

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
JULY 9, 2020 - 7:00 p.m.**

This meeting was held as an electronic meeting under the authority of Executive Order 2020-15 issued by Governor Gretchen Whitmer.

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

Members Absent:

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

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

Chair Lager noted the meeting was being streamed live on Facebook and the City's You Tube channel.

Mr. Eldridge stated the public had the ability to call in for audio and the public could call in to 269-226-6573 to leave comments for either of the properties on the agenda.

MINUTES:

Ms. van den Hombergh, moved to approve the minutes of June 11, 2020 as submitted, seconded by Mr. Skalski.

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. For each request, the secretary will read the application into the public record. The applicant or their representative will have 10 minutes to present their comments, followed by public comments received via phone will be aired for the panelist and audience. Then the public hearing would be closed on the request. The Board would then conduct the finding of facts. The Board must approve the Finding of Fact. Therefore, the first vote you here is not a ruling on the request, but the Finding of Fact, then the Board discusses the request in order to determine a ruling. The Board reserves the privilege to ask questions of persons who have already spoken even though the public comment portion is now closed. Once discussion has ended the Board moves onto a roll call

vote. A full board consists of six members and four affirmative votes are required to grant a motion for a non-use or use variance.

Ms. Doane read the application for 1500 N. Pitcher Street, Parcel #06-10-452-001:

ZBA #20-07-13: 1500 N. Pitcher Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Graphic Packaging International, LLC owner of 1500 N. Pitcher Street, which is situated in Zone M-2, Manufacturing – General District. The applicant is requesting a dimensional variance from Chapter 5, Section 5.2, of 24 feet from the front yard building setback to allow the building addition to align with the existing building to the north which is one foot from the front property line. The M-2 Zone District has a 25-foot front yard building setback requirement.

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

Rusty Miller, applicant for the variance stated this was his third time before the Board, for the expansion of the paper mill. This phase is the expansion of the warehouse space, adding capacity, extending the south side of the paper machine building.

Mr. Eldridge clarified in the Board's packet is an aerial view showing where the building will encroach into the property setback and discussed the diagrams and photographs submitted.

Chair Lager commented the diagrams and photographs are self-explanatory and answer most of his questions.

Mr. Skalski stated it's logical for the area, it's in an industrial area.

Mr. Eldridge stated it's not the first variance request, 1421 N. Pitcher St. had a setback variance in July of 2008, the more recent variances were for the first phase at 1810 N. Pitcher St in November 2019 for a setback variance for an alignment of the building addition, 1401 Harrison St. was for a variance for the nonconforming building to be expanded in height, in March 2020 and now the 1500 N. Pitcher St. request is before the Board. It's less intrusive than the other variances granted. The future land use map identifies this parcel in an industrial area, it's the Graphic Packaging complex on both sides. There are no negative impacts since they are the owners of the surrounding properties.

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 1500 N. Pitcher Street shall include all information included in the notice of public hearing dated June 24, 2020.
- 2.) 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: Rusty Miller the applicant stated they need to add space. Mr. Eldridge commented on the photographs to show what is being requested. Mr. Skalski stated they are in an industrial area and there were no negative comments from neighbors. They have received other variances. Graphic Packaging owns surrounding property without any negative actions.

Mr. Skalski seconded the Finding of Fact.

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

Ms. Doane moved to approve the application, seconded by Mr. van den Hombergh.

Chair Lager stated the property is on a street that where Graphics packaging is only business, he approves of them adding an addition and is in favor of the motion.

Motion approved by roll call vote unanimously.

Ms. Doane read the application for 303, 311, 317 Balch Street / 1612 S. Park Street: Parcels #06-22-368-001, #06-22-363-021, #06-22-363-020 and #06-22-363-022:

ZBA #20-07-14: 303 Balch Street, 311 and 317 Balch Street / 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 by Whitley Memorial Funeral Home, owner of the property at 303, 311 and 317 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, of 22.5 feet to authorize a building addition to connect these two nonconforming buildings. The existing building to the west is 2.5 feet from the rear property line and the building to the east is 17 feet from the rear property line. In the CC Zone District, a 25-foot rear yard building 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-one notices of public hearing sent and zero responses were received.

Nicole Semmler & Shenise Whitley, spoke to the request, Ms. Semmler with Intersect Studio, an Architecture Firm stated they applied for a variance on 303 Balch and purchased the property beside hers. They can move some functions over to the new property. The new building is on the property line. The Balch Street property will be infilled. To help the function for the funeral home services.

Mr. Skalski questioned if the separate parcels would be combined. Ms. Semmler stated yes, they would be combined.

Chair Lager spoke to the properties that were all under common ownership. Ms. Semmler owns the properties. Mr. Eldridge stated the 1612 S. Park St. and the property south of that is owned by them, but there are three residential properties on Emerson St. that Whitley Memorial Funeral Home doesn't own. But the other five parcels are all part of the same properties, all but one will remain a rental property.

Mr. Flach stated there is little to no setback currently. Mr. Eldridge said there's about a one-foot setback for Lang's, about a 17-foot setback for the office building at 303 Balch St. The infill addition will be approximately 2.5 feet from the south property line. Mr. Eldridge asked about the use of the space and the need for the large addition between the two.

Ms. Semmler stated a lot of the functions in the 303 Balch St. building were in the basement and would have to modify it with a lift for the decedents to get them into the basement for embalming. For the infill it will have a cooler space and work room, and additional room there to grow. The front half will be a lobby space for the public, with the workspace in the back.

Mr. Eldridge stated the future land use for the Crosstown Parkway area is commercial. Balch Street properties are a neighborhood edge, transitioning into commercial. Emerson Street is still showing as R-2 residential, with rental buildings behind them. The two buildings being connected the Lang's is from 1966, the office at 303 Balch St. is from 1964, they are older structures built under an older city code. He spoke to the grade change of 8 to 10 feet between the surface parking lot and the home to the south. The infill that will occur will help close off the gap. This business does require parking for services, the addition can't extend to the north. The people at Whitley Funeral Home are working to utilize the Well Field property from the city. The prior variance from February 2019 was for a dimensional variance for the setback to be 2.5 feet from the south property line, for the garage area where the hearse would be stored. It's a low use space, and won't be disruptive to the neighbors, and there has not been any negative response from the neighbors received for this public hearing. He asked about the rear elevation.

Ms. Semmler commented the 317 Balch St, the Lang building will be a garage and have no windows, the south face of the infill will have the cooler building with no windows, only a door.

There were no comments from the public.

Chair Lager closed the public hearing.

FINDING OF FACT

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

- 1.) The Finding of Fact for 303 Balch Street, 311 and 317 Balch Street / 1612 S. Park Street: shall include all information included in the notice of public hearing dated June 24, 2020.
- 2.) Forty-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 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: Nicole Semmler from Intersect Studio's stated there's a new design, workspace needs to be expanded, Whitley Memorial Funeral Home would like to have a reduction from the 25 foot rear setback for all three parcels reducing it to 2.5 feet to match the south side existing structure at 1612 S. Park St. Some questions discussed were can the funeral home confirm they will combine the parcels, yes, they confirmed they will combine the parcels, there is a parcel with a rental property on it, Balch St. frontage is looked at as commercial. Emerson St. is in transition. In 2019 there was a prior dimensional variance granted for parking back by the garage, there will be a grade change of 8 to 10 feet. They want to utilize the Well Field property for parking. There was discussion on the floor plan and how it would be used. They need a larger floor plan to get out of the basement, the reason for the expansion is for a larger space to move the operations out of the basement and have space for future growth. Rear elevation details, the back half for the garage, the cooler, and there will be no windows.

Mr. Skalski seconded the Finding of Fact.

Mr. Eldridge clarified the prior variance reduced the south setback 2.5 feet for the 1612 S. Park St. parcel, but it will not remain residential, it will be part of the redevelopment.

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

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

Mr. Flach stated he was in favor, it's a non-conforming building, it will look nicer, no impact on the neighborhood, no opposition from the neighborhood.

Chair Lager stated he was in favor, the eight-foot elevation change, would be minimized.

Motion approved by roll call vote unanimously.

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

OTHER BUSINESS:

There will be an August meeting probably by Zoom also.

ADJOURNMENT:

The meeting was adjourned at 7:46 p.m.

Submitted By _____ **Date** _____
Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____
Chair