

**MINUTES  
CITY OF KALAMAZOO  
ZONING BOARD OF APPEALS  
February 13, 2020 - 7:00 p.m.  
CITY COMMISSION CHAMBERS**

**Members Present:** Matt Lager, Dick Skalski, Chris Flach, Christina Doane, Jeff Carroll, Beth van den Hombergh Alternate

**Members Absent:**

**City Staff:** Pete Eldridge, Assistant City Planner; Clyde Robinson, City Attorney; Deanna Benthin, Recording Secretary

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

**NEW BUSINESS:**

Mr. Eldridge commented Staff had reviewed The Roberts Rules of Order and reminded the Board members any conversations or comments need to be made on record and to keep the side bar comments to a minimum, if not non-existent for transparency reasons.

Attorney Robinson added some procedural comments, the Chair should not be making or seconding motions, he can ask to entertain the motion and someone else can make the motion. He underscored the remarks by Mr. Eldridge, referring to the open meetings act that any conversation should be open to the public for clarification.

**MINUTES:**

**Mr. Carroll, moved to approve the minutes of December 12, 2019 as submitted, seconded by Mr. Skalski.**

**Motion approved by voice vote unanimously.**

**PUBLIC HEARINGS:** Acting 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 417 Forest Street, Parcel #06-22-321-002:

**ZBA #20-02-01: 417 Forest Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Dennis**

**Greenfield, owner of the property at 417 Forest Street which is situated in Zone CO, Commercial – Office District. The applicant is requesting a use variance from Chapter 4, Section 4.1, to authorize the renting of motorhomes and provide storage for motorhomes on this property which falls under the land use category of ‘light equipment sales and rental’. This use category is not permitted in the Commercial Office 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 sixty-three notices of public hearing sent and zero responses were received.

Dennis Greenfield, owner of the property stated he proposed to build a garage on the far west side, he has two motorhomes that he rented out over 80 times last year as a business. It would require a variance to build a garage that stores six motor homes. He was told by the Building Inspector it would require the building to be sprinkled requiring a 4” water main to be run to the building also. His intent is not to have a parking lot full of R. V’s, only those inside the garage.

Mr. Flach questioned if he was parking the motor homes there now. Mr. Greenfield replied yes, on the backside of his current building. Mr. Flach clarified he could have a six-stall garage for cars. Mr. Greenfield stated a six-stall garage for the office building, but to store R. V’s. he needed a zoning variance. Mr. Flach questioned the difference between parking and storing.

Mr. Eldridge stated the variance is for both, parking and storing of R.V vehicles. The storage of R. V’s is not allowed in the CO Zone district.

Mr. Skalski asked what the building is being used for. Mr. Greenfield stated, over half is used for his business, there’s a non-profit, a medical records storage space, and the city rents an office space.

Chair Lager questioned if Mr. Greenfield was leasing the R. V’s from the property. Mr. Greenfield replied it’s an online rental site and they pick up the R.V at the office on Forest Street.

Speaking in Opposition:

David Wheatley, 428 Denadel Ct. stated his property backs up to the subject property, his concerns are with the open and unkept weedy property, with the R. V’s sitting there leaking oil and gas, and in disrepair.

Mr. Eldridge commented on the RV business being small scale, but it is in a commercial office zone district designed for medium to high intensity office uses. For commercial strip development with activity conducted inside the building, next to residential zoning. The future land use maps identify the area as commercial. This business description doesn’t fit into commercial office, the size of the garage with 14 ft overhead doors, 6 bays, 42’ by 60’ is a rather large structure compared to anything around it. There are homes nearby it, and it’s just outside the Vine Historic District.

Chair Lager closed the public hearing.

**FINDING OF FACT**

Ms. Doane moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 417 Forest Street shall include all information included in the notice of public hearing dated January 29, 2020.
- 2.) Sixty-three 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: Dennis Greenfield, the applicant stated he wanted to store R. V's on the site, a variance is required, to make it cost effective it would require six-stalls, that's his plan, currently he has two R.V's parked behind the main office building. Mr. Wheatley stated his concerns with the unsightliness and environmental concerns. Mr. Eldridge reported it's in the CC Zone District, a low intensity district, the footprint is too much for the area it's proposed to be in.

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

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

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

Mr. Skalski commented there were two motor homes on the east side of the building and clarified that those two would be stored inside the proposed building. The area on the east is in the flood plain, did he have plans to clean it up.

Mr. Greenfield, the applicant came forward, stating he owned the grass section next to one business on Park Street; however, the other properties are not under his ownership and he has no say over maintenance of those properties.

Chair Lager reviewed the criteria conditions that must be met to qualify and stated he would be voting against the request. One of the criteria needed to be met to approve a use variance is that the special circumstances are not the result of the applicant, in all other cases where a use variance is granted, there is a land condition reason to grant the request, where it wasn't the applicant's reason, he isn't seeing it in this case. He passes this property several times a day,

it's quite noticeable there are motorhomes in a residential area of the block. It doesn't meet the character of the neighborhood.

Mr. Carroll stated the variance doesn't meet criteria one or two and he'd be voting against the request.

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

Mr. Carroll read the application for 303 Balch Street and 1612 S. Park Street, Parcels #06-22-368-001 and #06-22-363-022:

**ZBA #20-02-02: 303 Balch Street and 1612 S. Park Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals Whitley Memorial Funeral Home, owner of the property at 303 Balch Street and 1612 S. Park Street, which are situated in Zone CC, Commercial – Community District. The applicant is requesting a dimensional variance from Chapter 5, Section 5.2, to authorize the construction of an attached garage on the south side of the building which will be within 2.5 feet of the south property line where a 25-foot setback is required from adjacent residentially zoned property.**

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

James Dirks, with Intersect Studio Architecture, was representing the owner of the property, it currently holds an abandoned 2-story condemned house. Whitley Funeral Home proposes to demolish that building, and is requesting a variance, the house is within 2.5 feet of the south property line. Whitley Funeral Home also owns the house to the south they lease. They request to allow to build the garage, connect it to the main building for storing indoor storage of the hearse, and limousine, and help visually with the activities of those vehicles.

Mr. Carroll questioned the dimensions of the garage. Mr. Dirks stated the building is about 24 feet wide, the frontage of the property is approximately 33' wide. It only leaves a small amount of space, but the garage will be connected, to takes the descendants into the building.

Chair Lager questioned the elevation of the house next door or the elevation of the funeral home property. Mr. Dirks stated the hill goes downward; the garage would be built even with the upper level of the commercial building.

Mr. Eldridge clarified, there are two parcels that will be combined.

Ms. van den Hombergh clarified it'd be the 88' and 33' together when the parcels are combined. Mr. Eldridge stated yes and clarified the location of the garage on the property. The easy rational is the 1612 S. Park and 303 S. Park are in the CC Zone District which gives it a 25' setback because of the residential property next to them.

Speaking in favor:

Bob McClure; 1614 S. Park St. spoke in favor; he would like to see the removal of the condemned house and had no objection to having a garage next door.

Mr. Eldridge stated the future land use map shows the area as Urban Edge, small scale commercial or mixed-use development. A funeral home is a use permitted by right in the CC Zone District.

Chair Lager closed the public hearing.

## **FINDING OF FACT**

Mr. van den Hombergh moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 303 Balch Street and 1612 S. Park Street shall include all information included in the notice of public hearing dated January 29, 2020.
- 2.) Forty-four 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: James Dirks with Intersect Studios spoke representing the applicant, stated Whitley Funeral Home proposes to merge two parcels for a total frontage of 121 feet, there's an abandoned, condemned two story home on the property that's been there about 20 years, they want to demolish it, build an attached garage to the funeral home to give the descendants respect while moving them. The width of the garage is 24 foot, and would have a Park Street access, it will be even with the ground floor of the house being demolished. In favor was Bob McClure, he supports having the house torn down and is in support of the attached garage.

**Ms. Doane seconded the Finding of Fact.**

**Ms. Van den Hombergh amended the Finding of Fact to include that the new garage will be 2.5 feet from the south property lines, seconded by Ms. Donae.**

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

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

Mr. Skalski stated he was in favor stating they are demolishing an unsightly existing house and improving the property.

Mr. Carroll stated he was voting in favor; it meets all the criteria required to grant the variance.

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

**OTHER BUSINESS:**

Mr. Eldridge referred to the 2020 meeting dates, and to the copy of the annual report. He stated he'd add Mr. Skalski to the roster for the 2019 term. He spoke to the number of parking variances and the amendments going to the City Commission currently regarding hotels and the parking standards for those.

Mr. Eldridge stated it was election night.

**Mr. Skalski made a motion to nominate Mr. Lager as Chair, Mr. Carroll as Vice Chair, and Ms. Doane as Secretary, seconded by Mr. Flach.**

**Motion approved by voice vote unanimously.**

**ADJOURNMENT:**

**The meeting was adjourned at 7:48 p.m.**

**Submitted by** \_\_\_\_\_ **Date** \_\_\_\_\_  
Recording Secretary

**Reviewed By** \_\_\_\_\_ **Date** \_\_\_\_\_  
City Staff

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