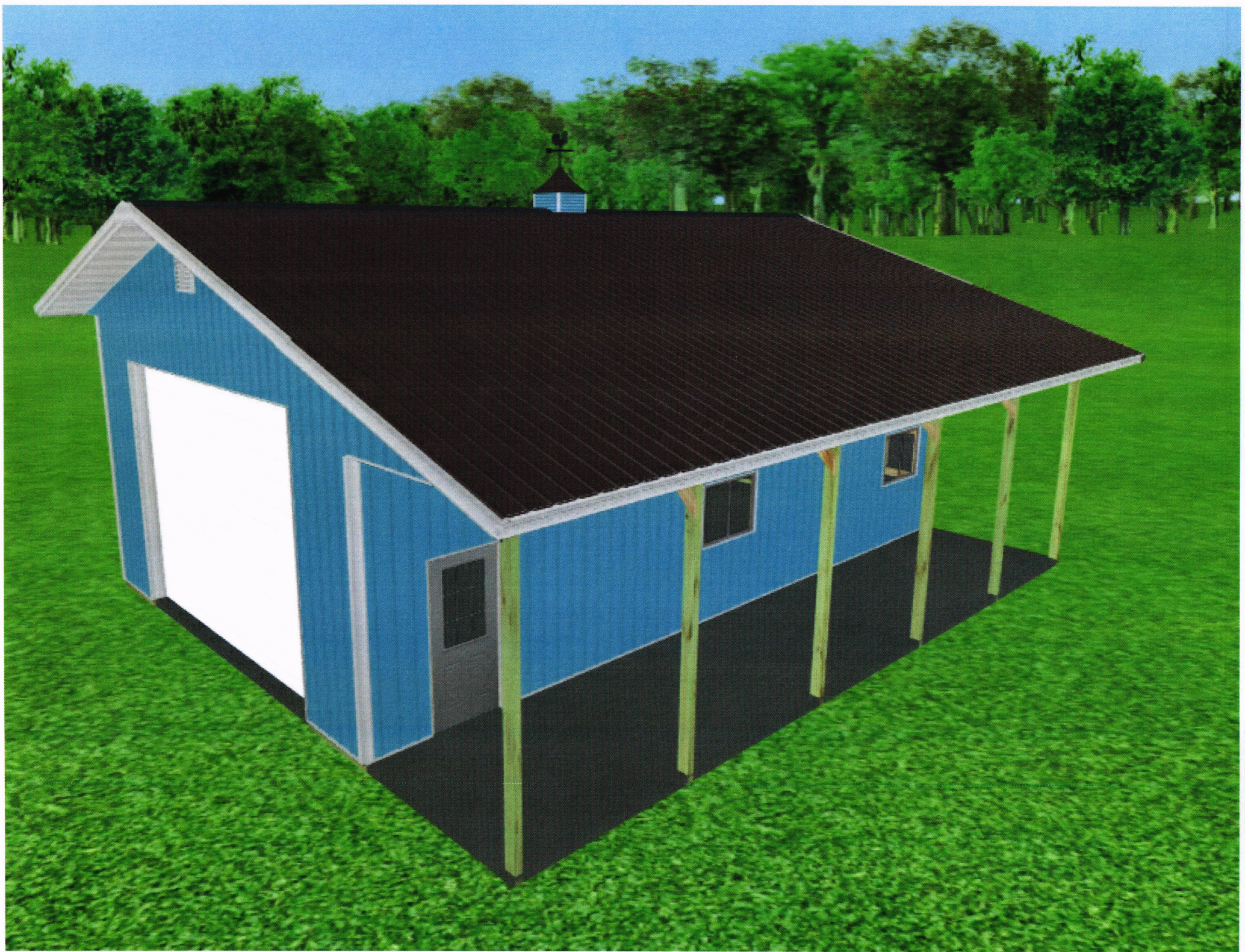
7067

BENNETT DAVID B & BREE L

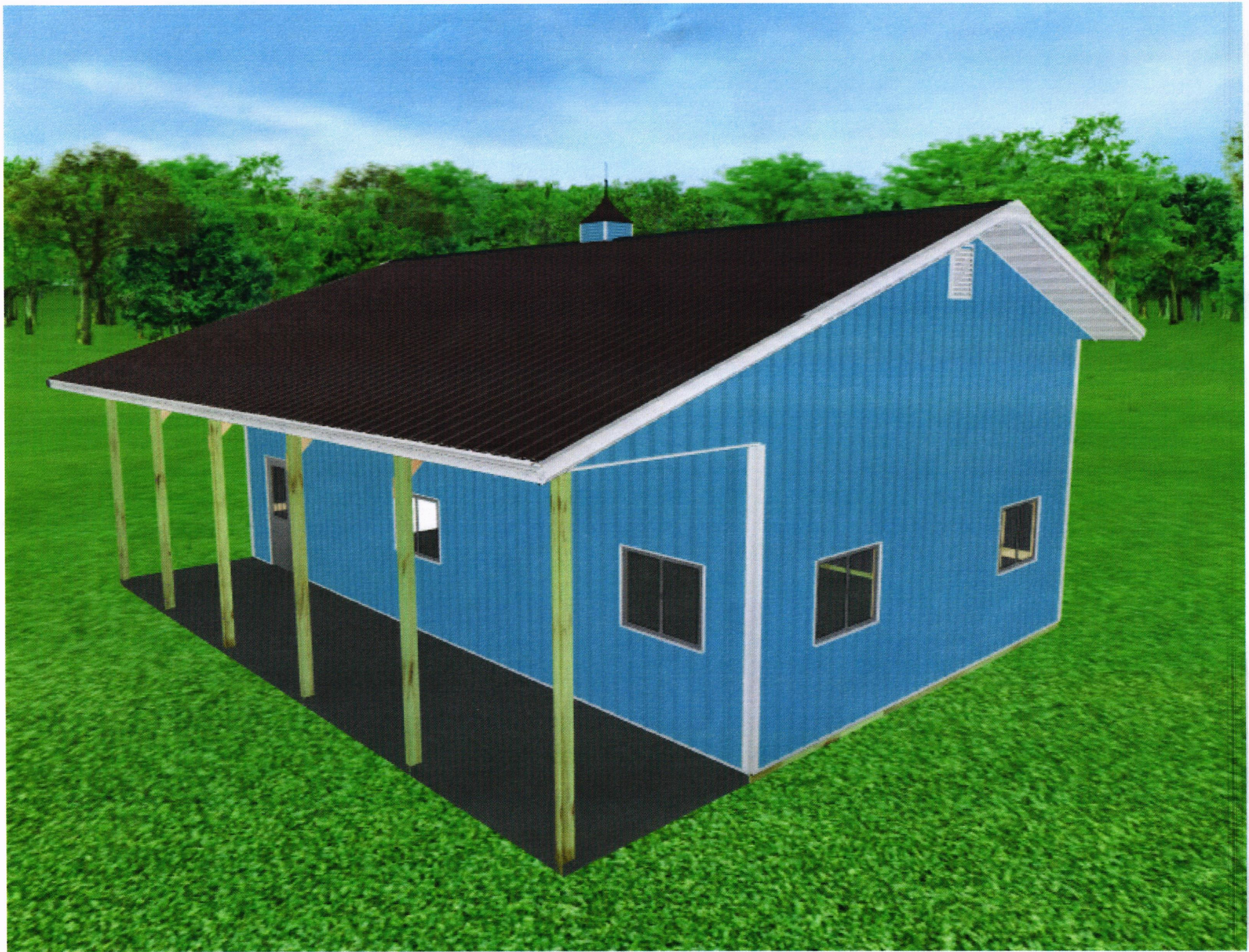
Find Address, Parcel No., or



40ft -85.68942311 Degrees







October 15, 2019



Mtg Date: October 22, 2019

To: Zoning Board of Appeals

Applicant: Thomas Reder, Bergmann Architects

Owner: Meijer, Inc.

Property: 6660 and 6700 West Main Street

Zoning: C: Local Business District

Request: Site Plan Approval

Article(s): Article 18: C District
Article 64: Site Plan Review

Project Name: Meijer Façade and Convenience Store Improvements

PROJECT SUMMARY

Two parcels are involved with this application; the Meijer retail store located at 6660 West Main Street and the convenience store at 6700 West Main Street. The properties are zoned C: Local Business District, which indicates both uses are permitted by right.

The Meijer store is an existing 209,214 square foot retail space. The applicant would like to update the façade of the store, which will require the addition of 2,310 square feet. The convenience store is an existing 1,664 square foot structure. The construction of new bathrooms adds 490 square feet to the building. Section 64.20 indicates that for a permitted use if an expansion is more than one-fourth of the floor area of the existing structure or is greater than 2,000 square feet, the Zoning Board of Appeals will complete the site plan review. The expansion to the Meijer store exceeds the 2,000 square foot limit and the convenience store is an increase of approximately 30 percent of the floor area.

The additional changes to the Meijer store include the following:

- The vehicular drive adjacent to the store is being realigned to the south to accommodate the new square footage of the front entrance.
- The realignment will require the loss of 14 parking spaces. Even with the loss of these spaces, the Meijer store is still overparked by 313 spaces per the current Off-Street Parking Ordinance.
- The redesigned accessible parking spaces will be constructed with concrete per Ordinance requirements.
- Some additional landscaping will be added to existing parking lot islands to meet the requirements of Section 53.130 of the Landscape Ordinance.

The additional changes to the convenience store include:

- Added landscaping to meet the requirements of Section 53.130.

GENERAL ZONING COMPLIANCE

The proposed additions are generally in compliance with all applicable parts of the Oshtemo Township Zoning Ordinance, with any exceptions listed herein. As noted above, the existing use and its proposed expansion are permitted by right, and the new additions will be located within the acceptable building setback envelopes.

No new lighting is intended to be added to the parking lot and most of the existing building mounted lighting will remain. The site plan indicates new fixtures will be added to the canopies of the pharmacy drive-up window, bottle return, and employee entrance. The plan goes on to say all lighting will be shielded to meet Ordinance requirements. The new Lighting Ordinance for the Township has some specific lumen requirements, so cut sheets of the proposed lighting will be needed.

The site plan indicates parking spaces are 9.5 feet in width. The Off-Street Parking Ordinance requires parking spaces to be 10-feet wide. Staff has asked the project designer to verify the width of the parking spaces. In addition, it was noted to the applicant that all restriped spaces, except for accessible spaces which have specific ADA requirements, must meet the 10-foot width regulation. This notation will need to be added to the site plan.

A landscape plan was provided to outline how the site meets the requirements of Section 53.130, which delineates the landscaping regulations for existing sites as follows:

Perimeter and parking area landscape requirements shall apply to all expansions, renovations, or alterations that increase the gross floor area. Each increase in gross floor area of one percent shall require the installation of a minimum of five percent of the landscaping for the total site.

Based on this requirement, the following calculations have been determined:

Meijer Store:

- Existing gross floor area = 209,214 square feet
- New gross floor area = 2,310 square feet
- Increase of 1 percent
- Requires installation of 5 percent of the landscaping requirements

Convenience Store:

- Existing gross floor area = 1,664 square feet
- New gross floor area = 490 square feet
- Increase of 29 percent
- Requires installation of 100 percent of the landscaping requirements

With the percentage of landscaping determined, staff has found the following deficiencies on the proposed landscape plan:

1. Required parking lot landscaped area for the Meijer store is 1,934 square feet. The landscape plan indicates 1,924. This number will need to be changed.
2. The required trees and shrubs in the Meijer parking lot are 10 trees and 20 shrubs. The existing trees meet ordinance requirements, but shrubs are still needed on the plan.

3. The landscape data for the convenience store is also incorrect.
 - a. Per Section 53.50; 2 canopy, 3 understory, and 4 shrubs are required for every 100 linear feet along the street rights-of-way.
 - b. The frontage on West Main Street and 9th Street is approximately 600 linear feet, which means 12 canopy, 18 understory, and 24 shrubs are required.

The information provided for the convenience store does not include enough data to determine if this requirement has been met.

4. The burning bush planting shown is an evasive species and therefore not permitted by the Landscape Ordinance. A new shrub will need to be chosen for the landscape plan.

A revised landscape plan with the required updated information will be needed.

ENGINEERING REVIEW

The Township's engineering consultant has no concerns with the development of the project. Very little new impervious surface is being added to the site, so current storm water management facilities are sufficient.

FIRE MARSHAL

The Township's Fire Marshal has reviewed the project site plan and has no concerns. The fire lane has been identified and the relocated fire hydrant has been protected with bollards.

OUTSTANDING CONCERNS

Following is a summary of the outstanding items/concerns to be resolved:

1. Cut sheets which detail the new lighting proposed for the building are needed to ensure compliance with the Lighting Ordinance.
2. The parking space size needs to be verified and a note indicating any restriped parking will meet Ordinance requirements.
3. An updated landscape plan will be needed that addresses the outstanding planting issues outlined above.

ZONING BOARD OF APPEALS ACTION

If the Zoning Board of Appeals is amenable to approving the site plan, staff recommends attaching the following conditions prior to the issuance of a building permit:

1. Documentation submitted to Township staff providing details of the new building mounted lighting.
2. An updated site plan noting that restriped parking spaces will meet the 10-foot width requirement of the Off-Street Parking Ordinance.
3. A revised landscape plan that meets the requirements of the Landscape Ordinance.

The other possible action would be to postpone approval until the revised information can be provided for the Board's review. However, staff does believe that the noted concerns could be managed administratively.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Julie Johnston". The signature is written in a cursive, flowing style.

Julie Johnston, AICP
Acting Planning Director

Attachments: Application
Site Plan Excerpts



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS Meijer Supercenter - 6660 W Main St. Kalamazoo, MI

PLANNING & ZONING APPLICATION

Applicant Name : Thomas Reder - Architect
Company Bergmann
Address 7050 W Saginaw Hwy., Sutie 200
Lansing, MI 48917
E-mail treder@bergmannpc.com
Telephone 517-272-9835 Fax 517-272-9836
Interest in Property Owners Agent

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

OWNER*:

Name Meijer, Inc. - Chris Mankowski, Project Mgr.
Address 2350 Three Mile Rd., NW
Grand Rapids, MI 49544
Email christopher.mankowski@meijer.com
Phone & Fax 616-401-1658 cell

Fcc Amount _____
Escrow Amount _____

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

- | | |
|---|---|
| <input type="checkbox"/> Planning Escrow-1042 | <input type="checkbox"/> Land Division-1090 |
| <input type="checkbox"/> Site Plan Review-1088 | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input type="checkbox"/> Administrative Site Plan Review-1086 | <input type="checkbox"/> Rezoning-1091 |
| <input type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082 |
| <input checked="" type="checkbox"/> Zoning Variance-1092 | <input type="checkbox"/> Text Amendment-1081 |
| <input type="checkbox"/> Site Condominium-1084 | <input type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Accessory Building Review-1083 | <input type="checkbox"/> Other: _____ |

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

An approximate 2300 sf addtion to the front of the existing Main Store split between the two
Existing entrances as part of a entire store remodel including an new front facade.

LEGAL DESCRIPTION OF PROPERTY *(Use Attachments if Necessary):*

See Attached

PARCEL NUMBER: 3905- 05-14-185-040

ADDRESS OF PROPERTY: 6700 W Main St, Kalamazoo, Mi 49009

PRESENT USE OF THE PROPERTY: Gas Station / Convenience Store

PRESENT ZONING _____ **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.



Owner's Signature (* If different from Applicant)

9/4/2019

Date



Applicant's Signature

9/6/19

Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS Meijer Gas Station - 6700 W Main St. Kalamazoo, MI

PLANNING & ZONING APPLICATION

Applicant Name : Thomas Reder - Architect
Company Bergmann
Address 7050 W Saginaw Hwy., Suite 200
Lansing, MI 48917
E-mail treder@bergmannpc.com
Telephone 517-272-9835 Fax 517-272-9836
Interest in Property Owners Agent

THIS SPACE FOR TOWNSHIP USE ONLY
Rec'd # 153258

OWNER*:

Name Meijer, Inc. - Chris Mankowski, Project Mgr.
Address 2350 Three Mile Rd., NW
Grand Rapids, MI 49544
Email christopher.mankowski@meijer.com
Phone & Fax 616-401-1658 cell

Fee Amount _____
Escrow Amount _____

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

- | | |
|---|---|
| <input type="checkbox"/> Planning Escrow-1042 | <input type="checkbox"/> Land Division-1090 |
| <input type="checkbox"/> Site Plan Review-1088 | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input type="checkbox"/> Administrative Site Plan Review-1086 | <input type="checkbox"/> Rezoning-1091 |
| <input type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082 |
| <input checked="" type="checkbox"/> Zoning Variance-1092 | <input type="checkbox"/> Text Amendment-1081 |
| <input type="checkbox"/> Site Condominium-1084 | <input type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Accessory Building Review-1083 | <input type="checkbox"/> Other: _____ |

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

An approximate 490 sf addition to the rear of the existing Gas Station to support new toilet rooms as part of a entire convenience store remodel including gas pump canopy.

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

See Attached

PARCEL NUMBER: 3905- 05-14-185-022

ADDRESS OF PROPERTY: 6660 W Main St, Kalamazoo, MI 49009

PRESENT USE OF THE PROPERTY: Retail Supercenter

PRESENT ZONING _____ **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

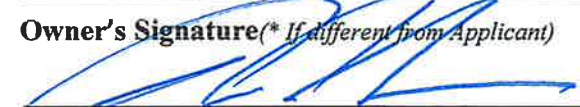
I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting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



Owner's Signature (* If different from Applicant)

9/4/19

Date



Applicant's Signature

9/6/19

Date

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS

1 2 3 4 5 6

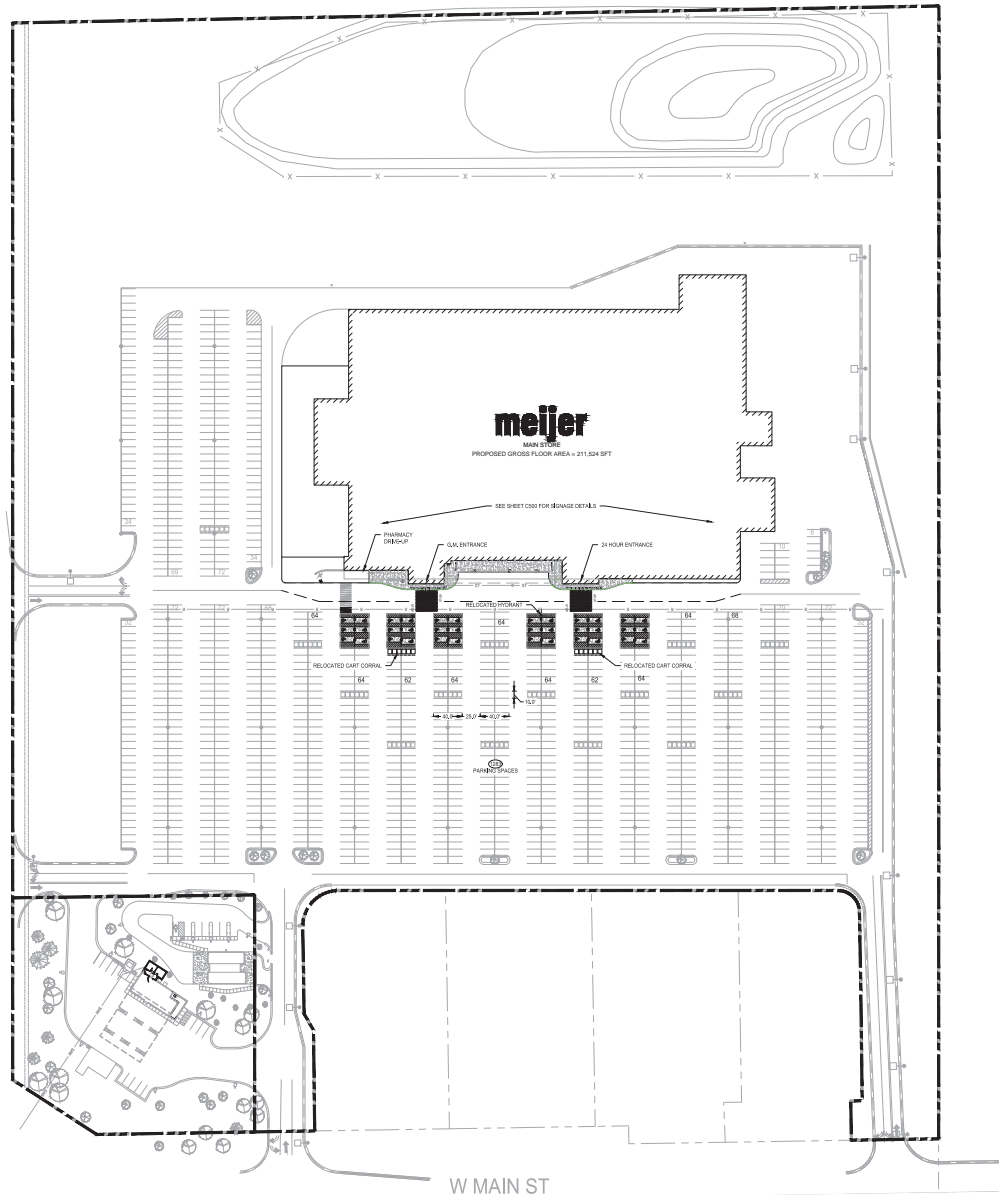
E

D

C

B

A



A1 SITE LAYOUT PLAN
1" = 70'



GENERAL NOTES

1. NO DIMENSION MAY BE SCALED. REFER UNCLAR ITEMS TO THE ENGINEER FOR INTERPRETATION.
2. DIMENSIONS AND/OR COORDINATES ARE TO BACK OF CURB. CENTERLINE OF BUILDING COLUMN LINE (INDICE FACE OF PRECAST), EDGE OF PAVEMENT OR CENTER OF STRUCTURE OR SIGN CURB OR SIGN VERIFY BUILDING DIMENSIONS WITH ARCHITECTURAL DRAWINGS.
3. REFER TO SHEET C200 FOR STRIPING SIGNAGE AND PARKING COURT.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING TO ACCORDANCE ALL SIGNAGE INDICATED ON PLANS AND PERFORM REQUIRED CONSTRUCTION DETAILS.
5. PROVIDE ADEQUATE BARRICADES AT DRIVES, ENTRANCES, EXCAVATIONS AND OTHER OPENINGS TO KEEP OUT UNAUTHORIZED PERSONS AND FOR PUBLIC SAFETY AND TRAFFIC CONTROL. SAFETY PROVISIONS OF APPLICABLE LAWS SHALL BE OBSERVED AT ALL TIMES. BARRICADES LEFT IN PLACE AT NIGHT SHALL BE LIGHTED.
6. NO EQUIPMENT OR MATERIAL STORAGE IS PERMITTED IN THE RIGHT-OF-WAY.
7. WORK SHALL CONFORM TO THE REQUIREMENTS OF MEIJER STANDARDS SPECIFICATIONS. CONTRACTING AGENCIES HAVING JURISDICTION, DRAWING, PAINTING AND MATERIALS SHALL COMPLY WITH THE STATE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION AS WELL AS PROJECT SPECIFICATIONS AND DRAWINGS. IN CASE OF DISCREPANCIES BETWEEN REQUIREMENTS, THE MORE STRINGENT SHALL APPLY.
8. EXTERIOR CONCRETE SLABS ADJACENT TO BUILDING SHALL BE PLACED ON # STRUCTURAL CUSHION, UNLESS NOTED OTHERWISE ON THE STRUCTURAL DRAWINGS.
9. AGGREGATE TO EXTEND 12" BEYOND BACK OF CURB OR EDGE OF PAVEMENT UNLESS OTHERWISE NOTED. SEE DETAIL C03 AND D1 ON SHEET C01.

SITE NOTES

1. STORM DRAINAGE PATTERNS AND STORM WATER MANAGEMENT SHALL REMAIN AS EXISTING. THERE WILL BE NO INCREASE IN STORM WATER QUANTITY OR IMPERVIOUS AREA.
2. NO CHANGES ARE PROPOSED TO EXISTING PUBLIC UTILITIES.
3. EXISTING BUILDING AND FLOOR ADJACENT WITH LIGHTING FIXTURES SHALL REMAIN. ALL NEW LIGHT FIXTURES IN NEW CANOPIES (E.G. PHARMACY DRIVE-UP BOTTLE RETURN, DRIVE-UP ENTRY) SHALL BE SHIELDED AS REQUIRED BY ZONING ORDINANCE LIGHTING REQUIREMENTS.

FIRE DEPARTMENT NOTES

1. THE EXISTING BUILDING ADDRESS SHALL REMAIN UNCHANGED.
2. EXISTING FIRE LANES AND FIRE DEPARTMENT ACCESS ROAD WIDTHS SHALL REMAIN.
3. SEE SHEET C200 FOR FIRE LANE SIGNAGE.

PARKING DATA

MEIJER SPACES	
REGULAR STAFF	147
BARBER FREE SPACES	24
NON-ACCESSIBLE SPACES	41
TOTAL SPACES PROVIDED	183

*DOES NOT INCLUDE SPACES OCCUPIED BY CART CORNERS

BERGMANN
CONSULTANTS ENGINEERS ARCHITECTS

2000 West 15th Street, Suite 100
Lansing, Michigan 48203, USA
Phone: 313.722.8800
Fax: 313.722.0500

NOT FOR CONSTRUCTION

meijer

REV.	DATE	DESCRIPTION

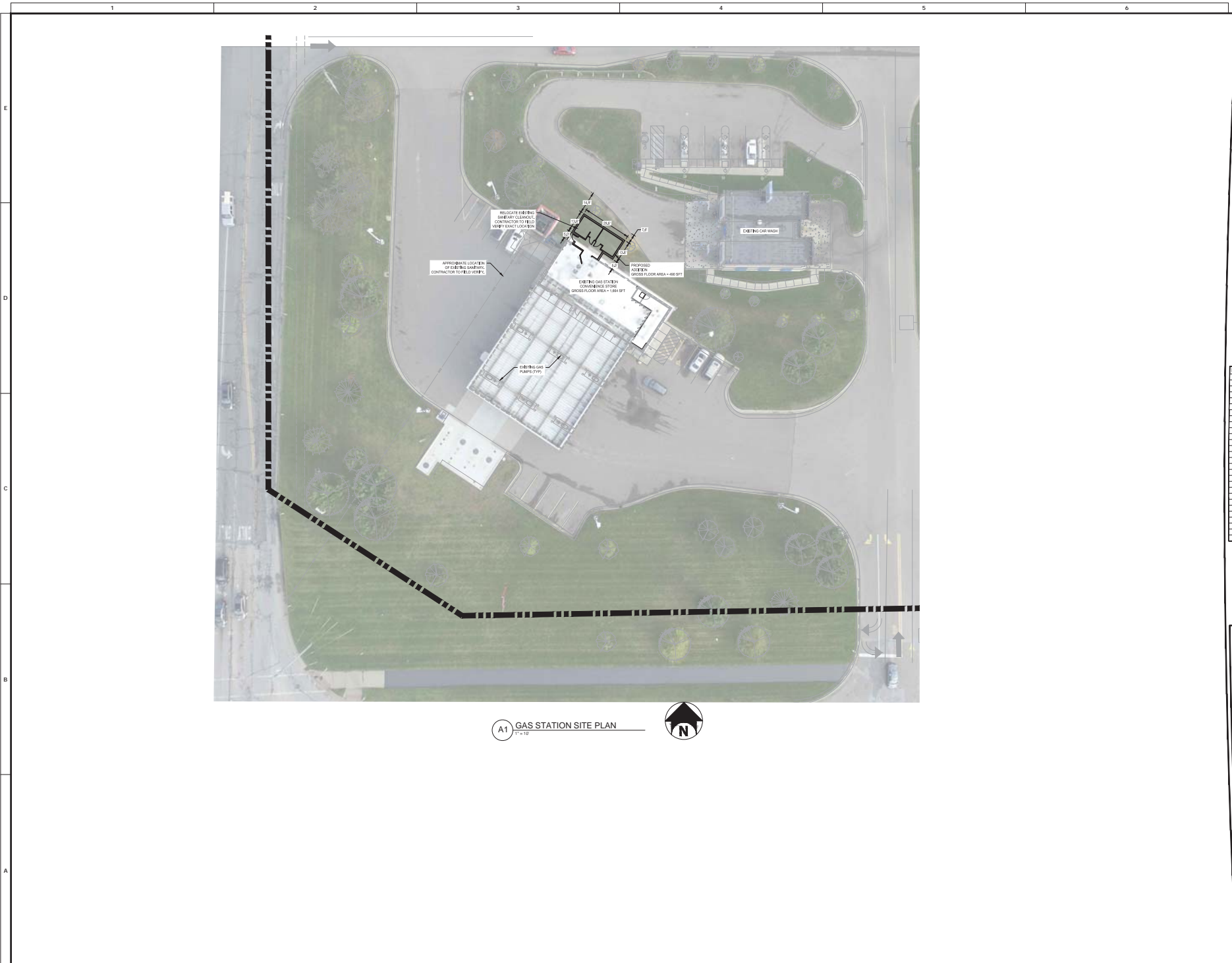
MEIJER STORE - KALAMAZOO
KALAMAZOO, MI 49009

SITE LAYOUT PLAN

ISSUED FOR:	
PERMIT	-
BID	-
CONSTRUCTION	-
PROJECT MANAGER: T. REIDER / J. SMITH	
DESIGNER: J. SMITH	

Job No. 009134.50

C200



A1 GAS STATION SITE PLAN
1"=12'



NOT FOR CONSTRUCTION



REV.	DATE	DESCRIPTION

MEIJER STORE - KALAMAZOO
 KALAMAZOO, MI 49009
 GS SITE PLAN

ISSUED FOR:	DATE:	BY:
PERMIT	-	-
BID	-	-
CONSTRUCTION	-	-

PROJECT MANAGER	DESIGNER
T. REIDER	J. SMITH

Job No.
009134.50

C300

NOT FOR CONSTRUCTION

meijer

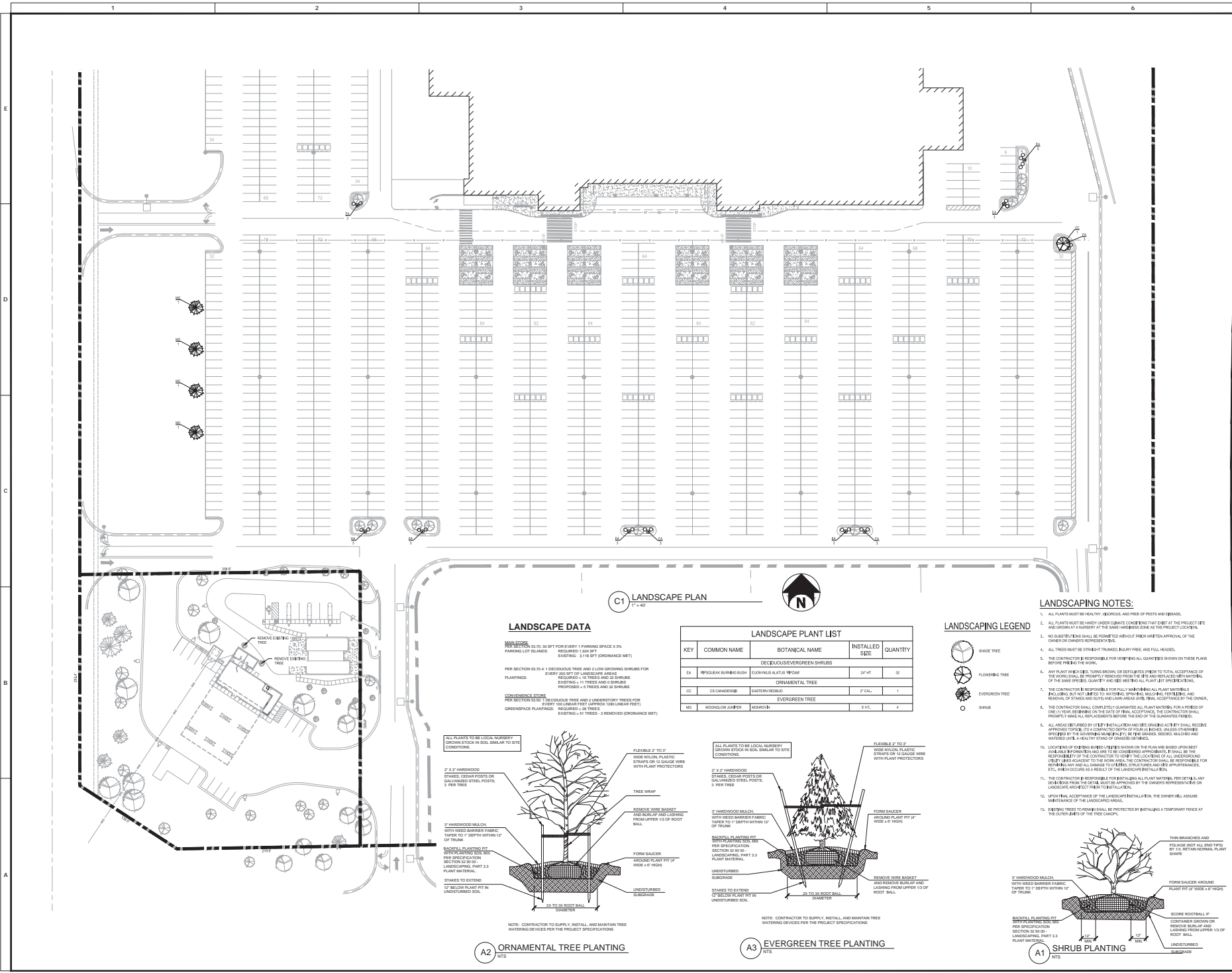
REV	DATE	DESCRIPTION

MEIJER STORE - KALAMAZOO
KALAMAZOO, MI 49009
LANDSCAPE PLAN

ISSUED FOR	PERMIT	BID	CONSTRUCTION	PROJECT MANAGER	CHECKER
				T. RIEDER	J. SMITH

JOB NO. 009134.50

C400



C1 LANDSCAPE PLAN
7' = 40'

LANDSCAPE DATA

MAIN DRIVE
TREE SPACING: 30 TO 35 FEET FOR EVERY 1 PARKING SPACE 8' ON PARKING LOT ISLANDS. REQUIRED: 1.250 SFT EXISTING: 1.138 SFT (CRONANCE MTS)

PER SECTION 03.30.4 DECIDUOUS TREES AND LOW GROWING SHRUBS FOR PLANTINGS
EVERY 300 SFT OF LANDSCAPE AREAS PROPOSED: 4 TREES AND 2 SHRUBS EXISTING: 11 TREES AND 2 SHRUBS

CONCRETE DRIVE
EVERY 300 SFT OF LANDSCAPE AREAS PROPOSED: 1 DEPENDENT TREE AND 1 LANDSCAPE TREE PER EVERY 100 LINEAR FEET (APPROX 1200 LINEAR FEET)
EXISTING: 5 TREES - 2 REMOVED (CRONANCE MTS)

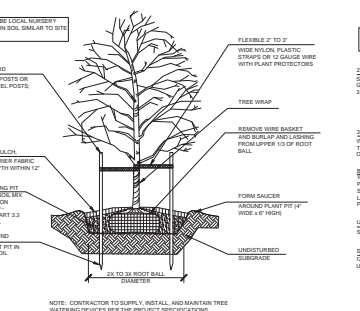
LANDSCAPE PLANT LIST

KEY	COMMON NAME	BOTANICAL NAME	INSTALLED SIZE	QUANTITY
DECIDUOUS/EVERGREEN SHRUBS				
EA	PIPECLEAN BURNING BUSH	LIQVIA ALATA 1/2" DIA	2" HT	32
ORNAMENTAL TREES				
OC	OS CORNDOPE	OSTIA REBOD	2" CAL.	1
MG	MOCKINGBIRD	MORONIA	EVERGREEN TREE	2"

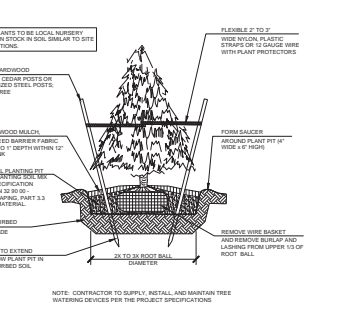
LANDSCAPING LEGEND

- SHADE TREE
- FLOWERING TREE
- EVERGREEN TREE
- SHRUB

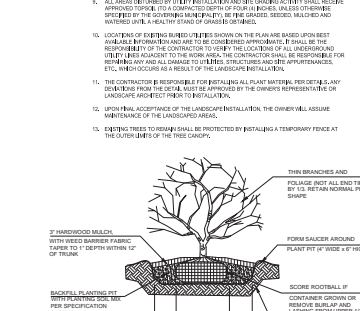
- LANDSCAPING NOTES:**
1. ALL PLANTS MUST BE HEALTHY, PROPERLY ROOTED, AND FREE OF PESTS AND DISEASE.
 2. ALL PLANTS MUST BE DELIVERED UNDER GUARANTEE CONDITIONS THAT EXIST AT THE PROJECT SITE AND GROWN AT A NURSERY AT THE SAME ADDRESS AS THE PROJECT LOCATION.
 3. NO SHRUBS OR TREES SHALL BE TOYED FOR OR NOT TOYED FOR WITHOUT WRITTEN APPROVAL OF THE OWNER'S REPRESENTATIVE.
 4. ALL TREES MUST BE STRAIGHT TRUNKED, UNARY FREE, AND FULL HEADED.
 5. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE THE BEGINNING OF THE WORK.
 6. ANY PLANT MATERIALS THAT TURN BROWN, DIE, OR DEFOLIATE PRIOR TO TOTAL ACCEPTANCE OF THE WORK SHALL BE IMMEDIATELY REMOVED FROM THE SITE AND REPLACED WITH MATERIALS OF THE SAME SPECIES, QUANTITY AND SIZE WITHIN ALL PLANT LIST SPECIFICATIONS.
 7. THE CONTRACTOR IS RESPONSIBLE FOR FULLY INSURING ALL PLANT MATERIALS INCLUDING BUT NOT LIMITED TO: MATERIALS, PLANTINGS, INCLUDING FERTILIZERS AND REMOVAL OF STAKES AND TAGS AND REMOVE AND THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF THE SAME.
 8. THE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIALS FOR A PERIOD OF ONE (1) YEAR, BEGINNING ON THE DATE OF FINAL ACCEPTANCE. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER OF ANY DEFICIENCIES OR DAMAGES AND CORRECTIVE MEASURES SPECIFIED BY THE GOVERNING AGENCY PRIOR TO THE END OF THE GUARANTEE PERIOD.
 9. ALL AREAS CERTIFIED BY THE CONTRACTOR TO BE FULLY INSURED BY THE CONTRACTOR SHALL BE REMOVED PRIOR TO THE END OF THE GUARANTEE PERIOD.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL PLANT MATERIALS FROM THE DATE OF DELIVERY TO THE PROJECT SITE THROUGH THE END OF THE GUARANTEE PERIOD.
 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL PLANT MATERIALS FROM THE DATE OF DELIVERY TO THE PROJECT SITE THROUGH THE END OF THE GUARANTEE PERIOD.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL PLANT MATERIALS FROM THE DATE OF DELIVERY TO THE PROJECT SITE THROUGH THE END OF THE GUARANTEE PERIOD.
 13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL PLANT MATERIALS FROM THE DATE OF DELIVERY TO THE PROJECT SITE THROUGH THE END OF THE GUARANTEE PERIOD.
 14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL PLANT MATERIALS FROM THE DATE OF DELIVERY TO THE PROJECT SITE THROUGH THE END OF THE GUARANTEE PERIOD.
 15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL PLANT MATERIALS FROM THE DATE OF DELIVERY TO THE PROJECT SITE THROUGH THE END OF THE GUARANTEE PERIOD.



A2 ORNAMENTAL TREE PLANTING
NTS



A3 EVERGREEN TREE PLANTING
NTS



A1 SHRUB PLANTING
NTS

NOTE: CONTRACTOR TO SUPPLY, INSTALL, AND MAINTAIN TREE WATERING DEVICES PER THE PROJECT SPECIFICATIONS

NOTE: CONTRACTOR TO SUPPLY, INSTALL, AND MAINTAIN TREE WATERING DEVICES PER THE PROJECT SPECIFICATIONS

NOTE: CONTRACTOR TO SUPPLY, INSTALL, AND MAINTAIN TREE WATERING DEVICES PER THE PROJECT SPECIFICATIONS



October 15, 2019

Mtg Date: October 22, 2019
To: Zoning Board of Appeals
From: Julie Johnston, AICP
Subject: DRAFT By-Laws

At the May 28th meeting, a request was made for staff to develop a set of by-laws for the Zoning Board of Appeals (ZBA). The Zoning Enabling Act permits the ZBA to adopt rules governing their operation. The Township has Article 69 within the Zoning Ordinance that provides some direction for organizational procedure, but a set of by-laws could help specify certain responsibilities, such as defining officers and their duties, quorum rules, special meeting procedures, conflict of interest procedures, and other aspects of the ZBA's operation.

By-laws are not part of the Zoning Ordinance but are adopted by the ZBA as its rules for operation. Staff would suggest discussing the draft by-laws at the October meeting for any possible changes, corrections, or edits. Once the by-laws are in a draft form acceptable to the ZBA, a recommendation of adoption can be forward to the Township Board.

Thank you.

**CHARTER TOWNSHIP OF OSHTEMO ZONING BOARD OF APPEALS
BY-LAWS AND RULES OF PROCEDURE**

ARTICLE I: NAME

Sec. 1 The name of the organization shall be the "Charter Township of Oshtemo Zoning Board of Appeals (ZBA)".

ARTICLE II: POWERS AND AUTHORITY

Sec.1 These by-laws and rules of procedure are adopted by the ZBA pursuant to Article 69 of the Township Zoning Ordinance and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Sec. 2 The ZBA shall perform such legally permissible duties and shall carry out such processes and procedures as may be required by the Township Zoning Ordinance and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, including the following:

- A. To hear and decide on applications for variances from the Township Zoning Ordinance.
- B. To hear and decide on applications of interpretation of the Township Zoning Ordinance.
- C. To hear and decide any appeals from a decision or determination made by any administrative official or body charged with enforcement of the Township Zoning Ordinance.
- D. To hear and decide any other matters required by the Township Zoning Ordinance.

ARTICLE III: MEMBERS

Sec. 1 MEMBERSHIP COMPOSITION. The ZBA shall consist of five (5) members appointed by the Charter Township of Oshtemo Board of Trustees. One (1) member of the ZBA must be a representative from the Planning Commission and one (1) member may be a representative from the Board of Trustees. The other three (3) members shall be residents from the Charter Township of Oshtemo. In addition, the Board of Trustees may appoint not more than two (2) alternate members.

Sec. 2 COMPENSATION. All appointed members of the ZBA may be compensated at a rate determined by the Board of Trustees.

Sec. 3 RESTRICTIONS. An alternate member shall only serve on the ZBA if a regular member is absent from or unable to attend a meeting, or during the abstention of a regular member for reasons of conflict of interest. In the case of a conflict, the alternate member shall serve on the case until a final decision has been made. An employee or contractor of the Township may not serve as a member of the ZBA.

- Sec. 4 TERMS OF OFFICE. The terms of office of regular and alternate members shall be three (3) years and until a successor has been appointed. A successor must be appointed not more than one (1) month after the expiration of the preceding term. Terms shall be arranged such to provide as nearly as possible for the appointment of an equal number of members each year. Members from the Planning Commission and Board of Trustees shall have terms limited to their respective other official term or to a lesser period determined by resolution of the Township Board of Trustees.
- Sec. 5 VACANCIES. A vacancy on the ZBA occurring other than through the expiration of the term shall be filled for the unexpired term by the Board of Trustees.
- Sec. 6 VOTING RIGHTS OF ALTERNATE MEMEBERS. Alternate members shall only have the right to vote upon those specific matters in which they have been called upon to serve in the absence of a regular member or called upon to serve due to the abstention of a regular member as a result of a conflict of interest. The alternate member shall then continue to hear those cases for which they were called to serve until final disposition of those cases.

ARTICLE IV: OFFICERS

- Sec. 1 SELECTION. The ZBA shall elect a Chairperson and a Vice Chairperson from amongst the regular members at the first regular meeting of the calendar year. The Board of Trustee member may not serve as the Chairperson.
- Sec. 2 TERMS OF OFFICE. The terms of the Chairperson and Vice Chairperson shall be one (1) year in length or until their successors are elected. The Chairperson and Vice Chairperson shall be eligible for re-election at the conclusion of their one-year term.
- Sec. 3 DUTIES. The Chairperson shall preside over all meetings of the ZBA and shall perform the duties prescribed by these by-laws. The Vice Chairperson shall perform the duties of the Chairperson in the absence or disability of the Chairperson.
- Sec. 4 ABSENCE OF CHAIR AND VICE CHAIR. If both the Chairperson and Vice Chairperson are absent from a meeting, the ZBA members shall vote in a Chairperson to perform the necessary duties for that meeting. The Chairperson and/or Vice Chairperson shall resume normal duties at the next scheduled ZBA meeting.
- Sec. 5 VACANCIES. If a vacancy should occur in any office, the ZBA shall elect another person to fill such vacancy in the same manner and under the same conditions outlined above for the remainder of the term of said office.
- Sec. 6 SECRETARY. The Secretary shall be appointed by the ZBA and may be an employee or contractor of the Township, or a member of the ZBA. The Secretary is responsible for keeping a written record, in the English language, of the resolutions, transactions, findings, and determinations of the ZBA, which record shall be a public record subject to the provisions of the Michigan Freedom of Information Act, Public Act 442 of 1976, as amended.

ARTICLE V: MEETINGS

Sec. 1 REGULAR MEETING. The ZBA shall meet on the fourth Tuesday of each month, as necessary, at 3:00 pm at the Oshtemo Township Hall.

Sec. 2 SPECIAL METINGS. Special meetings may be called by the Chairperson based on a request by an applicant, who will be responsible for all costs associated with the meeting. The purpose of the meeting shall be stated in the call. The business of the special meeting shall be held in compliance with the Michigan Open Meetings Act. Public notice of the time, date, and place of the special meeting shall be given in the manner required in the Open Meetings Act. A notice of the special meeting shall be sent to ZBA members not less than one (1) week in advance of the meeting, except that any such meeting at which all regular members of the ZBA are present or have waived notice in writing, shall be a legal meeting for all purposes without notice, subject to the Michigan Open Meetings Act.

Sec.3 QUORUM. Three (3) members of the ZBA shall constitute a quorum to conduct business. When a quorum is not present, no official action of the ZBA, except for closing of the meeting, may take place. Due to its quasi-judicial nature, the ZBA shall not engage in discussion on any matter during any time in which a quorum is not present to conduct business. All public hearings without a quorum present shall be rescheduled for the next regular or special meeting and no additional public notice shall be required, provided that the date, time and a place for the rescheduled public hearing is announced at the meeting.

Sec. 4 ORDER OF BUSINESS. A written agenda for all regular and special meetings shall be prepared and followed. The order of business shall, at a minimum, be:

- Call to Order
- Pledge of Allegiance
- Public Comment on Non-Agenda Items
- Approval of Minutes
- New Business (Public Hearings)
- Any Other Business
- ZBA Member Comments
- Adjournment

Sec.5 HEARINGS. Hearing shall be scheduled and due notice given in accordance with the provisions of the Michigan Open Meetings Act and the Michigan Zoning Enabling Act under which the public hearing is being held. **Unless excused by the ZBA, the absence of the applicant or a representative of the applicant at the scheduled public hearing will automatically result in a postponement of proceedings. The absence of the applicant or a representative at the postponed meeting shall be treated as the voluntary withdrawal of the application by the applicant.** Public hearings conducted by the ZBA shall be run in an orderly and timely fashion, which shall be accomplished by adhering to the following public hearing procedure:

A. OPENING ANNOUNCEMENT. The chairperson shall give an official opening announcement of the public hearing indicating the basic nature of the request.

- B. ORDER OF HEARING. The Chairperson shall conduct the public hearing in the following order:
- 1) Explanation of the applicant request by Township staff (staff report presentation).
 - 2) Questions from ZBA to Township staff.
 - 3) Comments and explanations by the applicant.
 - 4) Questions from ZBA to applicant.
 - 5) Opening of Public Hearing, comments from public.
 - 6) Closing of Public Hearing to public comments.
 - 7) ZBA deliberation.
 - 8) Consideration of action by the ZBA.
- C. RULES OF CONDUCT. The Chairperson shall announce the rules of conduct of the public hearing as follows:
- 1) All comments shall be addressed to the Chair;
 - 2) Each person shall be given an opportunity to be heard, but second comments will not be permitted until every person has had the opportunity to speak for the first time;
 - 3) In the interest of fairness to the public, statements from the floor should be as concise as possible;
 - 4) The Chairperson reserves the right to terminate a presentation or ask for a summation if comments become excessively repetitive or stray from the issues at hand;
 - 5) A time limit of four (4) minutes per person shall be placed on public comments;
 - 6) At all times during the public hearing, the Chairperson expects courtesy from all participants and catcalls, booing, or other outbursts from the public shall not be tolerated; and
 - 7) Decision of the ZBA shall be based upon the appropriate legal standards based upon proper facts and the authority vested in the ZBA by State law and the Township Zoning Ordinance.
- D. PRESENTATION OF PROPOSAL. The Chairperson shall recognize Township staff and request a presentation of their staff report. The staff report will outline the applicants request, the specific sections of the Zoning Ordinance related to the request, and the regulations that are impacted by the subject request. At the conclusion of the staff report, the Chairperson will ask the ZBA members if they have any questions of staff. Once all questions have been answered, the Chairperson will then ask the applicant to provide a concise summary of the reasons for their request and respond to questions raised by the ZBA.
- E. OPENING OF HEARING TO FLOOR. The Chairperson then opens the public hearing to comments from the floor, reminds the public of the rules of conduct, and indicates that once a person has been recognized by the Chairperson, they are invited to give their name and address and a concise statement of their questions and/or concerns. In the event of a large hearing, the Chairperson may encourage groups in attendance to be represented by a spokesperson. When individual time limits have been imposed, the Chairperson reserves the right to limit the amount of time allocated to a spokesperson to avoid filibustering. The Chairperson may elect during the course of public comments to obtain brief answers from

the Township staff or from the applicant if such comments may expedite the hearing. The Chairperson shall receive for the official record any documentation received by the ZBA regarding the matter at hand and shall read and/or summarize these materials.

- F. CLOSING OF PUBLIC HEARING. When all public comments have been received the Chairperson shall close the public hearing. After the public hearing is closed no further comments shall be received from the public.

- G. CONSIDERATION OF MATTER BY ZBA. Once the public hearing has been closed to public comments, the Chairperson may recognize any ZBA member to discuss and seek additional information from others concerning the matter at hand. ZBA members shall address the Chairperson when speaking and shall request additional information through the Chairperson. When discussion on the matter at hand by ZBA members has been completed, they may take one of the following four actions on the matter:
 - 1) Approve the request as presented;
 - 2) Approve the request with conditions;
 - 3) Deny the request as presented; or
 - 4) Defer/adjourn the matter to a future meeting.

Motions for approvals or denials and motions to table or adjourn a matter to a future meeting should include reasons for such actions. Motions for tabling or adjournment should also include the date, time, and place at which the matter will be further considered.

Sec.6 MOTIONS. Motions shall include the reasons for the approval, denial, or tabling of an application. The name of the maker and who seconded the motion shall be recorded. Motions to table or adjourn a matter to a future meeting shall also include the date, time, and place at which the matter will be further considered. Motions will be restated by the Chairperson before a vote is taken. Motions should be considerate of the following principles for a dimensional variance, which collectively amount to demonstrating a practical difficulty:

- 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.

Sec.7 VOTING. An affirmative vote of the majority of the ZBA’s regular membership shall be required for the approval, denial, or tabling of any requested action or motion. Voting shall ordinarily be by voice vote; provided however that a roll call vote shall be required if requested by any ZBA member or directed by the Chairperson. All members of the ZBA, including the Chairperson, shall vote on all matters, but the Chairperson shall vote last in any roll call vote. Any member may be excused from voting only if that person has a bona fide conflict of interest. An alternate member shall serve and hear the merits of that specific case until a final determination on the case is made. Any member abstaining from a vote based on a conflict of interest shall not participate in the discussion of that item.

Sec.8 NOTICE OF DECISIONS. A written notice, prepared by Township staff or their designee, containing the decision of the ZBA will be sent to the applicant.

Sec.9 MEETING MINUTES. Minutes shall be prepared by the Secretary designated by the ZBA. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions made on any action; and recording of attendance. All communications, actions, and resolutions shall be kept in the official file. The official minutes shall be maintained by the Township Clerk upon approval by the ZBA.

ARTICLE VI: ABSENCES, REMOVALS, AND RESIGNATIONS

Sec. 1 ABSENCE. To be excused, ZBA members shall notify the Planning Director, ZBA Chairperson, or the Township Clerk when they intend to be absent from a meeting. Failure to make this notification will result in an unexcused absence.

Sec. 2 REMOVALS. Members of the ZBA may be removed by a vote of the Board of Trustees for nonperformance of duty, misconduct in office, or failure to declare a conflict of interest. For the purposes of this section, nonperformance of duty shall mean two or more consecutive, unexcused absences. Notice of nonperformance of duty, misconduct in office, or failure to declare a conflict of interest shall be brought to the Board of Trustees for a hearing by the Township Supervisor.

Sec. 3 RESIGNATION. A member may resign from the ZBA by sending a letter of resignation to the Township Supervisor, Planning Director, or ZBA Chairperson.

ARTICLE VII: CONFLICT OF INTEREST

Sec. 1 ZBA members shall declare a conflict of interest and abstain from participating in hearings, deliberations, or voting on a request when:

- 1) A relative or other family member is involved in any request for which the ZBA is asked to make a decision.
- 2) The ZBA member has a business, organizational, or financial interest in the property involved in the request, or has a business or financial interest in the applicants’ company, agency, or association.

- 3) The ZBA member is the Planning Commission representative and the matter to be heard is from a previous Planning Commission decision in which the member participated.

ARTICLE VIII: CONFLICTING PROVISIONS

Sec. 1 In the event of a conflict of provisions between these by-laws and the Township Zoning Ordinance, the provisions of the Zoning Ordinance shall prevail.

ARTICLE IX: AMENDMENT OF BY-LAWS

Sec.1 These by-laws may be adopted and amended at any regular meeting of the ZBA by a two-thirds vote, provided that the amendment has been submitted in writing at the previous regular meeting. All by-law amendments shall be subject to final approval by the Township Board of Trustees.

THESE BY-LAWS WERE DULY ADOPTED BY THE CHARTER TOWNSHIP OF OSHTEMO ZONING BOARD OF APPEALS DURING ITS REGULAR MEETING HELD ON THE _____ DAY OF _____, 2019.