

<p>CITY OF KALAMAZOO ZONING BOARD OF APPEALS ANNUAL REPORT 2006</p>
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Mission:

Balance protection of the public interest through zoning regulations with property rights of landowners.

Purpose:

The Zoning Board of Appeals is a required appeal mechanism established by the zoning enabling acts of the State of Michigan. Any community adopting a zoning ordinance must also establish an appeals board for review of circumstances where landowners may be unjustly burdened by the zoning ordinance.

Summary of 2006 Activity:

The following is a summary of the Zoning Board of Appeals activities during the 2006 year. There were no requests involving interpretations, administrative appeals or temporary uses. Only use variances and dimensional variances. A total of forty-seven (47) requests were brought before the Zoning Board of Appeals.

	APPROVED	DENIED	TOTAL
Use Variances	8	1	9
Dimensional Variances	31	7	38
			47

New Initiatives Undertaken:

The updated Zoning Ordinance adopted by the City Commission on July 18, 2005 went into effect on October 18, 2005. 2006 represents the first full calendar year under the updated Zoning Ordinance.

Observations:

- 1) The number Temporary Use requests dropped to zero with the implementation of an administrative review and approval process.
- 2) Dimensional Variance Requests (Non-Use) increased 29% over 2005. The reason for this was the reduction in the sign allowance for the commercial zoning districts and the updated Zoning Ordinance does not allow for the change sign faces in nonconforming signs.
 - a. Amendments have been prepared and will be going before the Planning Commission in February concerning the following sign related matters:
 - Allow larger signs in the CN-1 and CMU districts. Many variances have been requested for larger signs in these districts. **Recommendation:** In Table 7.3-2: On-Premises Signs in Nonresidential Districts, move the CN-

1 and CMU districts into the CO, CN-2, and PUD Districts category to allow larger signs.

- The RMU district is not addressed in the sign regulations chapter.
Recommendation: Add the RMU district to the CNO, P, and IC district category in Table 7.3-2.
- Eliminate cap on combined wall signage in specific zoning districts. For large commercial establishments, such as the K-Mart plaza on Stadium Drive, limiting combined wall signage to 200 square feet is too burdensome. **Recommendation:** In the wall signs category in Table 7.3-2 for the CC, CCBD, CBTR, M-1 and M-2 districts, remove the language “not to exceed 200 square feet for all establishments in a building.” Add language, “*No single wall sign shall exceed 200 square feet on a site.*” .

Allow more wall signage in the CCBD zone for buildings over four stories in height. **Recommendation:** In the wall signs category in Table 7.3-2, add the following language; “*In the CCBD district, buildings over four stories in height are allowed to have an additional amount of wall signage equal to no more than five (5) percent of the total area of each building façade that faces a public street. The additional wall signage must be located on the street facing façade. No single wall sign shall exceed 200 square feet.*”

- 3) Use Variance requests remained the same as 2005. However there was a slight increase in approval of use variances, which appears to be tied to the mixed-use requirements for the commercial zoning districts. These regulations require that the ground floor level of a building in a commercial zoning district be used for commercial purposes.

Important Decisions Rendered:

There were no decisions rendered in 2006 that have a significant impact on the Zoning Ordinance. A breakdown of the approved use variance requests is as follows:

1. Approved an apartment building with no commercial use on the ground floor in Zone CN-1
2. Approved a sign for a legal nonconforming business (Sharp Smile Center), in Zone RM-15
3. Approved a parking lot as a permitted principal use in Zone CN-1
4. Approved an apartment building with no commercial use on the ground floor in Zone CC.
5. Approved a new restaurant (Rally’s) with no sit down facilities in Zone CMU.
6. Approved a parking lot expansion that extended on to a vacant lot in Zone RM-36.
7. Approved an expansion of legal nonconforming business (H & H Painting) in Zone CN-1.
8. Approved an expansion of a business (Farm N’ Garden) onto adjacent property in Zone RM-15.

Status of Projects Previously Reported to the City Commission:

No active projects at this time.