

**OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS**

MINUTES OF A MEETING HELD OCTOBER 25, 2016

Agenda

**PUBLIC HEARING: VARIANCE REQUEST (DAUSS ARCHITECTS ON BEHALF OF
GLR MICHIGAN #2), 5431 WEST MAIN STREET)**

**APPLICANT IS REQUESTING A VARIANCE FROM SUBSECTION 78.720 OF THE
ZONING ORDINANCE TO ALLOW THE PROPOSED SITE LIGHTING TO EXCEED
THE REQUIRED 0.1 FOOTCANDLES AT THE PROPERTY LINE. THE SUBJECT
PROPERTY IS ZONED C: LOCAL BUSINESS DISTRICT. (PARCEL #3905-13-401-
010.)**

A meeting of the Oshtemo Charter Township Zoning Board was held on Tuesday,
October 25, 2016, at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

ALL MEMBERS

WERE PRESENT:

Cheri Bell, Chairperson

Bob Anderson, Alternate

Nancy Culp

Millard Loy

Neil Sikora

L. Michael Smith, Alternate

James Sterenberg, Vice Chairperson

Also present were Julie Johnston, Planning Director, James Porter, Attorney,
Martha Coash, Meeting Transcriptionist, and three interested persons.

Call to Order and Pledge of Allegiance

Chairperson Bell 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 public comments on non-agenda items.

Approval of the Minutes of September 27, 2016

The Chairperson asked if there were any additions, deletions or corrections to the minutes of September 27, 2016. Hearing none, she asked for a motion of approval.

Mr. Sikora made a motion to approve minutes of September 27, 2016 as presented. Mr. Loy supported the motion. The motion was approved unanimously.

PUBLIC HEARING: VARIANCE REQUEST (DAUSS ARCHITECTS ON BEHALF OF GLR MICHIGAN #2), 5431 WEST MAIN STREET) **APPLICANT IS REQUESTING A VARIANCE FROM SUBSECTION 78.720 OF THE ZONING ORDINANCE TO ALLOW THE PROPOSED SITE LIGHTING TO EXCEED THE REQUIRED 0.1 FOOTCANDLES AT THE PROPERTY LINE. THE SUBJECT PROPERTY IS ZONED C: LOCAL BUSINESS DISTRICT. (PARCEL #3905-13-401-010.)**

Chairperson Bell said the next item was a request from Dauss Architects on behalf of GLR Michigan #2 for a variance to allow proposed site lighting at 5431 West Main Street to exceed the required 0.1 footcandles at the property line and asked Ms. Johnston to review the application.

Ms. Johnston explained the property owner will soon commence a façade update and other site improvements for their Burger King restaurant, located at 5431 West Main Street. As with the ongoing Wendy's restaurant rebuild immediately to the west, this project will include an update to the subject site's lighting. Also similar to Wendy's, the proposed new lighting exceeds the maximum 0.1 foot-candles at the site's boundaries as allowed in section *78.720 Outdoor Lighting Standards* of the Township's Zoning Ordinance. In order to provide adequate and safe lighting for this property, its owners contend, compliance with the light limits dictated by the ordinance is impractical, largely due to the property's relatively narrow width, which is 146 feet east to west. The total property is a little over one acre.

She indicated the subject property is located on the south side of West Main Street between Drake Road and US 131, situated within a busy commercial strip, and all surrounding land is similarly zoned as C: Local Business District. Nine properties in the Township have been granted lighting variances, seven of them along West Main Street. She distributed a revised photometric plan from the applicant that reduced the original request of 1.7 down to 1.2 resulting in foot-candle levels at the property lines as follows: east: 1.1, west: 1.0, south: .7, and north: .2. These levels are in line with what was recently approved for Wendy's.

Ms. Johnston said the revised request meets the Standards of Approval of a Nonuse Variance (practical difficulty) and recommended approval based on the following rationale:

- Granting relief from section 78.720 will not damage the public health, safety, welfare of the community, nor will it be out of character with the surrounding area as six other properties within close proximity have received a similar variance.
- The narrowness of the lot is a unique physical condition that is not self-created and makes compliance with the Ordinance burdensome.
- The Oshtemo Township Zoning Board of Appeals has granted similar relief in the past. Approving this application for a variance would ensure that standards are consistently being applied and substantial justice done.

Chairperson Bell determined there were no questions from the Board and asked if the applicant wished to speak.

Mr. Michael Dauss of Dauss Architects, Anderson Indiana, noted the upgrade in lighting is required by Burger King as part of a remodeling and said the lighting fixtures will be the same as those being installed by the neighboring Wendy's. They are rated at 85 watts instead of the 1000 watts of the current fixtures.

Chairperson Bell thanked Mr. Dauss for his comments and moved to Board Deliberations.

The Board confirmed the 1.2 foot-candle variance would be the same as that granted to Wendy's and reached consensus that granting the variance was appropriate according to the applicable Standards.

Mr. Loy made a motion to approve the variance request as presented, based on the recommendation and rationale from Staff regarding Standards of Approval. Mr. Sterenberg supported the motion. The motion was approved unanimously.

Any Other Business / ZBA Member Comments

Ms. Johnston reported no applications have been received to date that would require a meeting in November.

Chairperson Bell noted she and Mr. Loy would be leaving the Board as of the end of December and that the Board would need a new Chairperson.

Mr. Loy told the Board the recent open house at Drake Farmstead was a big success with 195 people in attendance.

Adjournment

The Chairperson noted the Zoning Board of Appeals had exhausted its Agenda, and with there being no other business, adjourned the meeting at approximately 3:20 p.m.

Minutes prepared:
October 27, 2016

Minutes approved:
December 20, 2016