

**MINUTES  
CITY OF KALAMAZOO  
ZONING BOARD OF APPEALS  
FEBRUARY 8, 2018 - 7:00 p.m.  
CITY COMMISSION CHAMBERS**

**Members Present:** Matt Lager, Reed Youngs, Chris Flach, Christina Doane, Jeff Carroll

**Members Absent:** James Houston

**City Staff:** Pete Eldridge, Zoning Administrator; Clyde Robinson, City Attorney;  
Deanna Benthin, Recording Secretary

**Chair Lager called the meeting to order at 7:00 p.m.**

**MINUTES:**

**Mr. Youngs moved to approve the minutes of January 11, 2018 as submitted, seconded by Mr. Carroll.**

**Motion approved by voice vote unanimously.**

**NEW BUSINESS:**

**PUBLIC HEARINGS:** Chair Lager 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. Carroll read the application for 2103 S. Burdick Street, Parcel #06-27-178-007:

**ZBA# 18-01-01: 2103 S. Burdick Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Kelly Nyguyen of Nonla Burger. The request concerns the property at 2103 S. Burdick Street, which is situated in use Zone CN-1, Commercial – Neighborhood District. The applicant is requesting a dimensional variance from Chapter 12, Section 12.3, to allow a wall sign to remain which projects 26 inches from the building and is mounted off the corner of the building, where a wall sign is defined as having a sign face projecting not more than 18 inches from the building and the sign face must be on a parallel plane with the exterior surface of the building.**

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 sixty-seven notices of public hearing sent and zero responses were received.

Kelly Nguyen stated they requested a sign permit, but didn't understand they couldn't have the sign the way they installed it. It's only a six inch difference and is a very subtle sign. She gave examples of other similar signs in the area like theirs. She stated the sign was securely installed the same way as on their other building and they've had no problems with that sign.

Mr. Carroll questioned the other signs referred too and if they had variances. Mr. Eldridge stated one sign was the KD Sales sign and the building has a zero setback, the sign falls under a old program they had for projecting signs in the right of way, it's a legal non-conforming sign. Those signs are now only allowed in the Commercial Central Business District Downtown since 2005, the same for the sign for La Hispanica; they pay a \$40 fee annually for having a sign projecting over the City property. The Nguyen's sign is different; it only projects from the building, not over the City's property.

Mr. Youngs commented on similar signs on Portage Street, where Jersey Giants, Community Promise Credit Union, and a couple projecting signs across the street were approved.

Chair Lager questioned why they chose to place the sign in that location. Mrs. Nguyen stated for visibility from both streets, and to save money on buying two signs. Chair Lager stated it doesn't impede any parking spaces either.

Mr. Carroll questioned why they don't want a larger sign. Mrs. Nguyen stated too keep the sign subtle and maintain consistency with their other business.

Mr. Eldridge commented the parking is tight at the location; the sign on the wall is conducive to the site. They could place a sign on both frontages since they have a double frontage. This type of signage is urban in character and it only projects off the building, not over a sidewalk.

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

## **FINDING OF FACT**

Ms. Doane moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 2103 S. Burdick Street shall include all information included in the notice of public hearing dated December 27, 2017.
- 2.) Sixty-seven notices of public hearing were sent and zero responses were received.
- 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.
- 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: Kelly Nguyen stated she didn't know about the rule when they placed the sign. She gave examples in the same neighborhood of other similar signs. Mr. Eldridge stated their sign is different than other examples since it doesn't project over the right of way. They mentioned other businesses in the Washington Square area that have similar signs. Mr. Eldridge stated they could put more signage up per the ordinance; this sign is minimal in comparison and is more fitting to the property than a larger sign. The sign is not seen as a detriment to the local community.

**Mr. Youngs seconded the Finding of Fact.**

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

**Mr. Youngs moved to approve the application, seconded by Ms. Doane.**

Mr. Youngs reviewed the criteria conditions that must be met to qualify and stated the granting of the variance won't adversely affect adjacent land negatively. The sign is proportionate to the building and he's in favor.

Chair Lager stated he was in favor, due to the small size of the building and parking lot; the sign doesn't interfere with anything and fits with the character of the area.

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

Mr. Carroll read the application for 1001 W. Maple Street, Parcel # 06-28-221-001:

**ZBA# 18-02-03: 1001 W. Maple Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Sign Art Inc. on behalf of the YMCA. The request concerns the property at 1001 W. Maple Street, which is situated in use Zone RM-15, Residential – Multi Dwelling District. The applicant is requesting a dimensional variance from Chapter 7, Section 7.3 A, to install a 24 square foot wall sign, where in Zone RM-15 a special use such as the YMCA is allowed a 32 square foot freestanding sign only with no allowance provided for wall signage.**

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 thirty-eight notices of public hearing sent and zero responses were received.

Steve VanderSloot of SignArt representing the YMCA, stated he personally went to activities and worked there when he was younger. The YMCA is a bit antiquated and they want to upgrade their sign on the addition. There's a wall sign stipulation in the RM15 zone district where the YMCA is located. Mr. VanderSloot stated in the early morning hours the YMCA wants a lighted sign there at their main entrance.

Chair Lager questioned the building location. Mr. Eldridge clarified it's the Maple Street drop off lane. Mr. VanderSloot stated it's a drive up and drop off lane only, there's no parking. The actual entrance is off Hudson Drive where the sign faces. Coming to the YMCA in the evening you want to park where the sign is located. They discussed the existing monument sign also.

Mr. Eldridge questioned if there would be any more signage coming down the road. Mr. VanderSloot stated the YMCA has a new CEO, he has not heard anything mentioned to him about additional signs.

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

### **FINDING OF FACT**

Mr. Flach moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 1001 W. Maple Street shall include all information included in the notice of public hearing dated January 24, 2018.
- 2.) Thirty-eight notices of public hearing were sent and zero responses were received.
- 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.
- 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: Mr. VanderSloot of SignArt, representing the YMCA stated he had good experiences with the YMCA and this would be value added to the community. He stated the sign would be facing Hudson Street and for directing patrons to the entrance. The sign will be illuminated, since the YMCA is open early in the morning and in the evenings. Mr. Eldridge asked if there would be any other perceived new signs to be

added. Mr. VanderSloot stated he couldn't foresee the future, but nothing has been proposed at this time.

**Mr. Carroll seconded the Finding of Fact.**

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

**Mr. Youngs moved to approve the application, seconded by Mr. Carroll.**

Chair Lager reviewed the criteria conditions that must be met to qualify and stated he was in favor. He stated there are special circumstances; the YMCA is a landmark in the area nestled in a residential area, with a church and a middle school nearby. The use of the property necessitates a sign.

Mr. Flach questioned if another sign could be installed since they are on a corner. Mr. Eldridge stated yes, but he referred to the comments made by Chair Lager for the need for an identifier for the entrance to the building. There is an allowance for an identification sign on each frontage. Mr. Flach clarified they could have this variance approved and then install a monument sign. Mr. Eldridge replied correct, the Board could grant conditions with the variances, with no additional signs on the street frontage. Mr. Eldridge clarified the sign could be six foot in height and thirty-two square foot. Chair Lager prefers not to add conditions, that's not the request before them and the YMCA hasn't mentioned adding another sign.

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

Mr. Carroll read the application for 3406 Stadium Drive, Parcel #06-30-241-005:

**ZBA# 18-02-04: 3406 Stadium Drive: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Roy Meyer of Meyer Wood Products. The request concerns the property at 3406 Stadium Drive, which is situated in use Zone CC, Commercial – Community District. The applicant is requesting the following: 1) A variance from Chapter 4, Section 4.3 J, to authorize Meyer Wood Products to display and sell sheds and other wood products in the parking lot of 3406 Stadium Drive for a period of six months (April 1, 2018 to September 30, 2018) where a maximum of 30 days is permitted per calendar year for a Temporary Sales or Service use; and 2) A dimensional variance from the sign provisions for a Temporary Sales or Service use to authorize a double sided 32 square foot sign where only eight square feet is permitted for a Temporary Sales and Service use.**

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 nineteen notices of public hearing sent and zero responses were received.

Roy Meyer, owner of Meyer Wood Products stated he's requesting a variance; he wants to expand his sales. He gave his wood working background history, stating there will be approximately thirty to forty buildings there. He sells docks, gazebo's yard swings, sheds, back yard furniture and Amish furniture. The property at Wayside is a heavy traffic area, sheds, garages, it's a growing business and he needs that display area. He currently has a

display area on South Westnedge in Portage. He stated he has a sign issue, and is asking for a thirty-two square foot sign for his name and website to be displayed. He will man the site for twenty to thirty hours to greet people, and then they would go to Paw Paw to design and order the shed.

Chair Lager questioned where the location in Portage was. He stated it was by Habitat for Humanity, he leases there for six months, and he uses an existing sign slot for signage there. The demand is there for more sheds. He has a couple locations he leases year round. Mr. Eldridge requested a greeter be on site, to check the doors, mow, and keep trash picked up.

Mr. Carroll questioned if it's a temporary use. Mr. Meyer stated he's been trying to sell his business for over ten years. He won't buy the property, it's too expensive, but it's better to have something on the property than have a vacant lot. Chair Lager questioned the need for a thirty-two square foot sign. Mr. Meyer stated all his other locations have the thirty-two square foot signs, and it makes them legible. Mr. Meyer stated Plaza Corp has two signs existing, but he hasn't asked if he can use one.

Mr. Carroll questioned what zone district would allow for him to not have to request a variance. Mr. Eldridge clarified the zones allowed for an outdoor display of products. Mr. Eldridge stated the City could approve a temporary use for up to thirty days, if more than thirty days it has to go before the ZBA. Mr. Carroll questioned if the applicant has to come before the Board every year. Mr. Eldridge stated yes, the Board likes the applicant to come back, and then they can address any issues that have occurred. It's not an annual approval to operate; it's only for six months in 2018. Mr. Eldridge commented the Planning Staff would not support more than six months for a temporary use, if more than that they needed to go through a site plan review. They've approved food trucks, BBQ stands, fireworks sales, flower sales, and only the fireworks stand was granted a variance for a larger sign. They discussed the hardship for granting a fireworks stand for a six month period, due to hazardous conditions and security issues.

Mr. Eldridge commented Mr. Meyer's main office is in Paw Paw, but he has other satellite locations. Mr. Eldridge commented he'd spoken to Mr. Meyer about removing trash, keeping the site clean, issues with the homeless population, having a sales person on site would help deal with those issues.

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

## **FINDING OF FACT**

Mr. Youngs moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 3406 Stadium Drive shall include all information included in the notice of public hearing dated January 24, 2018.
- 2.) Nineteen notices of public hearing were sent and zero responses were received.

- 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.
- 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: Roy Meyer of Meyer Wood Products is looking to expand his business with a new temporary sales location. He explained the sign issue with requesting a thirty-two square foot sign and will be the same size as his other locations. He will have an on-site sales person for twenty to thirty hours a week.

**Mr. Flach seconded the Finding of Fact.**

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

**Mr. Youngs moved to approve the application for part 1) A variance from Chapter 4, Section 4.3 J, to authorize Meyer Wood Products to display and sell sheds and other wood products in the parking lot of 3406 Stadium Drive for a period of six months (April 1, 2018 to September 30, 2018) where a maximum of 30 days is permitted per calendar year for a Temporary Sales or Service use seconded by Mr. Flach.**

Chair Lager reviewed the criteria conditions that must be met to qualify and stated he was in favor. He discussed the nature of Stadium Drive. It's a vacant property currently; it's the minimum action to make use of the property.

Mr. Youngs stated he was in favor, it serves a dual purpose, and it helps the applicant and landowner.

Mr. Eldridge stated the temporary use requirements are different. He spoke to Staff having done a review. It states only an eight foot sign is allowed under this use.

Mr. Flach stated everyone wins in this request, the community and the owner.

**Roll call vote:**

**Yes: Flach, Lager, Youngs, Doane**

**No: Carroll,**

Ms. Doane wanted to question the applicant if it was his intention to request this variance every year. Mr. Eldridge discussed how to move forward since a motion was on the table.

Attorney Robinson stated when following Roberts Rules of Order there is a caveat to the rules, stating however, parliamentary procedures shall be flexible, and may be adjusted at the Chairs discretion, as determined by the ZBA, however no rules shall be adopted that are inconsistent with the rules of the ZBA, if there is a question, it should have been during the discussion, when there is a vote on the table, it's too vote.

Mr. Flach questioned the applicant if he would return next year. Mr. Meyer commented he would return next year and request a second year if the lot was still vacant and available, stating he'd be creating more jobs in the community. Mr. Eldridge stated if there we're issues that had occurred on site, it would be brought up at that time.

**Motion approved by roll call vote.**

**Mr. Youngs moved to approve the application for part 2) a dimensional variance from the sign provisions for a Temporary Sales or Service use to authorize a double sided 32 square foot sign where only eight square feet is permitted for a Temporary Sales and Service use seconded by Mr. Flach.**

Chair Lager questioned if the temporary use sign requirements for approval were the same as dimensional use requirements. Mr. Eldridge stated they are, they'd look at the requirements and what are significant for a sign on Stadium Dr. He spoke to the sign allowances along Stadium Dr. Plaza Corp's real estate sign should be a thirty-two square foot sign.

Chair Lager reviewed the criteria requirements and if it was a permanent business it would be allowed a larger sign. Mr. Eldridge stated probably they could have two one hundred and fifty foot signs with the road frontage they have.

**Motion denied by roll call vote.**

Yes: Flach, Lager, Youngs

No: Carroll, Doane

**OTHER BUSINESS:**

Mr. Eldridge had a discussion on the annual report for 2017. He gave a brief summary on the requests that came before the Board.

**Election of Officers:**

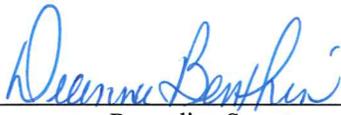
**Mr. Flach made a motion to appoint Reed Youngs as Chair, Matt Lager as Vice-Chair, and Jim Houston as Secretary, seconded by Mr. Carroll.**

**Motion approved by voice vote unanimously.**

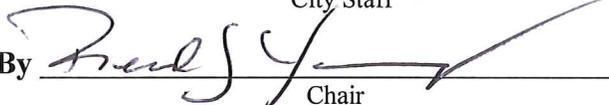
**ADJOURNMENT:**

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

**The meeting was adjourned at 8:26 p.m.**

Submitted By  Date 3-8-18  
Recording Secretary

Reviewed By  Date 3-8-18  
City Staff

Approved By  Date 3-8-18  
Chair