

**OSHTEMO CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS**

**MINUTES OF A MEETING HELD JUNE 26, 2018**

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**Agenda**

**PUBLIC HEARING: SIGN VARIANCE REQUEST**

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

**PUBLIC HEARING: SIGN VARIANCE REQUEST**

**A VARIANCE HAS BEEN REQUESTED BY ALLIED SIGNS, INC., ON BEHALF OF OSHTEMO HOTELS, LLC, FROM SECTION 76.170 OF THE TOWNSHIP ZONING ORDINANCE, TO PLACE THE TOP OF A WALL SIGN APPROXIMATELY 43 FEET ABOVE GRADE WHEN ONLY 30 FEET IS ALLOWED. THE SUBJECT PROPERTY IS LOCATED AT 5724 WEST MAIN STREET, KALAMAZOO, MI 49009, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-13-130-030.**

**SITE PLAN REVIEW: HURLEY & STEWART OFFICE ADDITION**

**HURLEY & STEWART, LLC IS REQUESTING SITE PLAN APPROVAL FOR A 2,227 SQUARE FOOT ADDITION TO THEIR EXISTING OFFICE BUILDING AT 2800 SOUTH 11<sup>TH</sup> STREET, PARCEL NO. 3905-25-153-140.**

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A meeting of the Oshtemo Charter Township Zoning Board was held Tuesday, June 26, 2018 at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

**MEMBERS PRESENT:** James Sterenberg, Chair  
Bob Anderson  
Neil Sikora, Vice Chair  
Anita Smith  
Bruce VanderWeele

**MEMBER ABSENT:** Nancy Culp

Also present were Julie Johnston, Planning Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. Seven other persons were in attendance.

## **Call to Order and Pledge of Allegiance**

Chairperson Sterenberg called the meeting to order and invited those present to join in reciting the “Pledge of Allegiance.”

## **Public Comment on Non-Agenda Items**

There were no comments on non-agenda items.

## **Approval of the Minutes of May 22, 2018**

Chairperson Sterenberg asked if there were any additions, deletions or corrections to the minutes of May 22, 2018. Hearing none, he asked for a motion of approval.

Mr. VanderWeele made a motion to approve the Minutes of May 22, 2018 as presented. Mr. Anderson supported the motion. The motion was approved unanimously.

## **PUBLIC HEARING: SIGN VARIANCE REQUEST**

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

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

Ms. Johnston explained that currently, the property is serviced by two freestanding signs along West Main Street, which are both located within the public right-of-way, which has occupied its current area since 1970. The “Walnut Woods Office Centre” sign was permitted in October of 1987. The existing Zoning Ordinance does not allow for such placement, and it is unclear whether or not the permit for this sign was appropriately issued in 1987. The second device is a real estate sign advertising available tenant space. Per section 76.190, Schedule D—Temporary Signs, no permit is required for such real estate signs, so it was likely erected without Township review. Should the ZBA grant the requested variance, removal of these two signs should be required prior to issuance of any new sign permit. The real estate sign, assuming units are available for lease, may be put back up, but not within the right-of-way.

She said the Zoning Enabling Act of Michigan outlines that when considering a variance request, the Zoning Board of Appeals must ensure that the “spirit of the ordinance is observed, public safety secured, and substantial justice done.” The Michigan courts have added that variances should only be granted in the case of a practical difficulty for a nonuse (dimensional) variance. In addition, applicants must

demonstrate that their plight is due to the unique circumstances particular to that property and that the problem is not self-created.

Ms. Johnston said the request by the applicant is a nonuse variance and reviewed the standards the ZBA needed to in considering the variance request and how the request meets those standards.

Standards of Approval of a Nonuse Variance (practical difficulty):

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

*Comment:* Without requiring alterations to the property—i.e. removing paving and losing at least one parking space—the applicant has no reasonable way to place an appropriately sized sign along the subject property’s West Main Street frontage. Currently, the most suitable place for a sign is only 13 feet wide between the edge of the parking lot and the right-of-way, meaning that a sign placed in compliance could only be three feet wide. Any newly developed property with the necessary 20-foot wide landscape buffer would have at least ten feet of space in which to locate a sign.

*Standard: 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:* Reviewing past variance requests, Township staff have identified one such instance with similar circumstances where a sign setback, so there is some precedent for approval.

Consumers Credit Union, 5018 West Main Street, 2/22/1999:

- The applicant sought, and was granted, relief from the required sign setback on the subject property due to existing site development, as well as visibility issues related to off-site vegetation. In its final decision, the ZBA found that site development-induced restraints, as well as the Township’s desire to offer reasonable options for signage display, warranted the setback variance.

Speedway Gas Station, 1250 South Drake Road, 5/5/1997

- Citing the existing parking lot paving and prevalent traffic patterns, the ZBA granted the applicant relief from the minimum sign setback requirements in order for a pole sign to be erected in the available greenspace adjacent to Drake Road.

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

**Comment:** The subject property's legal non-conforming perimeter landscape buffers meant that no reasonably sized signage can be installed along West Main Street and still be in compliance with the minimum ten-foot setback, save for the one area near US-131. This portion of the property is obscured by off-site vegetation, however, and is not suitable for a sign location.

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

**Comment:** Developed in accordance with the Zoning Ordinance at the time of site plan approval in 1987, Township staff do not view the hardships affecting the subject property as self-made.

*Standard: Will the spirit of the Ordinance be observed, the public health, safety, and welfare secured, and substantial justice done if the variance is granted?*

**Comment:** The ten-foot minimum sign setback is intended to not only preserve certain Township aesthetics, but also to ensure that no signs are placed so near the road as to cause visibility issues for the road going public. Aside from US-131, West Main Street has the widest right-of-way in the Township—around 160 feet in the area of the subject property. A sign located on the applicant's parcel in compliance with the ten-foot setback would place it approximately 37 feet south of the edge of pavement. For comparison, if the applicant were to place a freestanding sign along their Lodge Lane frontage, where the right-of-way is the more standard 66 feet wide, the sign could be placed around 23 feet from the paved portion of the road. Additionally, West Main Street is an exceptionally wide road, and the speed limit is 50 miles per hour along this stretch—two more factors that arguably compromise sign visibility and legibility.

Allowing a sign to be placed with a zero-foot setback to the West Main right-of-way will in no way compromise public health, safety, and welfare, as ample spacing will remain between the display device and any adjacent public travel ways. As discussed elsewhere in this report, the ZBA has in the past acknowledged that limiting site constraints do warrant relief, so substantial justice would be done by granting this variance.

When evaluating this variance request, Township staff reached out to MDOT to discuss the date of right-of-way acquisition. It was during this conversation that MDOT staff stressed the importance of not allowing any

part of a new sign, including footings, to intrude into the public right-of-way.

Given the following findings, Staff recommended the Zoning Board of Appeals grant the request for a zero-foot sign setback from the West Main Street right-of-way:

1. There are no reasonable options for compliance.
2. Past ZBA decisions support this request.
3. Changes in Township-mandated development standards have imposed a physical limitation on the property.
4. The hardship is not self-created.
5. Public health, safety, and welfare will not be compromised.

In addition, she said, If the ZBA granted the requested variance, Staff suggested the following conditions be attached:

1. The two existing signs along the West Main frontage shall be removed prior to the issuance of a new sign permit. Any future signs shall be erected in full compliance with section 76.000—Signs and Billboards of the Oshtemo Township Zoning Ordinance.
2. Per MDOT’s request, if a zero-foot setback is granted to the applicant, no part of any new sign, including subterranean footings, shall encroach into the public right-of-way.

In response to questions from Board members, Ms. Johnston explained the change in sign location to “0” setback would not cause any parking spaces to be lost, that another location may require removal of vegetation, that if the variance were approved the sign would be located on West Main Street, that the new sign was needed to provide more information regarding building users, that approval could include the condition that both current signs are removed, that the sign would be a little further to the east of the current sign location and that past precedent was to not ask applicants to remove parking in order to locate signage within Ordinance.

Chairperson Sterenberg determined the applicant was not in attendance and asked whether members of the public wished to speak.

Mr. Barbara Hughey, 587 Lodge Lane pointed out the area being discussed is next to a residential area and asked what sign size is allowed by Ordinance.

Ms. Johnston indicated the applicant has not indicated the size ground sign they wish to install, but they will have to conform with the maximum allowed by Ordinance, which is 60 square feet.

Hearing no further comments, the Chair closed the public hearing and moved to Board Discussion.

There was discussion about whether there might be a viable alternative for sign location that could be accomplished within the Ordinance and without granting a variance request that would be acceptable to all involved. It was felt more information was needed prior to a vote to be able to evaluate the situation effectively.

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

Mr. Sikora made a motion to table the variance request from the minimum 10-foot sign setback from the West Main right-of-way down to zero feet by the Vernon Group to the next Zoning Board Authority meeting on July 24, 2018, in order to explore other possible options prior to making a decision on the request. Mr. VanderWeele supported the motion. The motion was approved unanimously.

**PUBLIC HEARING: SIGN VARIANCE REQUEST**  
**A VARIANCE HAS BEEN REQUESTED BY ALLIED SIGNS, INC., ON BEHALF OF OSHTEMO HOTELS, LLC, FROM SECTION 76.170 OF THE TOWNSHIP ZONING ORDINANCE, TO PLACE THE TOP OF A WALL SIGN APPROXIMATELY 43 FEET ABOVE GRADE WHEN ONLY 30 FEET IS ALLOWED. THE SUBJECT PROPERTY IS LOCATED AT 5724 WEST MAIN STREET, KALAMAZOO, MI 49009, WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-13-130-030.**

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

Ms. Johnston said the building in question was the Holiday Inn Express and Suites currently under construction within the Westgate Planned Unit Development (PUD) located at the northeast corner of US131 and West Main Street and consists of approximately two acres. The Westgate PUD is zoned C: Local Business District with a PUD overlay. Per the requirements of Section 76.170 of the Signs and Billboard Ordinance, wall signs for hotels are restricted to a maximum height of 30 feet.

The applicant was seeking a variance from Section 76.170 to allow the placement of two wall signs located near the top of the Holiday Inn Express and Suites building, which has a maximum height of 45 feet 4 inches. Both the west and south facing signs would have a maximum wall sign height of approximately 39 feet 11 inches, 9 feet 11 inches above the maximum allowed placement for a sign.

The applicant indicated the variance is needed due to the setback of the building. They state on their application that due to the setback of the building, the sign needs to

be installed towards the top of the building for maximum visibility. The application goes on to state the requested change is for the sides of the building that face US-131 and West Main Street.

She said Staff believes the applicant was not referring to the actual zoning ordinance required setback for the building, which is from their property line. Instead, they believe the applicant was referring to the distance of the buildings from US-131 and West Main Street, which is approximately 375 feet from the pavement of US-131 and 1,700 from the pavement of West Main Street.

The Zoning Enabling Act of Michigan outlines when considering a variance request the Zoning Board of Appeals must ensure the “spirit of the ordinance is observed, public safety secured, and substantial justice done.” Michigan courts added that variances should only be granted in the case of a practical difficulty for a nonuse (dimensional) variance. In addition, applicants must demonstrate their plight is due to the unique circumstances particular to the property and the problem is not self-created.

Ms. Johnston said the request by the applicant is a nonuse variance and that the ZBA should review the following standards in considering the variance request:

Standards of Approval of a Nonuse Variance (practical difficulty):

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

**Comment:** The requested variance to alter the height of the proposed wall sign does not impact the reasonable use of the property. The development of the hotel may still proceed without the approval of the sign variance. In addition, conformance to the maximum required height for the wall sign can still be met. Based on the application provided there are no building issues that would stop the sign from being placed at the 30-foot maximum height requirement.

*Standard: 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:** The requirements of Section 76.170 of the Sign Ordinance apply to all commercial and office developments within the Township.

Staff was able to find two past instances where hotels located near US131 requested similar variances from the Zoning Board of Appeals. Both applications were for hotels located on 11<sup>th</sup> Street. Following is a brief summary of these cases:

- Best Western; 2575 South 11<sup>th</sup> Street; March 17, 2009:  
Best Western requested a variance to both increase the height and size of their east and west facing wall signs. The applicant indicated the request was to help increase visibility from US131 even though the hotel did not directly abut the highway. The ZBA granted the variance for increase height and size for the sign facing US 131 but not the west facing sign.
- Value Place Hotel; 1647 South 11<sup>th</sup> Street; October 24, 2006:  
Value Place Hotel requested a variance to increase the height and size of their wall signs to allow for better visibility from US131. The ZBA indicated that they did not see any basis for a variance to either the height or size of the signs and denied the request.

One application was approved while the earlier application was denied. Similar to the current application, the request from the hotel without direct frontage on US131 was the application that received approval.

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

*Comment:* While not an existing physical hardship found on the property in question, an argument could be made that the utility corridor represents a unique condition in this area. A 145-foot utility easement sits between the Westgate PUD property boundary and the right-of-way for US131. Without this dedicated utility corridor, the Westgate PUD and the hotel would have more direct frontage on US131. This added distance is the setback staff believes the applicant is referring to in their request. However, because it is a utility corridor, visual encumbrances like tall trees do not obstruct views to the hotel.

The request for the additional sign height for the south facing wall sign does not have a unique physical circumstance related to the request. The location of West Main Street and its distance from the hotel was known when Oshtemo Hotels, LLC purchased the property for development.

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

*Comment:* Technically, the height of the sign could be placed in compliance with Ordinance standards. But, the applicant has no ability to alter the utility corridor adjacent to their development.



*Standard: Will the spirit of the Ordinance be observed, the public health, safety, and welfare secured, and substantial justice done if the variance is granted?*

**Comment:** Raising the sign height should have little to no effect on public health, safety, and welfare.

The difficulty with this request is the disparity in the Ordinance between heights of buildings and placement of signs. Building height in Oshtemo Township is based solely on the ability to meet setbacks. The Ordinance states the minimum setback distance between any nonresidential building and any rear or interior property line shall be 20 feet or the height of the building at its heights point, whichever is greater. If a development had the ability to accommodate 100-foot setbacks from all sides, the building could technically be 100 feet tall.

The Sign Ordinance, on the other hand, limits height to 30-feet. This disparity does not allow signs to develop at a proportional height to the stature of the building. This can be clearly seen with this application. The property in question was of a large enough size to allow setbacks that would accommodate the approximate 46-foot-tall structure. Placing the signs at the 30-foot height would locate them more at the third-floor level of the structure than the top floor, where it is more expected and generally the industry standard.

Based on this assessment, Ms. Johnston said Staff would recommend the ZBA request the Planning Commission consider reviewing the Sign Ordinance for possible text changes. Having a height requirement that is proportional to the building height might be a consideration, eliminating the need for future variances to this section of the code. If an ordinance change was contemplated, any variance considered by the ZBA for this application might allow this request to become compliant in the future.

Ms. Johnston summarized by saying Staff was presenting the following relevant information for the Zoning Board of Appeals to consider:

1. If you find that substantial justice can be achieved due to the height variance provided to the Best Western Hotel in 2009 than a variance could also be warranted for this request.
2. If you find that the unique condition of a utility corridor found adjacent to the project site supports a practical hardship, which is not experienced by other commercially zoned properties in the area, then the variance for the west facing sign is supported.
3. If you find that the requested variance does not meet one or more of the criteria for approval noted above and that compliance with the Ordinance is not unnecessarily burdensome, then the application should not be supported.

She said given the above findings, the variance request before the Zoning Board of Appeals would require careful deliberation. Staff presented the Board with three possible courses of action:

1. Deny the variance, based on the fact that the practical hardship in this case does not make compliance with the ordinance unnecessarily burdensome.
2. Approve the variance for the west facing sign, acknowledging that there is a unique circumstance with the location of the utility easement, but deny the request for the south facing sign.
3. Approve the variance for both wall signs, indicating substantial justice based on the 2009 Best Western Hotel precedence and the unique condition of the utility easement.

Ms. Johnston indicated a fourth possible course of action:

4. Because the project is located in a PUD, that Ordinance allows the Planning Commission to grant dimensional departures from the code if they make sense in the overall design of the PUD. Past sign requests that were outside current ordinance standards but were located within a PUD, similar to the applicants request, have been presented to the Planning Commission for consideration. The ZBA could consider referring this application to the Planning Commission.

Ms. Johnston said regardless of the final deliberation, staff would suggest the Zoning Board of Appeals request the Planning Commission consider Sign Ordinance amendments related to maximum sign heights in relation to the height of the structure.

Chairperson Sterenberg asked whether Board Members had any questions.

In answer to questions, Ms. Johnston said the sign would be measured from grade up to the top of the sign. The applicant cites hardship due to the setback distance from the right-of-way for visibility from US-131. In addition, a utility corridor between the highway and the hotel also impacts visibility. Visibility hardship from West Main is more difficult to argue. A variance would improve visibility from both US-131 and West Main.

The Chair noted the property curves to the east because of the US-131 ramp and that the area is full of electrical structures. Hearing no further questions from Board Members, he asked whether the applicant wished to speak.

Mr. Patrick Stieber, Allied Signs, 33650 Giftos, Clinton Township, MI, said the variance is asking for relief which he did not feel was excessive and would allow greater visibility which is impeded by the utility easement. The signs meet all other requirements. He pointed out you don't ever see hotels with low signs; he felt that was overlooked about when the Ordinance was written. It is imperative to raise the signs so they can be seen.

Mr. VanderWeele asked whether there would be directional signs closer to West Main Street.

Mr. Curt Ardema, AVB, 4200 W. Centre Street, explained the entire parcel encompasses 86 acres to accommodate with signage. Multi-tenant signs are being explored. Multiple retailers and restaurants will have advertising signs on the buildings themselves. The intent is to utilize some directional signage for the hotel, but the main signs will be the wall signs that are intended to draw in regional traffic.

Mr. Phil Sarkissian, representing the AmeriLodge Group, 8988 Royce Drive, Sterling Heights, referenced many hotels operated by this group and that they are very responsible corporate citizens who look forward to working in the community. He noted they are spending millions of dollars in this project which will be a state of the art "Formula Blue" hotel and will stimulate the area, adding new jobs in increasing tax revenue. He indicated they have the support of Westgate AVB and reiterated the need for visibility particularly with the US-131 easement. He said this is the first but not the last project in which sign visibility will be a problem, referred to the precedent of the Best Western Hotel in 2009 and asked the Board to be forward thinking.

In answer to questions from Mr. Sikora, Mr. Sarkissian said although their hotels normally have signs on three sides of the building, they are asking for only two where they will be most effective; the signs will not be mounted any higher than the top of the roof line, and signs are built to corporate standards with no deviations allowed.

Ms. Samantha Bell, 529 Newman Rd., Lake Orion MI and a lobbyist, said the sign and location of the sign are according to corporate standards and that to recreate the sign dimensions for installation lower on the building would make them different from any of their other hotels and would result in delays.

Mr. Stieber agreed that the signs and location as described in the variance request are the corporate standard required by Holiday Inn. To move them lower on the building would necessitate redesign for a smaller sign and for wiring which would be burdensome. He said they have never had to ask for a sign height variance from a Board before, that the sign fits within the design of the building.

At this point Chairperson Sterenberg moved to public comment.

Mr. Ardema emphasized AVB's support for this request and said the setback from US-131 is a key corridor for the hotel. The height of the building is fully approved, the sign fits aesthetically, yet the sign Ordinance language does not consider the fit with the height of the building. The intention is a first class mix of tenants; many more signs will need to be accommodated. It has been determined the most traffic comes from the south, northbound on the highway, and it is critical to place signs for maximum visibility.

Hearing no further public comment, the Chair moved to Board Deliberations.

There was discussion supporting the higher sign variance request, but a general acknowledgment of the fact that a variance could be avoided if addressed through the PUD ordinance by the Planning Commission; it might be more appropriate for them to consider this request within the PUD rather than a variance through ZBA.

Ms. Johnston pointed out that another hotel is under construction and they will probably want the same consideration. The Planning Commission might be able to look at the situation holistically through the PUD.

Mr. Sterenberg indicated he was inclined to approve the variance request because two conditions, 1) the unique circumstances of the power line easement and 2) in the spirit of the Ordinance have been met.

Mr. VanderWeele expressed concern about more variance requests in the future.

Mr. Sterenberg said by the time they are received, hopefully the Planning Commission will have reviewed the Sign Ordinance.

Ms. Smith agreed the Ordinance should be revisited by the Planning Commission to avoid similar problems in the future.

Mr. Sikora thought at least half of the five criteria should be met for the ZBA to approve the request.

Mr. Sterenberg felt there was enough substantial justice to approve the variance.

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

Mr. VanderWeele made a motion to refer the applicant's request to the Planning Commission for review through PUD provisions. Mr. Sikora supported the motion. A Roll Call Vote was taken. The motion was approved 3 – 2.  
Yes: Mr. Sikora, Ms. Smith, Mr. VanderWeele. No: Mr. Anderson, Mr. Sterenberg

Ms. Johnston agreed she will inform the Planning Commission of the ZBA's request for them to consider reviewing the Sign Ordinance for text changes, possibly to provide a height requirement that is proportional to building height.

**SITE PLAN REVIEW: HURLEY & STEWART OFFICE ADDITION**  
**HURLEY & STEWART, LLC REQUESTED SITE PLAN APPROVAL FOR A 2,227**  
**SQUARE FOOT ADDITION TO THEIR EXISTING OFFICE BUILDING AT 2800**  
**SOUTH 11<sup>TH</sup> STREET, PARCEL NO. 3905-25-153-140.**

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

Ms. Johnston said the applicant was requesting site plan review for a 2,227 square foot addition to their existing office building located at 2800 South 11<sup>th</sup> Street. The subject property is approximately two acres in size and is the office location for the Hurley & Stewart civil engineering firm.

Located in the R-3: Residence District, she explained the proposed addition is a permitted by right under Section 23.202: Conversion of residence for office uses. This site was initially a residential home, which was converted to an office use in 2007, when the applicant purchased the property. In that same year, the Zoning Board of Appeals approved an addition to the building within the front yard. Their future plans at that time were to continue expanding in the front yard when the growth of their business warranted the construction. In 2014, they submitted a site plan for an expansion of their parking lot, which included eight deferred spaces.

Ms. Johnston said based on previous approvals and the current site plan, all requirements of the ordinance related to conversion of single-family homes have been met. The east facing façade continues to have a residential appearance, residential lighting is used on site, parking lot requirements and setbacks have been met, and all landscaping meets the requirements of Section 75.

She noted onsite vehicle parking will be located in the north side yard and rear yard. Staff calculated a minimum of 26 parking spaces required onsite, per Section 68.000: Off Street Parking Ordinance. The site plan provides 22 spaces, requesting four spaces continue to be deferred.

Ms. Johnston recommended approval of the building addition as requested, with the continued deferment of four parking spaces on site, saying Staff was satisfied the project site plan meets all ordinance requirements and the applicant complied with requests from the Fire Marshall.

Chairperson Sterenberg asked if Board members had questions.

In answer to a question from Mr. VanderWeele, Ms. Johnston explained the option to defer spaces over what is required by Ordinance can be granted by the reviewing body. In this case, previously, eight spaces were deferred; the applicant now wishes to continue to defer four of those eight spaces to accommodate future employees.

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

Ms. Laurie Davis, 2800 S. 11<sup>th</sup> Street, said she prepared the plans for the proposed addition and noted they have been in Oshtemo since 2007, have continued to grow and feels the addition will allow them to grow further.

Chairperson Sterenberg determined there were no public comments and moved to Board Discussion.

In answer to a question from Ms. Smith, Ms. Johnston explained that if the ZBA allows the parking deferment for four parking spaces and they are included on the site plan, they can be built at any time without returning to the Board for approval.

Chairperson Sterenberg asked for a motion.

Mr. Sikora made a motion to approve the site plan from Hurley & Stewart, LLC as recommended by Staff with inclusion of the four deferred parking spaces on site. Mr. Anderson supported the motion. The motion was approved unanimously.

### **Any Other Business**

Chairperson Sterenberg noted the Board is in need of an alternate member and encouraged applications.

### **ZBA Member Comments**

The Chair thanked Richland Township for a beneficial recent workshop.

Ms. Johnston said there may be an additional item for the July Board Meeting in addition to the tabled item.

### **Adjournment**

Chairperson Sterenberg noted the Zoning Board of Appeals had exhausted its Agenda. There being no other business, he adjourned the meeting at approximately 4:25 p.m.

Minutes prepared:  
June 27, 2018

Minutes approved:  
July 24, 2018