

**MINUTES  
CITY OF KALAMAZOO  
ZONING BOARD OF APPEALS  
May 10, 2018 - 7:00 p.m.  
CITY COMMISSION CHAMBERS**

**Members Present:** James Houston, Reed Youngs, Chris Flach, Christina Doane, Jeff Carroll

**Members Absent:** Matt Lager

**City Staff:** Pete Eldridge, Zoning Administrator; Clyde Robinson, City Attorney; Beth Cheeseman, Recording Secretary

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

**COMMUNICATIONS AND ANNOUNCEMENTS:**

**Mr. Eldridge announced that the application for postponed public hearing, ZBA #18-04-08: 2701 W. Michigan Avenue, has been withdrawn.**

**MINUTES:**

**Mr. James Houston moved to approve the minutes of April 12, 2018 as submitted, seconded by Mr. Jeff Carroll.**

**Motion approved by voice vote unanimously.**

**NEW BUSINESS:**

**PUBLIC HEARINGS:** Chair Youngs 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. Houston read the application for 1907 N. Burdick Street, Parcel # 06-10-330-006:

**ZBA#18-05-11: 1907 N. Burdick Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by A.F. Auto Glass & Detail. The request concerns the property at 1907 N. Burdick Street, which is situated in use Zone RS-5, Commercial – Community District. The applicant is requesting a dimensional variance from Chapter 7, Section 7.3 A, to allow two 24 square**

**foot wall signs on the existing commercial building, where no wall signage is stated for commercial uses in Zone RS-5.**

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.

Chair Youngs requested the applicant come forward to state their case. No one came forward at that time. Mr. Eldridge stated he had spoken with the applicant the day before and clarified meeting place and time. He asked for this agenda item to be moved to the end of the agenda.

**Board members agreed to move the first public hearing item to the end of the agenda.**

Mr. Houston read the application for 118 Bulkley Street, Parcel # 06-16-376-031:

**ZBA# 18-05-12: 118 Bulkley Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by PCW Design Build on behalf of Bill and Linda Leonard. The request concerns the property at 118 Bulkley Street, which is situated in use Zone RS-5, Commercial – Community District. The applicant is requesting a dimensional variance from Chapter 4, Section 4.3 D 1, to authorize the construction of a 400 square foot detached garage one foot from the west rear property line, where three feet is required for this building setback in Zone RS-5.**

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.

Ms. Angie Polderman from PCW Design Build came forward to speak on behalf of Bill and Linda Leonard. She stated that they have a one-car detached garage and desire to build a two-car detached garage. The Historical Board has given permission to replace the garage in the same location. Ms. Polderman said they are asking for a variance because to build in the same location means they are only one foot from west edge of property instead of the three feet required. The southern and western wall of the garage would remain exactly where they are now, and the garage would expand into the property on the northern and eastern sides.

Mr. Eldridge presented the staff comments. He stated the lot is 54' which was increased to 57' with 3' purchased from the neighbors. Mr. Eldridge indicated the lot size is substandard in width compared to the RS-5 zone district. Because of the age of this area of the City, the construction of the homes, and the size of the lots, the detached garage is a common theme on this street. Mr. Eldridge said the applicant reduced the degree of non-conformity for the current garage by purchasing 3' of land from the neighbor. They are just concerned with the setback to the rear property line. He noted the expansion would increase difficulty of maneuvering around the corner of the house and getting to the garage if the garage was moved forward.

There were no comments from the public.

**FINDING OF FACT**

Mr. Chris Flach moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 118 Bulkley Street shall include all information included in the notice of public hearing dated April 25, 2018.
- 2.) Thirty-five notices of public hearing were sent and one response was received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received no additional documents on the request other than those in the agenda.
- 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: The applicant said they have a one-car garage and they want to construct a two-car garage. They needed and received Historic Approval with the stipulation that it had to be in the exact same spot - which led them to be within one foot of the boundary lines. Staff made the comment that putting the garage behind the house would make it difficult to maneuver a car back there. Detached garages are common in that area.

**Mr. James Houston seconded the Finding of Fact.**

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

**Mr. James Houston moved to approve the application, seconded by Mr. Jeff Carroll.**

Mr. Flach asked for clarification of the intent of the 3-foot ordinance. Mr. Eldridge explained it is a minimal separation of structures. He stated that commercial buildings with no setbacks have to meet fire protection standards with fire walls.

Chair Youngs reviewed the criteria conditions that must be met to qualify and stated he was in favor. He indicated that special circumstances are particular to the land and for the structure for which the variance is sought. Chair Youngs stated that granting of the variance is a minimum action that will make possible best use for the structure that is not contrary to public interest. The granting of this variance will not adversely affect adjacent land in any way.

Mr. Houston added that he has not seen any adverse comments from neighbors regarding the relocation closer to the property line. He expressed support of this request.

Mr. Flach asked about the current setback from the property line. Ms. Polderman explained that the owners had purchased land from the neighbor making the existing building 3ft from property line on the south side. The one-foot property line is in the west or rear of the structure.

Ms. Doane asked about the comment Mr. Eldridge made regarding being more in compliance with the ordinance. Mr. Eldridge explained that they are more in compliance because of the purchase from the neighbor and that is why they are only concerned with the property line at the rear of the structure.

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

Mr. Houston read the application for 418 and 424 S. Rose Street / 215 W. Lovell Street, Parcel # 06-22-104-001, #06-22-109-001, #06-22-104-002:

**ZBA#18-05-13: 418 and 424 S. Rose Street / 215 W. Lovell Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Park & Cedar, LLC and 400 Rose, LLC. The request concerns the properties 418 and 424 S. Rose Street and 215 W. Lovell Street Avenue, which are situated in use Zone CC, Commercial – Community District. The applicant is requesting a use variance from Chapter 4, Section 4.2 Q.3, to allow dwelling units on the ground floor level for a proposed mixed-use development project, where retail or other commercial floor space is required on the ground floor level in Zone CC.**

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.

Mr. Greg Dobson, AVB, spoke on behalf of the application for the variance. Mr. Rich MacDonald, The Hinman Company, and Mr. Curtis Aardema, AVB, were also present in support of the application. Mr. Dobson reported the property is currently zoned CC and he understands the City may pursue rezoning the area to CCBD. Mr. Dobson reviewed the zoning of properties nearby some of which are already zoned CCBD – allowing residential use on the first floor. Mr. Dobson stated their project fits with the City's desire for a mixed use development at this location. Mr. Dobson showed the Appeals board some images of their project - a 4-story building with a portion of the property being residential on the first floor. He stated they have already obtained approval from Downtown Development Review. Per their guidelines, the building is built up close to the sidewalks – intentionally engaging the pedestrians with a commercial retail area and street-side parking. Mr. Dobson noted the project is consistent with the 2025 Master Plan and this property is not in a node which requires commercial only. He stated the project is designed to LEED standards and is a brownfield type project. The design intentionally goes from commercial northeast corner and goes more residential along Rose Street and along Cedar as well. Mr. Dobson mentioned another building at the corner of Rose and Cedar which received a variance and has residential units on the first floor.

Mr. Houston and Mr. Carroll asked about the commercial activities proposed for this site. Mr. Dobson indicated it would be a retail use possibly food or coffee to be frequented by residents and pedestrians. He also clarified that retail and housing would both be located on the ground level. Mr. Carroll suggested that a grocery store such as Aldi may be appropriate for this type of building. He stated that a grocery will have to be in place at some point for a walkable City core. Mr. Carroll asked about content of the feasibility study for the amount commercial/retail this community can hold. Mr. Dobson referenced Mr. Bob Gibbs study suggesting there is room for enhanced retail with a focus on re-invigorating the mall and Michigan Avenue.

Mr. Houston asked for more information about the type of dwellings in the proposed project. Mr. Dobson replied that they will construct for rent apartments including studio, one-bedroom, two-bedroom apartments. He was unable to quote any price ranges, but stated that 10% (14 of 135 apartments) will be considered workforce housing. Workforce housing is a term HUD uses – meaning to ‘hit the missing middle.’

Mr. Eldridge explained to the Board that workforce housing is intended for young folks getting into the market and for service workers. It is for fully employed individuals working up the career ladder who want to live downtown. He stated that it is similar to the Walbridge Commons project.

Mr. Eldridge presented the contents of a letter from Jerome Kisscorni, Assistant City Manager, ED Director identifying this as a brownfield project. A letter from City Planner, Christina Anderson referenced that the planning staff are aware of re-occurring variance requests like this one meeting the intent of the ordinance, but not the exact wording of the text. They are looking at removing the ground floor commercial requirement for this zone district.

Mr. Flach asked if there was an ETA on getting that requirement changed. He also inquired as to the intent of the ordinance. Mr. Eldridge said he hoped to be well into zoning ordinance changes early next year and the intent of the ordinance was to maintain the lively street atmosphere of the commercial districts. They have discovered it doesn’t fit the current trend and they need flexibility instead of rigidity.

Mr. Young reminded the board that this falls in line with the 2025 Master Plan. Mr. Eldridge stated the plan is final and they are working through the goals of revising the zoning ordinance.

Mr. Rodger Storteboom, owner of Douglas & Son Paint Store, came forward in support of the project. He stated his excitement about the proposed building and he believes it is a really good idea. Mr. Storteboom said the project is proposed by local builders – local people with a good track record of putting up quality buildings. He stated that the neighborhood has been struggling, and he is sure it will be a success.

Chair Youngs closed the public hearing.

## **FINDING OF FACT**

Ms. Doane moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 418 and 424 S. Rose Street / 215 W. Lovell Street shall include all information included in the notice of public hearing dated April 25, 2018.
- 2.) Forty 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 information in the supplemental packet as provided.
- 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. Greg Dobson spoke in favor of the request for CC zone. He was hoping for rezoning to CCBD by now, but it has not happened. Property near it in two instances is already zoned CCBD. He named other nearby sites which are already residential. The City is encouraging mixed-use in the area - which is what this project is. The east side of Rose is zoned already CCBD. They got approval for Downtown Development Plan. They will have parking. Proposal is consistent with 2025 Plan. The area in question is in process of changing to CCBD. Commercial aspect will be retail, likely food use. Commercial and residential will be on ground floor. The residence will be studio, one- and two-bedroom apartments with a total of 135 apartments. 10% will be workforce style. Staff confirms City Planner is reviewing related variances for possible removal in that area. Time-line on that is unknown. Rodger Storteboom spoke in favor and feels it will bring more prosperity to the area.

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

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

Mr. Carroll asked the applicant about parking. The applicant stated that they are expanding parking along Rose, and he stated there is one level of underground parking for the apartments. Their consultant recommended 1.4 parking spaces per unit and they are very close to that. They feel they are in very good shape. Mr. Eldridge reminded the board this area is in the parking exempt district.

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

Mr. Houston stated that the project allays his concerns of the class of construction that might be going up there. He feels it will be very attractive for the City and that area.

Chair Youngs reviewed the criteria conditions that must be met to qualify and stated he was in favor. It is a use variance. Granting of the variance is a minimum action that will make possible best use for the land and the structure that is not contrary to public interest and will carry out the spirit of the ordinance. Since this is not a first request for a mixed-use on a ground-level, he stated he was in favor of it. Chair Youngs stated this will be a great project. He feels it has been a long time coming and it will be a welcome addition to the City.

Mr. Flach stated he thinks it is a bit of an experiment to see whether changing the zoning ordinance or allowing these kinds of variances will benefit the City or not. He said he is curious to see if it will, and he believes doing something is better than nothing.

Mr. Houston encouraged the applicants to consider upcoming projects that will focus on more affordable and possibly subsidized housing. He said it is a great concern for the City and he cited gentrification of the housing downtown.

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

Mr. Houston read the application for 1907 N. Burdick Street, Parcel # 06-10-330-006:

**ZBA#18-05-11: 1907 N. Burdick Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by A.F. Auto Glass & Detail. The request concerns the property at 1907 N. Burdick Street, which is situated in use Zone RS-5, Commercial – Community District. The applicant is requesting a dimensional variance from Chapter 7, Section 7.3 A, to allow two 24 square foot wall signs on the existing commercial building, where no wall signage is stated for commercial uses in Zone RS-5.**

Mr. John Walker, applicant, came forward to present his request. He said they would like to add a sign to the building. He owns the building north of this property and submitted a similar sign permit application for that building about 5 years ago. It was approved at that time. He expressed a desire to be compliant with the City.

Mr. Carroll asked if the sign is a different size than is allowed by the ordinance. Mr. Walker stated it was a 2' x 2' sign, but the tenant wants to have a 3' x 8' sign. He said there are sign brackets present. In response to Mr. Youngs' inquiry, the applicant also stated they want the signs in the same places as the previous tenant's signs.

Mr. Eldridge stated there were sign permits inadvertently issued for a previous tenant because it looked and functioned like a commercial building. The building is actually in a residential zone district. The sign permits can only be issued if the ordinance allows for that size sign in that zoned area. The zoning ordinance only allows signs which are 2-square feet. Mr. Walker was asked to come to the Zoning Board of Appeals to get signage approved that would be permissible to serve the current and future tenants of the building.

Mr. Houston asked about the activities the business would perform. Mr. Walker stated that the tenant plans to do auto-glass and detail work. They would be installing auto glass offsite and then do their paper work and interior detailing onsite.

Chair Youngs inquired about the contents of the sign. Mr. Walker said it would be company name, location and contact information on the sign.

Mr. Eldridge proceeded with the staff comments. He said there are three commercial buildings in this area which evolved after the housing around it. The City allowed these commercial buildings in decades past. Mr. Eldridge stated this variance will allow the use of the building. He noted that everything is done inside the building; there is no outdoor storage of parts and the vans go to the customer's location to complete the auto-glass work. There is not a presence of items on the property to be a disruption to the residents of the area. Mr. Eldridge said it is a

continued use of an active commercial building which retains its non-conforming status. It is just a matter to get the signage rectified to function as a commercial building.

No public comments.

Mr. Young closed the public hearing.

### **FINDING OF FACT**

Mr. Carroll moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 1907 N. Burdick Street shall include all information included in the notice of public hearing dated April 25, 2018.
- 2.) Seventy-one 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 no additional documents on the request other than those in the agenda.
- 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. John Walker, owner of the property, indicates that previously signs were approved in error due to the property being a residential zoning district. Upon recent new use the City identified that a variance for a larger sign is required. Administrator Eldridge indicated there are three other commercial buildings nearby – in addition to a church which comprise a small commercial area that developed after housing was constructed. Most if not all work is done offsite or inside the building with very limited outside activity.

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

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

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

Mr. Houston stated support of the request noting the nature of the activity posed no detriment or nuisance to the neighbors.

Chair Youngs reviewed the criteria conditions that must be met to qualify and stated he was in favor. Granting this variance will not adversely affect any adjacent land in any material way.

This little cluster of commercial entities was put in the residential district years ago and has not changed since.

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

**OTHER BUSINESS:**

None

**ADJOURNMENT:**

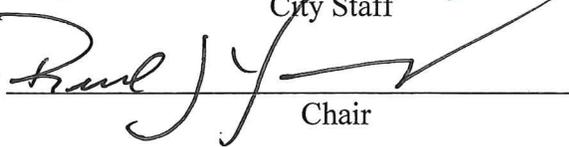
Mr. Young moved to adjourn the meeting and was seconded by Mr. Houston.

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

**The meeting was adjourned at 8:00 p.m.**

Submitted By  Date 6/14/18  
Recording Secretary

Reviewed By  Date 6/14/2018  
City Staff

Approved By  Date 6-14-18  
Chair