

**MINUTES  
CITY OF KALAMAZOO  
ZONING BOARD OF APPEALS  
May 14, 2009 - 7:00 p.m.  
CITY COMMISSION CHAMBERS**

**Members Present:** David Artley, Karl Guenther, Rachel Hughes-Nilsson, Karl Freed, Doris Jackson

**Members Absent:** Richard Schau (alternate)

**City Staff:** Pete Eldridge, Project Coordinator; John Kneas, Assistant City Attorney; Amy Thomas, Recording Secretary

**Chair Artley called the meeting to order at 7:03 p.m.**

**MINUTES**

**Mr. Guenther, supported by Ms. Hughes-Nilsson moved to approve the minutes of March 12, 2009 as submitted.**

**Motion approved by voice vote unanimously.**

**NEW BUSINESS:**

**PUBLIC HEARINGS:** Chair Artley summarized the process and explained the Zoning Board of Appeals public hearing rules of procedures stating that a full board consists of six members and that approval requires four affirmative votes. If only four members are present the applicants would have the option to hold their requests over to the next meeting or present their requests with the hopes of getting all four affirmative votes.

Mr. Guenther read the application for 3513 Gembrit Circle, CCN# 06-36-218-028:

**ZBA# 09-05-06: 3513 Gembrit Circle: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by BFI Waste Services of Western Michigan. The request concerns the property at 3513 Gembrit Circle, which is situated in use Zone M-2 (Manufacturing – General District). The request, if approved, would authorize a dimensional variance from Chapter 5, Section 5.2, to allow for 83% impervious cover for a parking lot expansion, where 80% impervious cover is the maximum allowed in the M-2 District.**

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above. There were 14 notices of public

hearing sent and one response was received in support from Edwin Bos, President of the Worldwide Lab Improvement.

Don Pizzurro, Operations Manager for BFI Waste Systems, stated they purchased the property across the street from the business in order to expand. Mr. Pizzurro stated they lack the necessary amount of parking spaces for all 125 of their employees. With the lack of employee parking there's no space for customers to park. BFI Waste Systems has proposed to put in 49 parking spots across the street.

Mr. Visel, Mr. Pizzurro's associate, stated he laid out the parking lot, but they couldn't meet the green space requirements forcing them to seek a variance for the 49 parking spots. Due to the layout of the operations, the drive approach is located to allow a truck turning radius that is safe and efficient. The City Engineer had required a right turn only be in this location due to the existing street layout. Mr. Visel stated they lose seven parking spaces through this design. The property is currently 83% impervious surface.

Mr. Eldridge commented he appreciated their efforts in trying to restore the curb lawn on the corner.

There were no comments from the public.  
Chair Artley closed the public hearing.

## **FINDING OF FACT**

Ms. Hughes-Nilsson moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 3513 Gembrit Circle shall include all information included in the notice of public hearing dated April 29, 2009.
- 2.) Fourteen notices of public hearing were sent and one response was received and read into the record.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter from Edwin Bos, President of the Worldwide Lab Improvement, in favor of the request.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Don Pizzurro spoke on behalf of the application stating they had purchased the property in order to gain additional parking spaces. They have 125 employees and there are currently not enough parking spaces for customers. With the current changes their making to the existing property they weren't able to

add the additional parking spaces on their property, so they purchased the property across the street. Allen Visel stated that the owner was relocating a scale to this location and that would alter the existing parking as well. The drive approach is located upon the truck turning radius. The City Engineer had required a right turn only be in this location due to the existing street layout. With these changes they lose seven parking spaces in that area. The parking across the street will be altered so the existing paving in the setback will be removed and turned into a green belt to help improve the impervious surface in that area. City staff stated they appreciated the creation of a green belt around the parking lot.

**Mr. Freed supported the Finding of Fact.**

**Motion approved for the Finding of Fact by voice vote unanimously.**

**Ms. Hughes-Nilsson moved to approve the application, supported by Mr. Karl Freed.**

Chair Artley questioned Mr. Visel if he had anything further to say to the Board. Mr. Visel commented, by restoring the green belt along the frontage of the current property it would bring the curb lawn back into code, if it were to be included proportionally with the private property. The site would be in compliance with the impervious cover requirements.

Chair Artley commented he felt that the granting of this variance would not adversely affect adjacent land in a material way. With the commitment to the green space it's generally consistent with the intent of the ordinance and he would be voting in favor.

**Motion approved by roll call vote unanimously.**

Mr. Guenther read the application for 517 E. North Street and 520 E. Frank Street, CCN# 06-15-259-012 and 06-15-259-018:

**ZBA# 09-05-07: 517 E. North Street and 520 E. Frank Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Life E.M.S. of Kalamazoo, Inc., on behalf of the property owner M & M Holdings, LLC. The request concerns the properties at 517 E. North Street and 520 E. Frank Street, which are situated in use Zone CMU (Commercial – Mixed Use District). The request, if approved, would authorize a dimensional variance from Chapter 5, Section 5.2, to allow for 77.5% impervious cover for a building addition, where 65% impervious cover is the maximum allowed in the CMU District.**

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above. There were forty notices of public hearing sent and one response was received in favor from Reta Corsi.

Juliana Garner, Architect with Byce and Associates, and Mark Roys, the Project Manager with the CSM Group, were present on behalf of Life E.M.S. of Kalamazoo to represent the request.

Mr. Roys stated the request is an attempt to meet the parking requirements upon expansion of the current facility. Life E.M.S. plans to remove the existing parking garage and expand that area. They've purchased and combined the adjacent property. This left an "L" shaped property and they have a greater need than average for parking due to the ambulances also.

Ms. Garner stated the current developed area has an impervious area of 73.4% in comparison to the request of 77.5%, which is only about a 4% difference.

Bobby Jones, 3108 Briarwood stated his mother lives at 526 E. Frank and they had concerns regarding this request. Chair Artley clarified they weren't really for or against the request. Mr. Jones just wanted to know what affect this would have on his mother's property.

Mr. Eldridge commented the property adjacent to 526 E. Frank would be at least five feet off that property line with shrub plantings in the green strip between the parking lot and the property line. In addition, a new fence would be constructed along the property line. All the lighting would be shielded down and have sharp cut-offs. Mr. Eldridge commented this project was still in site plan review and must meet all the zoning ordinance requirements; including the lighting, planting and screening requirements. This hearing is regarding the impervious coverage variance only.

Ms. Garner commented their adding a drive on Frank St. Currently the ambulances would come in from North Street and circle around to the overhead doors on the back of the building. In the future the ambulances will come in through Frank St. where there are two carports or they can pull into the building.

Chair Artley closed the public hearing.

## **FINDING OF FACT**

Mr. Freed moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 517 E. North Street and 520 E. Frank Street shall include all information included in the notice of public hearing dated April 29, 2009.
- 2.) Forty notices of public hearing were sent and one response was received in favor from Reta Corsi of 417 E. North Street. A public hearing was held before the board and public comments were accepted.
- 3.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a written response letter from the architect.
- 4.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Juliana Garner, Architect, spoke in favor explaining the difference between the existing situation and the proposed development. Mark Roys explained the

requested variance needed to provide the required parking. Bobby Jones spoke and asked questions regarding his mother's property at 526 E. Frank Street and the impact on her house regarding lighting and traffic. Mr. Eldridge explained the impacts of the development and indicated that Mr. Jones could stop down at his office and look at the site plan as it gets developed. Ms. Garner explained further the development impact Mr. Jones had asked about regarding the lighting on the site and explained the lighting requirements included in the site plan review.

**Ms. Jackson supported the Finding of Fact.**

Ms. Jackson asked Mr. Eldridge to clarify to Mr. Jones what impervious meant. Mr. Eldridge replied it's the cover on the property that doesn't allow saturation of the soil. Mr. Eldridge commented they used to calculate the amount of open space grass areas, now they turn that standard around and count the areas that are improved upon. Where there's walk ways, concrete surfaces, asphalt, drives and parking areas.

Ms. Jackson asked for clarification on what the percentage of paving and relief they were asking for. Mr. Eldridge commented the standard in this district is 65% and the site is already at 73 approximately, the applicant is asking to go to 77.5% coverage in the expansion to remain in this location. It is a 12.5% variance.

Mr. Freed questioned if the roof varying was included. Mr. Eldridge replied it pertains to the foot print of buildings and other areas covered. Mr. Eldridge stated a request from 2006 for MacKenzie's Bakery addition on the corner of Harrison and Ransom was granted for a variance of 87% impervious cover. The Planning staff is looking closely at the density and whether the 65% is a number they want to maintain in the future or consider changing.

**Motion approved for the Finding of Fact by voice vote unanimously.**

**Mr. Freed moved to approve the application, supported by Ms. Jackson.**

Mr. Freed stated it's an existing situation with the hardship being sought for a variance that wasn't being brought on by the owner, but has existed for years. It meets the intent of the ordinance by reuse and expanding a business within the city. It won't have any undo hardships on adjacent properties. Mr. Freed stated he would be voting in favor.

Chair Artley stated the granting of this variance would still ensure the spirit of the ordinance and substantial justice would be done.

**Motion approved by roll call vote unanimously.**

Mr. Freed moved to adjourn the meeting and was supported by Mr. Guenther.

**ADJOURNMENT**

**The meeting was adjourned at 7:36 p.m.**

**Submitted By** \_\_\_\_\_ **Date** \_\_\_\_\_

**Reviewed By** \_\_\_\_\_ **Date** \_\_\_\_\_

**Approved By** \_\_\_\_\_ **Date** \_\_\_\_\_