

<p><b>CITY OF KALAMAZOO</b>  <b>COMMUNITY PLANNING &amp; DEVELOPMENT DEPARTMENT</b>  <u><b>ZONING BOARD OF APPEALS</b></u>  <b>ANNUAL REPORT</b>  <b>2007</b></p>
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**Introduction**

The Zoning Board of Appeals (ZBA) is a quasi-judicial body, whose mission is to balance protection of the public interest through zoning regulations with property rights of landowners.

**Purpose**

The ZBA is a required appeal mechanism established by the State of Michigan’s Zoning Enabling Act of 1921 (last revised 2006). Any community adopting a zoning ordinance must also establish an appeals board of review for circumstances in which landowners may be unjustly burdened by the ordinance.

**Membership**

Other than residency, the ZBA has no specific membership requirements. However, staff and ZBA members work together to maintain a full membership that brings expertise, professionalism, and a broad geographic cross-section of the community to the decision-making process. The ZBA includes 6 members and 2 alternate positions, with quorum being 4 members. The alternate positions are intended to ensure that a full board is present at each meeting so that regular business can be conducted in a timely manner. 2007 Membership included:

<u>Name</u>	<u>Position</u>	<u>Term</u>
David Artley	Chair	First full term
Karl Freed		Partial term
Karl Guenther	Secretary	First full term
Rachel Hughes-Nilsson	Vice-Chair	First full term
Charles Martell	Alternate #1	Partial term
Albert Robitaille		First full term
Thomas Stolz		First full term
Vacant	Alternate #2	

**Meetings**

The ZBA meets on the second Thursday of the month at 7:00pm at City Hall. In 2007, 11 meetings were held by the ZBA.

**Summary of 2007 Activity:**

The following is a summary of the ZBA 2007 activities. There were no requests involving administrative appeals or temporary uses. Only use variances, dimensional variances and interpretations. A total of 34 requests were brought before the ZBA.

	<b>APPROVED</b>	<b>DENIED</b>	<b>TOTAL</b>
<b>Use Variances</b>	7	5	12
<b>Dimensional Variances</b>	15	6	21
<b>Interpretations</b>	1	0	1
<b>Total</b>	<b>23</b>	<b>11</b>	<b>34</b>

### **New Initiatives Undertaken:**

The City Commission adopted amendments to the Zoning Ordinance on 03/19/07, which went into effect on 04/01/07. Some of these amendments were identified because of numerous dimensional variance requests being received by the ZBA. Several of these examples are listed below:

- In Table 7.3-2: *On-Premises Signs in Nonresidential Districts*, the CN-1 and CMU districts have been moved into the CO, CN-2, and PUD Districts category, to allow more signage for developments in these zoning districts.
- The RMU District was added to the sign regulations chapter under the CNO, P, and IC district category in Table 7.3-2.
- In the wall sign category in Table 7.3-2 for the CC, CCBD, CBTR, M-1 and M-2 districts, the language “not to exceed 200 square feet for all establishments in a building” was removed and this language was added, “No single wall sign shall exceed 200 square feet on a site.” Additionally, the following language was added; “In the CCBD district, buildings over four stories in height are allowed to have wall signage equal to no more than five 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.”

### **Important Decisions Rendered**

There were no decisions rendered in 2007 that have a significant impact on the Zoning Ordinance. A breakdown of the approved use variance requests is as follows:

1. Expansion of the Hicks Student Center at Kalamazoo College in Zone RM-36.
2. Reuse of a nonconforming duplex in Zone RS-5
3. Construction of a church parking lot on vacant property in Zone RS-5.
4. Reuse of a nonconforming commercial building as an art studio in Zone RM-15.
5. Reuse of a nonconforming commercial building for a catering business in Zone RM-15.
6. Reuse of a nonconforming three-unit dwelling in Zone M-1.
7. Reuse of a nonconforming gas station in Zone CN-1.

### **Interpretation Request**

On 11/08/07 the ZBA reversed the interpretation by city staff that stated W. M. Spaman Jeweller was categorized as a “Retail Sales and Service” business and not considered a permitted use in the Commercial Office (CO) District. Therefore, W.M. Spaman Jeweller was allowed to relocate from 112 W. South Street to 813 W. South Street as a permitted use in the CO District.

### **Other Observations**

- The number of Temporary Use requests before the ZBA remained at zero for the second straight year, since the implementation of the administrative approval process for temporary uses in the 2005 Zoning Ordinance update.

- Use variance requests have increased 25%, from nine requests in 2006 to 12 requests in 2007. This is attributed to reuse of vacant structures and redevelopment of abandoned properties. Additionally, the regulation that no new residential dwelling units are allowed in the M-1 and M-2 Districts has also brought about one request.
- Dimensional variance requests have decreased 55%, from 38 in 2006 to 21 in 2007. This is attributed to the Zoning Ordinance amendments adopted in March 2007 that changed the sign regulations which apply to several commercial zoning districts.