

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

MINUTES OF A MEETING HELD OCTOBER 24, 2006

Agenda

VALUE PLACE HOTEL - SIGN DEVIATION- 1647 SOUTH 11TH STREET - (PARCEL NO. 3905-25-205-010)

GOLF RIDGE - SUPPLEMENTAL SETBACK VARIANCE AND SITE PLAN REVIEW - 5349 WEST MAIN STREET (PARCEL NO. 3905-13-405-029)

MCNEE - ACCESSORY BUILDING REVIEW - 10695 WEST MAIN STREET - (PARCEL NO. 3905-18-330-095)

A meeting of the Oshtemo Charter Township Zoning Board of Appeals was held on Tuesday, October 24, 2006, commencing at approximately 3:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Millard Loy, Chairman
Mike Smith
Roger Taylor
Dave Bushouse
Duane McClung

MEMBERS ABSENT: None

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Senior Planner; Brian VanDenBrand, Associate Planner; James W. Porter, Township Attorney; and approximately 5 other interested persons.

Call to Order

The Chairman, Millard Loy, called the meeting to order at approximately 3:00 p.m. He let those in attendance know that Item #4 was going to be removed from the Agenda, pursuant to the applicant's request. Ms. Stefforia indicated the applicant was not certain when she would return and so she would have to resubmit her request and the matter would have to be renoticed.

Minutes

The Chairman asked if the members had had an opportunity to review the minutes of September 26. Mr. McClung made a motion to approve the minutes as submitted. The motion was seconded by Mr. Smith. The Chairman called for a vote on the motion, and the motion passed unanimously.

VALUE PLACE HOTEL - SIGN DEVIATION- 1647 SOUTH 11TH STREET - (PARCEL NO. 3905-25-205-010)

The Chairman said the next item on the Agenda was a review of a deviation request from Sections 76.130 and 76.170 to allow a sign package where the freestanding sign exceeded the height and sign area limitations, and where the wall signs would exceed the mounting height and sign area limitations. He said the property is located at 1647 South 11th Street, Parcel No. 3905-25-205-010. The Chairman then asked to hear from the Planning Department. Mr. Brian VanDenBrand submitted his report dated October 24, 2006, and the same is incorporated herein by reference.

Mr. VanDenBrand reminded the Board that it had approved the site plan for the hotel on September 26, 2006. He also explained that the Planning Commission recommended approval of the preliminary plan review for the site condominium development and approved the special exception use for the private street on September 28, 2006.

Mr. VanDenBrand stated that this particular commercial use was allowed one wall sign per wall, equal to the square footage for each foot in length or height of the wall to which it is attached, whichever is greater, and that the maximum height for wall signs was 30 feet. He also explained that freestanding signs were permitted, but limited to 60 square feet and a maximum height of 20 feet. He also noted that 25% of the permitted sign area could be used for LED display or changeable copy subject to the restrictions of Section 76.410.

Mr. VanDenBrand told the Board that the applicant was seeking a deviation to allow the construction of a 50-foot tall freestanding sign measuring 250 square feet. He also said the applicant was seeking a deviation from the 30-foot height limitation for all wall signs and the square footage area for the wall signs facing east and west.

Mr. VanDenBrand then went through a review of the hotel/motel signs in the vicinity, placing each one in its historical context as it related to the Zoning Ordinance at that time, as more fully set forth in his report. Mr. VanDenBrand took the Board through

a review of the criteria for granting the deviation, again, as more fully set forth in his report.

The Chairman asked if there were any questions of Mr. VanDenBrand. Hearing none, he asked to hear from the applicant. Kyle Clements on behalf of Value Place LLC introduced himself to the Board. He thanked Staff for all of its assistance in reviewing and understanding the Township Ordinance. He said prior to looking at the site they had made their request for a higher freestanding sign. He said, however, after viewing the site, he felt a 30-foot freestanding sign would be appropriate and asked to amend his request accordingly.

Mr. Clements then provided the Board with a set of exhibits showing the representative samples of the proposed freestanding sign location on the property, as well as the locations of wall signs on the building. Mr. Clements said they were only requesting a 178.12 square foot sign if you measured it geometrically, rather than part of a larger rectangle. He said he thought this would allow them to be consistent with the size of the other signs in the area. He also pointed out that the actual wall signs they were proposing, again measured geometrically, really were only 89.07 square feet. He said this would allow them to maintain the appropriate visibility from US 131, which would provide for greater traffic safety, and the ability of travelers to see their signs from the highway. He said he also thought the wall signs needed to be larger to identify the building itself once someone had left the interstate. He noted there was no directional sign on 11th Street and thought, therefore, that the wall signs needed to be higher in order to accommodate the traveling public.

Mr. Clements said that Value Place was not a nationally recognized chain and that up to 70% of their traffic was impulse buy. Therefore, signs were very important to their business in order to compete with other hotels in the area and maintain viability. He said he thought their request was less than what had been granted to other hotels in the area.

Mr. Bushouse told Mr. Clements that he took exception to his statements regarding the percentage of impulse buyers coming to the area. He said when the previous Value Place representative appeared before the Board for site plan approval they were told it was a long-term hotel relying upon weekly patrons. Mr. Clements said the hotel serves both types of patrons, but that often people would purchase five nights at \$189 rather than a more expensive room for two nights which would exceed that amount.

The Chairman said he also wished to take issue with the statements made by Mr. Clements since the previous representative said there would not be any stays shorter than one week. The Chairman explained to Mr. Clements that the Board's site plan approval, particularly as it related to parking, was based upon the assumption that there

would not be a revolving clientele requiring many on-staff cleaning persons since the proposed parking would not accommodate such traffic. He said he thought that what Mr. Clements had just said with regard to Value Place was totally inconsistent with what had been previously stated.

Mr. Taylor joined Mr. Bushouse and the Chairman in expressing his concerns about what they had been told regarding the parking and the lack of short-term stays which would mitigate against the need for on-site cleaning staff.

Mr. Clements said he needed to clarify and stated that they only rented by the week whether a person stayed two days or five days.

The Chairman asked if there were any other questions of Mr. Clements. Hearing none, he asked the Staff how this particular sign would normally be measured under the Ordinance. Mr. VanDenBrand said it would basically be determined by drawing a rectangular box around the outer most portions of the sign. Ms. Bugge concurred by stating that sign area was measured using the continuous perimeter composed of any straight-line geometric figure which encloses the extreme limits of the advertising message along with the frame.

Mr. Bushouse told the applicant and the Board members that he thought the Township should try to maintain compliance with the Township Ordinance as much as possible. He said that the larger signs in the area predated the current Ordinance. He said, that to the extent that new signs were permitted, it was done with the goal of trying to reduce their overall size and bring them closer into compliance even if they were not brought totally into compliance. He said the Township had recently reduced permitted sign area, and he did not see any reason to allow this applicant to deviate from the sign requirements. Mr. VanDenBrand pointed out that the applicant could use the MDOT signs to assist in directing people to the facility from U. S. 131.

The Chairman asked if there were any comments from the audience before continuing with Board deliberations. Hearing none, the Chairman asked that the Board continue. The Chairman began by stating that he agreed with Mr. Bushouse's statements. He said he thought the signs certainly could comply with the Ordinance, and he saw no reason to exceed the wall height limitation for any of the signs. He also said he thought the 20-foot height for the freestanding sign was sufficient, given the elevation of the property and the relationship to US 131. The Chairman said he did think they needed a directional sign on 11th Street and thought if that was done there would not be a need to request an increase in the height of wall signs. The Chairman also noted that he was very uncomfortable with what Value Place had told them about their business practices in comparison to what Mr. Clements had told them regarding impulse buyers.

Mr. Smith said he agreed with some of the concerns raised by the Chairman, but given the other hotel/motel signs in the area, he did not see any reason why they could not go to 200 square feet but without any variance for the height of the freestanding sign.

Mr. Taylor said that there might be some basis for allowing them to increase the sign to compete with the other hotel/motel signs in the area, but he did not see any reason to allow an increase in the height of the pole sign. Mr. Bushouse said they had not allowed increased signage for Super 8, and they were using the MDOT signs to direct people to their facilities and they seem to be operating just fine.

Mr. McClung said that might work for Super 8, but that was on a state highway, not an interstate, and given the higher speeds and the traffic, he thought it would be safer to allow them to have a larger sign to identify themselves with the traveling public. He said he would not approve an increase in the height of the sign, nor would he recommend changing the wall sign requirements, but he said he did not see a problem with allowing them a larger sign along US 131. Ms. Stefforia pointed out that Super 8 was allowed a MDOT sign because they were on M-43 and such a sign would not be available to Value Place on 11th Street.

The Chairman said he understood the positions of the various Board members. He said he could consider, perhaps, 150 square feet, but would not want to go beyond that. Mr. Bushouse again reiterated his position that he thought they should make the applicant comply with the current Ordinance. Mr. Smith said he thought he could go along with what the Chairman was recommending and look at something more in the nature of 150 square feet. Mr. Bushouse pointed out that when Holiday Inn was approved, it was approved as a multiple unit complex, a motel, restaurant and a bowling alley. He said he did not think that looking at the Holiday Inn sign was relevant. Ms. Bugge pointed out that of the five hotel signs in the area, three did not comply, but two actually did comply with the Ordinance. Mr. Bushouse said the two which complied seemed to be viable, and he did not understand why there was a need to deviate from the Ordinance.

Ms. Stefforia asked the Board if it were to limit Value Place to 60 square feet, that it provide the Planning Department with some flexibility in measuring the sign, given its unique shape. She said if a box is drawn around the Value Place sign, given its configuration, it would look ridiculous and be nearly impossible to read. Mr. VanDenBrand asked if in the Board's discussion the 150 feet they were talking about was geometric square feet or the square footage of the sign as traditionally measured by Staff. Ms. Stefforia said she thought the Board would be justified in distinguishing this sign based upon the shape. The question then arose as to whether they would place the sign at the required 20 feet or higher. Mr. McClung raised a concern over visibility of the sign if it was only placed 20 feet above grade. Mr. Bushouse pointed out

the location of proposed signs on the site plan and said the topography would make the sign quite visible from either direction on U.S. 131. Mr. Bushouse again said he did not favor granting the deviation.

Mr. Clements pointed out, if there was a geometric analysis of the proposed sign, the smaller sign which was proposed would only be 105.19 geometric square feet. Mr. Clements then produced a scale drawing of the sign for the Board's review. Mr. Taylor said he thought he could accept a smaller sign. Mr. McClung said he thought that the smaller sign would be acceptable. The Chairman asked if the Board was to proceed on the freestanding and the wall sign separately. It was the consensus of the Board to take up the two issues individually.

Mr. McClung then made a motion to grant the sign deviation to allow the alternative sign proposed by the applicant; to-wit: the 105.19 geometric square foot sign, but with the 20-foot height limitation. The motion was seconded by Mr. Taylor. The Chairman called for a vote on the motion, and the motion passed unanimously.

The Chairman said the next issue to be determined was whether or not there would be any deviations allowed for wall signs. Mr. Taylor said he did not see any basis to allow for a deviation from wall sign height since the wall signs would be clearly visible over all surrounding structures. Mr. Bushouse said he saw no reason to increase the height or the size of the signs. The Chairman said he agreed with those comments. Mr. McClung then made a motion to deny the request for deviation from wall sign height and size of the wall signs as requested. The motion was seconded by Mr. Smith. The Chairman called for a vote on the motion, and the motion passed unanimously.

GOLF RIDGE - SUPPLEMENTAL SETBACK VARIANCE AND SITE PLAN REVIEW - 5349 WEST MAIN STREET (PARCEL NO. 3905-13-405-029)

The Chairman indicated the next item on the agenda was the supplemental setback variance request of Golf Ridge. However, he noted that the applicant had requested the matter be tabled. Ms. Stefforia again told the Board that the applicant was not sure when they would return. Therefore, the matter could not be tabled to a date certain, and the matter would have to be resubmitted for review.

Mr. Smith made a motion to table the matter until the applicant seeks further review. The motion was seconded by Mr. Taylor. The Chairman called for a vote on the motion, and the motion passed unanimously.

MCNEE - ACCESSORY BUILDING REVIEW - 10695 WEST MAIN STREET (PARCEL NO. 3905-18-330-095)

The Chairman said the next item up for consideration was review of a proposed accessory building on property where the aggregate area of the accessory buildings on the property exceed the ground floor area of the dwelling and where the new accessory building would be placed between the house and the street. He said the subject property was located at 10695 West Main Street, Parcel No. 3905-18-330-095. The Chairman asked to hear from the Planning Department. Mr. VanDenBrand submitted his report to the Planning Department and the same is incorporated herein by reference.

Mr. VanDenBrand told the Board that the applicant would like to construct a 40' by 60' building, with a total ground floor area of 2,400 square feet. Mr. VanDenBrand said, because of the Ordinance requirements, Zoning Board of Appeals' approval was necessary. He explained that the property currently contained a 670 square foot detached garage and a 1,200 square foot barn. He stated that, with the additional accessory building, the aggregate area of all of accessory buildings would increase to 4,272 square feet, thereby exceeding the 1,188 square foot area of the residence. He said the applicant had indicated that the barn might be demolished, which would reduce the aggregate area of the accessory buildings to 3,072 square feet. Mr. VanDenBrand then took the Board through a review of Section 78.820, as more fully set forth in his report.

The Chairman asked if there were any questions of Mr. VanDenBrand. Hearing none, he asked to hear from the applicant. Mr. Ed Santora introduced himself to the Board. He said he was Mr. McNee's brother-in-law and that he planned to purchase the property in approximately a year from his sister and brother-in-law. He apologized for not obtaining a permit for construction of the pole barn, but was told by his father-in-law that because it was a kit building, no permit was required. He again apologized for his error.

Mr. Santora explained where the existing garage was on the building and where he wanted to place the additional structure. He noted that the red barn was really in bad shape and would eventually be removed. He said they currently needed storage and would like to try and complete the structure before winter. Mr. Santora asked if there would be a possibility of the fire department burning the structure down. Mr. Bushouse explained that could be somewhat troublesome in that, given its poor condition there would be no benefit to the Township for training purposes.

The Chairman asked if the use of the building was strictly for personal use and personal storage. Mr. Santora assured him that it was.

Mr. McClung asked if counsel would explain the requirement to execute a written agreement for structures of this kind. Attorney Porter noted that the Township now required the execution of a written agreement by the property owner which could be

recorded with the register of deeds to provide written evidence to any subsequent purchaser that the building could never be used for commercial purposes. Mr. Santora said he did not think there would be a problem in complying with that request. Mr. Santora asked if having a race car would be a violation. The Board indicated that as long as it was a hobby, it would not be a problem, but that he could not run any type of business from the proposed structure.

Mr. Bushouse suggested perhaps allowing them to put the building up, but not allow occupancy until such time the barn was removed. Mr. Santora expressed some concern over that proposal, given the cost of demolition and removal of the structure. The Chairman said, given Mr. Santora's statements regarding the building, he thought the barn at least needed to be torn down so that it was no longer an attractive nuisance to children in the area. He said perhaps they could allow occupancy for a limited period of time before removal of the demolition. After further discussion with the Board, Mr. Smith made a motion to approve the request, on the following conditions:

1. The property owners and Mr. Santora execute the appropriate deed restrictions limiting the structure to personal use.
2. The existing barn be torn down.
3. Steady progress be made toward removal of the debris of the existing barn once torn down.

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

Other Business

Mr. VanDenBrand told the Board an applicant had requested a special meeting to consider an accessory building review under the Ordinance. After a brief discussion, it was the consensus of the Board to convene that meeting on November 3, 2006, at 4:00 p.m.

Adjournment

There being no further business to come before the Zoning Board of Appeals, the Board adjourned at approximately 4:25 p.m.

OSHTEMO CHARTER TOWNSHIP
ZONING BOARD OF APPEALS

By: Millard Loy, Chairman

By: Mike Smith

By: Roger Taylor

By: Duane McClung

By: Dave Bushouse

Minutes Prepared:
November 7, 2006

Minutes Approved:
_____, 2006