

**MINUTES  
CITY OF KALAMAZOO  
ZONING BOARD OF APPEALS  
August 9, 2018 - 7:00 p.m.  
CITY COMMISSION CHAMBERS**

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

**Members Absent:**

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

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

**MINUTES:**

**Mr. Houston moved to approve the minutes of July 12, 2018 as submitted, seconded by Mr. Lager.**

**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 1101 Portage Street, Parcel # 06-22-434-008:

**ZBA #18-06-16: 1101 Portage Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Byce & Associates Inc. on behalf of the Hollander Development Corporation. The request concerns the property at 1101 Portage Street, which is situated in use Zone CC, Community – Commercial District. The applicant is requesting the following: 1) 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, 2) A dimensional variance from Chapter 5, Section 5.2, to allow 48 dwellings units with 1,202 square feet of lot area per dwelling unit where 1350 square feet of lot area is required per dwelling unit in Zone CC (45 total dwelling units); and 3) A dimensional variance from Chapter 6, Section 6.1, of 31**

**off-street parking spaces to allow 60 total off-street parking spaces, where 91 are required.**

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 notices of public hearing sent and two responses were received.

Matt Hollander, President of Hollander Development Corporation, 2109 Benjamin, stated Byce Associates had prepared the documents; he was present to answer any questions. Nicole Westrate, 167 Farmers Alley, was representing the WYCA. Chair Youngs clarified this request was back before the Board due to changes with the day care. Mr. Eldridge stated correct they had tried to incorporate the adjacent property and there was a change to the size of the day care facility.

Mr. Lager clarified that Mr. Hollander was requesting one variance for residential use on the first floor. Mr. Hollander replied correct, they would have commercial on the first floor also. The center area would be residential with the north and south ends being commercial. Mr. Lager questioned the rationale for residential on the first floor. Mr. Hollander stated the goal was to create a mixed use facility with low income and work force housing units with limited commercial space. They are attempting to maximize the residential units; they have 8200 square foot of commercial area including a 5800 square foot area of day care center run by the YWCA for use by the residents, and neighborhood area. It would be affordable day care for low income families. Mr. Lager stated the second variance was for 48 dwelling units with 1202 square feet where the zoning ordinance requires 1350 square feet. He questioned the need for the smaller size. Mr. Hollander stated they had a larger building originally, but reduced the building size to make it feasible, and closer to the requirements of the State. They can put in 45 units without a variance, but are requesting 48 units. Mr. Carroll questioned how he felt they met the criteria standards to apply for the variance. Mr. Hollander stated they have been working with the Kalamazoo County Land Bank and others with the goal for a mixed use building, they meet the needs of the Master Plan of the City to provide affordable housing units in the City. In their opinion, they are in the spirit of the Master Plan by maximizing the number of units available. Mr. Carroll wanted to know if this request was the minimal action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of the Ordinance. Mr. Hollander stated they couldn't make this project feasible with any lesser number of units, he didn't know if another developer could meet MISHDA's, the Land Banks, and the City's requirements. Mr. Carroll questioned Mr. Eldridge by replacing of commercial in these mixed use developments, with residential units, the occupants will want services downtown and eventually there won't be any commercial areas available because they've granted too many variances for residential spaces. Mr. Eldridge commented there is a demand for more residential units in the downtown and fringes of the downtown area. The City looks at these projects for a mix, that there's a portion that's still commercial in nature and fits the walkability theme of the City's future. You need the customer base to draw commercial. Mr. Hollander stated in their project the market price value income rate for Kalamazoo County around is 80% to 95% AMI and 19 of the 48 units will have rents set at those levels, around \$1.30 square foot true market rate is at \$1.60 a square foot. The affordable units are 60% units that qualify low income housing tax credits through MISHDA. They get tax credits by attracting investors, such as banks, insurance companies, etc. without that financing this project wouldn't happen. They have double the square footage of commercial space in this project.

Mr. Houston commented neighborhoods need adequate housing, but also commercial access and this gives a good balance to the neighborhood.

Mr. Lager clarified the third variance, the zoning ordinance calls for 91 parking spaces; they propose only 60, what's the need for the reduction. Mr. Hollander stated for off-street parking they'll put in will be 60 spaces, redo the right of way, add a bike lane, and additional parallel parking. There is a large parking lot across Lake Street, and parallel parking available abutting their site and feels there is adequate parking. It will be LED certified, and have indoor bike parking facilities, will have a metro transit stop outside the front door, and is within one mile walking distance from downtown. This will be a multimode transportation project. The 2700 square feet of commercial space available will be offered at step rent scale only for neighborhood oriented services not available in the area now.

Mr. Eldridge clarified with Mr. Hollander if the ten parallel parking spaces on Portage Street would they be day time only or night time also. Mr. Hollander stated they would meet the needs of day time use of the building, but will work the City for any parking restrictions. They are intended for the commercial spaces.

Danielle Rhodes, Byce Associates, 224 Fairview Drive, Paw Paw, stated the ground level residential unit's elevation was for privacy concerns and separation from commercial areas. The parking will be shared, the tenants who work during the day will have cars off-site, and that will open up commercial parking spaces. She commented they made efforts to purchase adjacent properties to increase their available parking, but couldn't achieve that goal.

Mr. Eldridge commented on the use variance for residential units on the ground floor; there have been other mixed use projects on the ZBA's agenda. The City Planner's intent is to update the Zoning Ordinance to match the vision of the 2025 Master Plan. They will be making changes to the requirement of 100% ground floor commercial in the Commercial Zone District, to a percentage that will allow for residential as well. The second request regarding the 48 dwelling units, the affordable housing and smaller units at market rate, but more accessible to people, the City is working hard to promote and working with MISHDA, and local developers. They want three additional units to balance out this building. He spoke to the multiple funding sources and their requirements. The third variance the off-street parking, they are adding ten additional spaces along Portage Street. He commented the commercial spaces will be empty at night when residents will be home. He spoke to the on-street parking on Lake Street available for day time use.

Chair Youngs closed the public hearing.

## **FINDING OF FACT**

Mr. Lager moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 1101 Portage Street shall include all information included in the notice of public hearing dated July 24, 2018.

- 2.) Sixty notices of public hearing were sent and two 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: Matt Hollander spoke on behalf of the applicant and Nicole Westrate spoke on behalf of the YWCA. With regards to the commercial and residential on the first floor the goal was to create a mixed income project, the first floor residential is an attempt to maximize the amount of residential units in the project. One of the other occupants of the first floor will be the YWCA day care for use of residents as well as general community use by the neighborhood. Mr. Hollander stated they originally wanted a larger building, this current design has been reduced to a minimal, feasible design, and any further reduction would not make the project feasible. This project came out of joint work with the Kalamazoo County Land Bank, to increase affordable units as called for in the City's Master Plan. Mr. Eldridge indicated there is a desire to create an appropriate mix of residential and commercial units. Currently there is a stronger market demand for work force housing and affordable units, that need is being addressed by this application. Nineteen of the 48 proposed units are for 80% to 95% AMI residents, 29 of the 48 will be for 60% or below AMI residents. Regarding the need for commercial space, the increased residential density may attract more commercial occupancy. In regards to the off-site parking is below the ordinance standards the applicant indicated the overall parking is at or close to the 91 parking spaces. Off-site parking will be for 60 units, they are developing a drive along Portage Street for parallel parking along with street parking on Lake St. This will be built to LEED standards. This will have multi modes of transportation available. Commercial units will be made available for the types of businesses lacking in the Edison Neighborhood. Danielle Rhoades, Byce & Associates, spoke on behalf of the applicant in favor, indicating the residential units on the first floor will be elevated for additional privacy for the occupants. Parking spaces are intending to be a shared use in nature. Mr. Eldridge commented that staff noted there have been a number of mixed use projects that have requested variances for residential use on the first floor. The City knows this is an issue and they plan to update the ordinance to meet the intent of the Imagine Kalamazoo 2020 plans. Additionally the City is working to promote work force and affordable units. Regarding parking,

City Staff noted there would be ten spaces added along Portage Street and considered the shared parking argument and Lake Street parking available for day time use.

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

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

**Chair Youngs moved to approve the application for 1) 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, seconded by Mr. Carroll.**

Ms. Doane commented it meets the Master Plan for the City and she was in favor. Mr. Houston stated he agreed with Ms. Doane's comments.

Chair Youngs reviewed the criteria conditions that must be met to qualify and commented the zoning ordinance hasn't the need for the residential need on the first floor.

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

**Mr. Houston moved to approve the application for 2) A dimensional variance from Chapter 5, Section 5.2, to allow 48 dwellings units with 1,202 square feet of lot area per dwelling unit where 1350 square feet of lot area is required per dwelling unit in Zone CC (45 total dwelling units), seconded by Mr. Houston.**

Mr. Lager commented there's a need in the City for more affordable and workforce housing and good use of a small lot. Mr. Houston agreed.

Chair Youngs reviewed the criteria conditions that must be met to qualify and stated they are meeting the affordable housing market needs.

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

**Chair Youngs moved to approve the application for 3) A dimensional variance from Chapter 6, Section 6.1, of 31 off-street parking spaces to allow 60 total off-street parking spaces, where 91 are required, seconded by Mr. Houston.**

Mr. Lager stated the special circumstances with the peculiarity of the small lot, the goal of having as many affordable and work force housing units as possible; losing a couple parking spaces to meet that goal is worthwhile. The special circumstances are not the results of actions of the applicant. The literal interpretation and enforcement of the terms of the provisions would deprive the applicant of rights commonly enjoyed by other land owners. This allows building in what is in keeping with the needs of the City. The granting of the variance is the minimum action that would make possible the use of the land. It will not have an adverse effect on adjacent land in a material way; the granting of the variance will be consistent with

the intent of the ordinance. He spoke to the intent of the shared parking spaces, and off-site parking available and he would be in favor.

Chair Youngs commented to the value of the metro transit stop out front of this development.

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

Mr. Houston read the application for 1311 Portage Street, Parcel # 06-23-320-201:

**ZBA# 18-07-18: 1311 Portage Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Community Promise Federal Credit Union. The request concerns the property at 1311 Portage Street, which is situated in use Zone CC, Community – Commercial District. The applicant is requesting the following variance for the Community Promise Federal Credit Union tenant space at 1313 Portage Street. A variance from Chapter 7, Section 7.2 F, to allow an eight square foot sandwich board sign on the public sidewalk, where sandwich board signs in the right of way are only allowed in the Commercial Central Business District. Please note that if approved this sign will also require a temporary encroachment agreement be entered into with the City of Kalamazoo.**

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 one hundred and seven notices of public hearing sent and zero responses were received.

Mr. Houston stated he would be abstaining from voting due to a conflict of interest.

Angela Brown, CEO of the Community Promise FCU, represented the variance stating they wanted a sandwich board sign. She referred to the pictures, commenting what the pictures don't show is a pedestrian can pass through; even a wheelchair can pass by without issue. One picture shows pedestrians walking freely by the sign; it sits off to the side. All the current signage is up high, and people don't see it. She spoke to the revitalization of the Edison Neighborhood. With the sign out, the market has increased due to the awareness they are there.

Chair Youngs questioned the hours and seasons the sign would be out. Ms. Brown commented, during business hours only, and during winter also.

Mr. Carroll questioned the violation notice, and was adhered too? Mr. Eldridge replied yes, the sign was removed.

Mr. Eldridge clarified sandwich board signs are regulated, they do help businesses on the mall, they are allowed in the Commercial Central Business District. It was designed to allow for advertising specials, sales, etc. The intent was based on the extended width of the sidewalks not being a hindrance to pedestrian traffic. The Planning Staff is looking at how the use of sandwich boards can be extended to other commercial districts. The CC Zone District encompasses a lot of commercial properties. The first difficulty with this request is how is this request unique to this user and not going to generate more requests for sandwich board signs. The Planning Staff would prefer these matters don't end up before the Board. They'd like the Planning Staff to create an ordinance to create parameters as to where they can have sandwich

board signs as far as what the minimum width the sidewalk can be to accommodate for pedestrian access to keep the clear space away from the curb. They are developing the standards; they're just not finalized yet. Granting a variance for these sign would create exceptions, that wouldn't be in alignment with the ordinance they are putting together and asked the Board to consider that. Staff isn't supportive of granting variances for sandwich board signs. He spoke to the applicant and because it's in the right of way it would require an encroachment agreement through the Engineering Department also.

Mr. Carroll clarified that City Staff is working on revising the ordinance language regarding sandwich board signs, questioning the time line. Mr. Eldridge stated they are looking at this fall, to have it before the City Commission. Mr. Eldridge commented on the South Westside commercial node, Vine Neighborhood also had issues with sandwich board signs.

Chair Youngs clarified if the Board granted this request, then the ordinance revisions reduced the size of allowable sign, would this sign be grandfathered in. Mr. Eldridge replied it would be legal per the granting of the variance, it would have a legal conforming status, the sign could continue to be placed there regardless of the regulations for all other sandwich board signs in that zone district.

Mr. Carroll asked if they could place a time limit on the variance, or a motion be made that it would have to conform to the soon to be updated sandwich board sign regulations. Mr. Eldridge commented it would be difficult with no firm date before the City Commission.

Attorney Robinson commented time limits on a variance request are disfavored by the courts.

Mr. Eldridge commented looking at a practical difficulty or hardship, the review criteria, the grounds and reasoning behind granting a variance, if it's something only temporary, how can that warrant relief from the ordinance. Based on the width of the sidewalk in front of the Credit Union, this should be a viable place in the future to have a sandwich board sign, but stated his concerns with granting this request. Having an additional sign would help other businesses also.

Mr. Lager commented that Washington Square was swept up into the Downtown Design Review process. Mr. Eldridge replied it would be part of the DDR review process. The Zoning Ordinance has sandwich board signs on the downtown mall that go before the DDR, in this area being zoned differently, it would need design review, but the sandwich board sign would be legally allowed.

Ms. Doane questioned if this sandwich board sign would not fit the newly proposed regulations. Mr. Eldridge replied they don't have the final regulations; it may not meet those, so there'd be one sign that is not in conformance with everything else allowed under the ordinance. He encouraged giving the Planning Staff the time to finish the process of establishing the sandwich board regulations since the signs would be in the right of way. Mr. Eldridge clarified the terminology of a non-use variance and a use variance, this being a non-use variance.

Attorney Robinson commented you can't regulate content, this is a business sign, the sign regulations have changed, and they can impose time, place and manner restrictions on signs. His concern is this sign is in a CC Zone, there are a variety of businesses permitted in that zone

including marijuana provisioning centers, his concern having dealt with the issue of medical marijuana; they could be faced with all kinds of businesses with all kinds of requests for signs in the right of way. They won't be able to say no to a medical marijuana signs, but yes to a credit union sign. They can say where sign are located, and the time and place they can be located at.

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

## **FINDING OF FACT**

Mr. Flach moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 1311 Portage Street shall include all information included in the notice of public hearing dated June 27, 2018.
- 2.) One hundred and 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: Angela Brown stated the sandwich board sign doesn't block the pedestrian traffic; it benefits their business and provides more exposure. The existing sign doesn't provide enough exposure to encourage business. Chair Youngs asked if the sign would stay out overnight. Ms. Brown stated it would only be out during business hours. Mr. Eldridge commented they want to reduce non-conforming signs and they are changing the sandwich board ordinance and zoning ordinance for that area, the concern is if they grant one variance, it will overlap and be out of conformance with the new zoning regulations. City Staff was not in favor of granting this variance. Attorney Robinson stated it is not recommend adding a timeline to a variance.

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

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

**Mr. Lager moved to approve the application, seconded by Mr. Flach.**

Chair Youngs reviewed the criteria conditions that must be met to qualify and stated allowing a sign in the interim which the Planning Commission and Zoning is trying to change by fall to add conformance to sandwich board signs, he doesn't see any hardship. He prefers to have the set sign guidelines established.

**Motion denied by roll call vote.**

**Yes:**

**No: Doane, Lager, Youngs, Carroll, Flach**

**Abstained: Houston**

Mr. Houston read the application for 525 and 535 E. Ransom / 617 Harrison St., Parcel #06-15-269-351, #06-15-290-207, #06-15-285-103:

**ZBA#18-08-21: 525 and 535 E. Ransom / 617 Harrison St.: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of by Bosch Architecture. The request concerns the properties at 525 and 535 E. Ransom St. / 617 Harrison St., which are situated in use Zone CMU, Commercial – Mixed Use District. The applicant is requesting the following: 1) A dimensional variance from Chapter 3, Section 3.7 E6, for two feet to allow the building to be setback up 12 feet from the front property line in the areas indicated where a zero to ten foot front setback is required in the Zone CMU; 2) A dimensional variance from Chapter 6, Section 6.3 D to allow the placement of the screened dumpster in the front yard along Butler Court, where the location is required in the side or rear yard; 3) A dimensional variance from Chapter 3, Section 3.7, to allow 80 dwellings units with 730 square feet of lot area per dwelling unit where 1,500 square feet of lot area is required per dwelling unit in Zone CMU (39 total dwelling units); 4) a dimensional variance from Chapter 3, Section 3.7, to authorize a building which will be 68 feet in height, where the maximum height for structures in Zone CMU is 50 feet (18 foot variance); 5) A dimensional variance from Chapter 6, Section 6.1, of 45 off-street parking spaces to allow 93 total off-street parking spaces, where 138 are required; and 6) A dimensional variance from Chapter 5, Section 5.2, of 6% of the maximum impervious cover requirement to allow 71% impervious cover where 65% is required.**

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.

John Lovely, Bosch Architects, represented the variance; he gave a brief review of the site plan. There is a southern and northern portion to this project, on the northern portion is the off-street parking and a new metro bus stop proposed along with a bike fixed area. He showed the building location, 14,000 square feet, with 80 residential dwelling units, the ground floor has commercial use, with a drive thru coffee shop. The main level has 20 parking spots in a parking garage. On the northern portion there are 37 parking stalls, he showed more parking spaces on the site plan. He discussed the six variance requests. The most intense request is for the dwelling units, they are proposing 80 units, and they are allowed 39 units per the zoning ordinance. They propose 80% affordable housing units, 64 units will be affordable housing, 52 of those units will be efficiencies, four will be two-bedroom units, more one-bedroom units,

and the additional 16 will be market rate units. The parking variance, they need 138 parking stalls, they are proposing 93 parking stalls, seven are for general commercial parking, and eleven are for the drive thru. The variance request for the building height is for the 18 foot height, it requires 50 foot maximum. The variance for impervious coverage, they propose for 71.3% impervious coverage, where the allowable is 65%. The request for the setback, they have a water main easement, they have two areas they are close on, but are too close to the water main easement. It's not feasible to build that close to that area. The request for the dumpster enclosure, they can't place it in the side or front yard, they have they different frontages, so have issues trying to comply. He referred to the parking variance, they'll have 64 affordable housing units, and they don't believe they should be required to provide the 1.5 parking stalls per dwelling unit. The parking they provide, meets the main floor dwelling unit's needs. Mr. Lovely commented during the business hours there are about 18 stalls available, but in the evening they'll be available to the residents.

John Durham, Nomi Developers, 520 E. North St, stated he's right beside this development, the parking issue they look at closely. He feels the parking is adequate in the other similar projects. They discuss with the tenants the parking, the walkability of the area, the biking options, etc. He spoke to the City's need for affordable housing in Kalamazoo and the need for density projects to meet the MISHDA requirements for funding.

Mr. Lager questioned Mr. Durham about the Walbridge Commons project and how the parking was going there. The parking ratio was discussed and it appears to be adequate with the shared parking there.

Mr. Eldridge questioned the five two-bedroom units and 75 efficiency units. The Walbridge Commons project is similar, just larger units. Mr. Durham stated there are parking ramps if the tenants want to rent spaces. Mr. Eldridge replied the variance granted for 508 E. Frank St. was a 30% off-street parking variance with the 17 on-street parking spaces. Tonight's project the variance is a 32.6% reduction in the off-street parking. Very close in the percentages.

Mr. Flach questioned what the City's reasoning for the height regulation on buildings. Mr. Eldridge stated the height maximum is 50' to allow for moderate height structures up to five floors having a commercial component on the ground floor level. He discussed the height of other structures in the area.

Mr. Carroll questioned when Mr. Durham mentioned the possibility of a bike fix station. Mr. Durham replied they will definitely install the bus stop and bike fix station. They will help with Harrison Park beautification project also. Mr. Carroll questioned the location of the possible drive thru. Mr. Durham stated the access would be off Harrison Street.

Chair Youngs commented Site Plan Review would look at the drive thru issues.

Mr. Eldridge stated the stacking of cars would be addressed during site plan review, but they have met the stacking requirements. This site is challenged, the build to line is 0 to 10 feet and the dumpster enclosure variances, in staff's mind the practical difficulty is evident, the property has frontage on three streets. The easement they didn't realize until part way through the process that it had to be worked around, making it impractical to stay within the zero to 10 foot range. The impervious coverage in a nominal amount given the scale of the project. The remaining three items are based off the affordable housing that the City is trying to promote in

the city, but on a much larger scale. It brings about the building height, the parking requirements and necessitates those variances.

Mr. Lager questioned if this was a Brownfield site. Mr. Eldridge replied yes, it's a Brownfield site.

Chair Youngs closed the public hearing.

## **FINDING OF FACT**

Ms. Doane moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 525 and 535 E. Ransom/17 Harrison St. shall include all information included in the notice of public hearing dated July 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: John Lovely, Bosch Architects spoke to the site plan, he gave an overview of design provided in the packet. He spoke to the dwelling units, they want 80, they can have 38 by ordinance, 64 are affordable housing units; some are efficiencies, and one and two-bedroom units. He covered the variances listed in the packet. He mentioned the one to one parking plan. John Durham from the Developing Company spoke to the parking pointing out the experience indicates parking. The parking is enough for site needs. The size is an attempt to maximize the occupation of space. Walbridge Commons, a related project shows the level of parking is sufficient with the existing ratio. Walbridge Commons had a 30% off-street parking variance granted, this request is close to this proposed project. They will install a bus stop and bike station with a coffee shop drive thru that will let out on Harrison Street. Mr. Eldridge commented the dumpster and setback are reasonable considering property design. Impervious coverage is minor; the other three are more difficult.

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

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

**Chair Youngs moved to approve the application for 1) A dimensional variance from Chapter 3, Section 3.7, to allow 80 dwellings units with 730 square feet of lot area per dwelling unit where 1,500 square feet of lot area is required per dwelling unit in Zone CMU (39 total dwelling units); seconded by Mr. Lager.**

Mr. Carroll suggested taking the fourth floor off, it would only require variances four and five. The fourth floor causes all the variance problems. He understands the needs for affordable housing, but had concerns at the expense of six variances. Mr. Durham replied yes removal of the fourth floor would reduce the request, but they wouldn't meet the MISHDA requirements. He explained MISHDA's funding requirements. Mr. Carroll questioned if the City was behind the times in the density ordinances. Mr. Durham felt yes, the City is too conservative in parking and space requirements in his opinion.

Garrett Segragow, a builder of four story residential houses, they can build wood structures, above that, it involves concrete and metals, and increases the costs. They can build commercial on the first floor and then the four stories above easily.

Mr. Lager commented the driving need is for affordable housing behind these projects. The Zoning Board only looks at the special circumstances. He is in favor of this project and the affordable housing meets the Imagine Kalamazoo 2020 vision.

Chair Youngs reviewed the criteria conditions that must be met to qualify. He commented the Walbridge Commons project had smaller units and that project was a success, stating he was in favor.

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

**Chair Youngs moved to approve the application for 2) a dimensional variance from Chapter 3, Section 3.7, to authorize a building which will be 68 feet in height, where the maximum height for structures in Zone CMU is 50 feet (18 foot variance), seconded by Mr. Lager.**

Chair Youngs reviewed the criteria conditions that must be met to qualify, the special circumstances are not the result or actions of the applicant, the granting of the variance will not affect adjacent property in a material way, there are special circumstances or conditions that are peculiar to the land or structure for which the use variance is sought that is not applicable to other land or structures in the same zone district and stating he was in favor.

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

**Chair Youngs moved to approve the application 3) A dimensional variance from Chapter 6, Section 6.1, of 45 off-street parking spaces to allow 93 total off-street parking spaces, where 138 are required seconded by Mr. Houston.**

Chair Youngs reviewed the criteria conditions that must be met to qualify; the granting of the variance will not adversely affect adjacent land in a material way, there are special circumstance and stated he was in favor.

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

**Chair Youngs moved to approve the application for 4) A dimensional variance from Chapter 3, Section 3.7 E6, for two feet to allow the building to be setback up 12 feet from the front property line in the areas indicated where a zero to ten foot front setback is required in the Zone CMU, seconded by Mr. Lager.**

Chair Youngs reviewed the criteria conditions that must be met to qualify, the special circumstances are not the result of the applicant or the title holder, and it's from the easement of a utility, stating he was in favor.

Mr. Houston stated it won't affect adjacent land owners in a negative way.

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

**Chair Youngs moved to approve the application for 5) A dimensional variance from Chapter 6, Section 6.3 D to allow the placement of the screened dumpster in the front yard along Butler Court, where the location is required in the side or rear yard, seconded by Mr. Houston.**

Mr. Houston commented the dumpster won't have an adverse effect on the neighbor, it will be screened.

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

**Chair Youngs moved to approve the application for 6) A dimensional variance from Chapter 5, Section 5.2, of 6% of the maximum impervious cover requirement to allow 71% impervious cover where 65% is required, seconded by Mr. Lager.**

Mr. Houston commented a 6% variance request would be immaterial; the coverage is adequate in his opinion.

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

Mr. Houston read the application for 3641 E. Cork Street, Parcel #06-25-485-003:

**ZBA# 18-08-22: 3641 E. Cork Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by International Brotherhood of Electrical Workers, Local Union 131. The request concerns the property at 3641 E. Cork Street, which is situated in use Zone M-1, Manufacturing – Limited District. The applicant is requesting a dimensional variance from Chapter 7, Section 7.3 B 3, to authorize a wall sign of 410 square feet, where the maximum size for a wall sign is 200 square feet in commercial and manufacturing zone districts.**

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

Scott Bryer, Business Development Coordinator for the IBEW spoke on their behalf, they previously applied for over a 700 square foot sign and were denied. During the discussion phase it was brought to his attention the maximum allowable square footage for the entire building would be 410 square feet, so that's his basis for the request. Mr. Bryer commented the front edge of the building has a bump out that precludes them from putting a sign there. He referred to the neighbor's large bush that obscures their existing sign. The hardship is their existing sign is obscured; the proposed sign is aesthetically pleasing. He spoke to the pride in ownership, and improvement of the aesthetics of the building. He stated RWL Sign gave the final estimate of the sign being 12 foot by 33 foot being 396 square feet total. From his perspective on the signage only the lettering itself is advertising, and that is 105 square feet, the graphics isn't a logo, it's a graphic.

Mr. Carroll questioned if the awnings on the front could be removed. Mr. Bryers stated not practically, behind those are masonry work that would require a lot of work to blend it in.

Ms. Doane questioned if they intended to have any other signage than the freestanding sign and on the side of the building. Mr. Bryers stated he had no plans to change the freestanding sign other than landscaping.

Mr. Carroll asked the applicant how he'd feel if the neighboring building wanted the same signage variance. Mr. Bryer commented they should apply for a variance also, he had no issues. He feels the signs would be an improvement to both buildings. Stating again he feels the advertisement portion of his sign is only 105 square feet. Mr. Carroll questioned once the City approves a sign this large they can't control the content. Attorney Robinson replied correct. He clarified this request is for an on-premise sign opposed to an off-premise sign that's an advertisement that doesn't occur at that location. It could be limited to an on premise sign related to the use on the building. There was discussion on what could and couldn't be advertised on an on premise sign.

Mr. Carroll questioned the neighbor's offending bush, if it was removed, would Mr. Bryers be before the Board? Mr. Bryer's stated yes, due to the pride in their ownership, and to approve aesthetics they still want the proposed sign.

Mr. Eldridge stated he sent out a letter to the owner of the property as well as the business of the neighboring building, he articulated due to the overgrown nature of the shrub, there have been requests to the ZBA. An on site visit showed that the shrub going east bound on East Cork Street obscures the view of several other freestanding signs of businesses. He asked the owners to trim the bush, or contact him to discuss the matter, but has had no response yet. He clarified for the Board the ordinance language the City Staff is working on updating to align better with the 2025 Master Plan that's been adopted. There's no portion of the sign regulations, other than the review and clarifying the time, place manor regulations that are now in place for signage. The freestanding sign and highway identification allowances and wall sign regulations won't be altered. A prior tenant had signs on the awnings; it's possible to have signs on the front of the building. There are alternatives to creating better signage for this

location. When calculating a sign, the lettering and logo need to be boxed in to calculate the sign area, commenting 200 square feet is still a significant wall sign and the staff cannot support the request.

Mr. Houston questioned placing a mural there. Mr. Eldridge stated a mural can't be related to a product or content being sold on the premises.

Mr. Carroll questioned the sign allowances on the front and side of the building; he questioned splitting the allowances for the front and side. Mr. Bryer commented it depends on the quote for the cost of the vinyl banner or it will be painted.

Mr. Eldridge stated there is a 140 square foot front sign allowance and the cap is 200 square foot maximum allowed on the south side of the building.

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

### **FINDING OF FACT**

Mr. Carroll moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 3641 E. Cork St. shall include all information included in the notice of public hearing dated July 24, 2018.
- 2.) Fourteen 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, one photograph dated May 9, 2018.
- 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: Scott Bryer spoke on behalf of the property owner, the City and property owner are working on trying to mitigate a shrub issue on a neighboring property.

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

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

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

Mr. Flach stated he was in favor of the request, it's a good compromise, and it's in the M1 District.

Ms. Doane questioned, if allowing this sign does it preclude future owners from placing other signs. Due to this sign being a combination of all allowable signage, she had concerns.

**Ms. Doane amended the main motion for the 410 square foot sign, if approved no other signage be allowed on the building, seconded by Mr. Houston.**

Mr. Bryers questioned if this was the signage on the front and south side of the building, and hoped the amendment, didn't include the entire building. Chair Youngs clarified it would preclude any extra signage on the entire building.

Mr. Eldridge clarified the calculations, the maximum allowed is 340 total of all allowable signage, the applicant is asking for 410 square foot and the noticing was for 410 square foot sign.

Mr. Carroll stated he was voting against the request.

**Motion approved for the amended second motion by voice vote.**

Four to two, approved.

Mr. Eldridge clarified for the applicant if the Board approves, he can choose not to exercise the variance and abide by what's under the sign ordinance. The condition is only in play if he acts on the variance if granted.

Mr. Bryers clarified, if the amendment applies only to the front of the building, or the all the walls of the building. Mr. Eldridge stated all the three other sides. Mr. Bryers questioned placing signage on a back door to direct people to the correct door.

Mr. Carroll stated Staff has concerns with the size of the sign, and he has concerns with a vinyl sign flapping, ripping, and fading in the future. Mr. Bryers stated RWL Sign would maintain the vinyl sign.

**Motion denied roll call vote.**

**Yes: Flach, Houston, Doane**

**No: Carroll, Youngs, Lager**

**OTHER BUSINESS:**

**ADJOURNMENT:**

**The meeting was adjourned at 9:34 p.m.**

Submitted By Deanna Bershin Date 9/13/18  
Recording Secretary

Reviewed By Peter C. Eldredge Date 9/13/2018  
City Staff

Approved By Rand J. [Signature] Date 9-13-18  
Chair