

Agenda
City of Kalamazoo - Zoning Board of Appeals
August 13, 2009

Regular Meeting

City Commission Chambers, City Hall

7:00 p.m.

- A. Call to Order
- B. Approval of the Minutes of the Regular Meeting on July 9, 2009
- C. Communications and Announcements
- D. Public Hearings:
 - 1. ZBA #09-08-12: 820 Riverview Drive. City Sign Erectors on behalf of Lee's Famous Recipe Chicken, is requesting a variance from Chapter 9, Section 9.5A, to allow the replacement of the existing 40 square foot changeable copy board with a 27 square foot digital reader board on this nonconforming freestanding sign. The resulting nonconforming freestanding sign will be 99 square feet in area, where only 42 square feet is allowed per the Zoning Ordinance.
 - 2. ZBA #09-08-13: 2416 Parchmont Avenue. Rocky Saunders Construction on behalf of Amber Bartholomew, the property owner, is requesting a dimensional variance from Chapter 5, Section 5.1, to allow the construction of a new attached garage, which will be located three feet from the side property line, where the required side yard setback is eight feet per the Zoning Ordinance.
- E. Other Business:
- F. Adjournment

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
July 9, 2009 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

Members Present: David Artley, Karl Guenther, Rachel Hughes-Nilsson, Karl Freed, Charles Martell (alternate), Doris Jackson

Members Absent:

City Staff: Pete Eldridge, Project Coordinator; John Kneas, Assistant City Attorney; Deanna Benthin, Recording Secretary

Chair Artley called the meeting to order at 7:05 p.m.

MINUTES

Mr. Guenther, supported by Mr. Martell moved to approve the minutes of June 11, 2009 as submitted.

Motion approved by voice vote unanimously.

NEW BUSINESS:

PUBLIC HEARINGS: Chair Artley 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. Guenther read the application for 130 East Cork Street, CCN# 06-34-201-002:

ZBA# 09-07-11: 130 East Cork Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by the applicant Joanne Cramer. The request concerns the properties 130 East Cork Street, which is situated in use Zone CC (Commercial – Community District). The request, if approved, would authorize a variance for a temporary use (flower sales) south of the parking lot on the east side of the Boonzaaijer Bakery building annually for an additional two month period for July and August. A variance was granted on June 10, 2004, which authorized annual flower sales at this location for May and June. Per the Chapter 4, Section 4.3 of the Zoning Ordinance, city staff can approve a temporary uses administratively for a maximum of 30 days per calendar year, but for temporary uses operating beyond this time period a variance 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 13 notices of public hearing sent and zero responses were received.

Jo Cramer, the applicant for the variance shared she had received some favorable responses from neighbors who said they had no complaints with her selling flowers on the property. Ms. Cramer asked the Board to approve her request to sell flowers at this location.

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

FINDING OF FACT

Ms. Hughes-Nilsson moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 130 East Cork Street shall include all information included in the notice of public hearing dated June 24, 2009.
- 2.) Thirteen 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, sketch of the site and a copy of the 2004 Zoning Board of Appeals approval for the original application.
- 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: Jo Cramer spoke in favor of the request stating she had received additional responses from neighbors that stated they didn't have any complaints about this application. She stated she just wanted to continue to sell flowers at this property location with the existing variance for an extended period of time.

Mr. Freed supported the Finding of Fact.

Mr. Freed questioned if the property had a 30 day variance approval. Mr. Eldridge replied they were operating under the previous variance of June 10, 2004 from the Vroegop's for May and June. Ms. Cramer is now requesting to extend it for two additional months. Staff looks at the "land use," not the different applicants. The flower sales location is exactly the same as when approved in 2004. Mr. Freed wanted clarification if it had a variance or an

administrative approval for 30 days. Mr. Eldridge stated they were operating under the variance approval for sixty days.

Mr. Eldridge asked for clarification as to the hours of operation. Ms. Cramer stated between 9:00 a.m. to 6:00 p.m. with set up and take down time also. They are closed on Sundays.

Mr. Martell asked Mr. Eldridge to clarify the use variance mentioned in the June 15, 2004 letter and the new application talking about a dimensional variance. Mr. Eldridge stated the verbiage used in the 2004 packet was just little confusing but, was for a temporary use.

Chair Artley questioned if both the Finding of Fact and variance request was approved they would get sixty days from today. Mr. Eldridge stated they actually get through the end of August. They applied for the variance and continued with the sales.

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

Mr. Martell moved to approve the application for the authorization of annual flower sales from May through August, supported by Mr. Freed.

Chair Artley commented when granting a variance the Board must ensure the spirit of the ordinance is observed, public safety public safety secured and substantial justice done.

Motion approved by roll call vote unanimously.

Mr. Freed moved to adjourn the meeting and was supported by Mr. Guenther.

ADJOURNMENT

The meeting was adjourned at 7:20 p.m.

Submitted By _____ Date _____

Reviewed By _____ Date _____

Approved By _____ Date _____



Community Planning & Development

445 W. Michigan Avenue, Suite 101
Kalamazoo, MI 49007
Ph. 269.337.8026
www.kalamazoo-city.org

NOTICE OF PUBLIC HEARING

July 24, 2009

**RE: 820 Riverview Drive
CCN# 06-14-121-002
ZBA# 09-08-12**

Dear Property Owner:

An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by City Sign Erectors on behalf of Lee's Famous Recipe Chicken, the property owner. The request concerns the property at 820 Riverview Drive, which is situated in use Zone CMU (Commercial – Mixed Use District).

The request, if approved, would authorize a dimensional variance from Chapter 9, Section 9.5A, to allow the replacement of the existing 40 square foot changeable copy board with a 27 square foot digital reader board on this nonconforming freestanding sign. The resulting nonconforming freestanding sign will be 99 square feet in area, where only 42 square feet is allowed per the Zoning Ordinance.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the item described above.

A public hearing will be held on **Thursday, August 13, 2009 at 7:00 p.m.** in the City Commission Chambers in City Hall (241 W. South Street), at which time you may submit your views on this matter in person, by writing, or by representative.

If you should know of any interested person who has not received a copy of this letter, it would be appreciated if you could inform them of the time and place of the hearing.

Further information may be obtained from the Community Planning and Development Department, located at the Development Center at 445 W. Michigan Avenue Suite 101, or by calling (269) 337-8044.

Sincerely,
ZONING BOARD OF APPEALS

A handwritten signature in cursive script that reads 'Pete Eldridge'.

Pete Eldridge, AICP
Project Coordinator

c: File

THE CITY OF



Zoning Board of Appeals (ZBA) Application Form

Community Planning & Development Department

445 W. Michigan Avenue, Suite 101

Kalamazoo, MI 49007

phone: 269-337-8026

www.kalamazoo.org

JUL 20 2009

Your fully completed application, fee, and all related documents must be submitted to the Community Planning & Development Department at least four (4) weeks prior to the Zoning Board of Appeals meeting.

Applicant: Name CITY SIGN Erectors - Tracy Rogers
 Address 2024 3 MILE RD NW
 City, State, Zip GRAND RAPIDS MI 49534
 Phone 616-791-5016 Cell 616-260-4587
 Fax 616-791-1011 Email TracyRogers@CITYSIGNERECTORS.COM

Owner: Name Rob Baldwin
 Address 3506 LAYERS LN STE #6
 City, State, Zip Kalamazoo MI 49001
 Phone 269-929-2130 Cell _____
 Fax _____ Email _____

(If the applicant is not the property owner, a letter signed by the owner agreeing to the variance must be included with the application.)

Property Information

Street or Street Address 820 RIVERVIEW DR.

This property is located between BRIDGE ST street and E. CULL RD street, on the

north south east west side of the street.

CCN# 06-14-121-002 Zone COMMERCIAL MIXED USE

Type of Request

Interpretation of Chapter(s) _____ Sections(s) _____ Paragraph(s) _____ of the City of Kalamazoo Zoning Ordinance.

Use Variance: Applicant must demonstrate that if the Zoning Ordinance is applied strictly, unnecessary hardship to the applicant will result. All Use Variance Requirements must be met. (See Requirements List.)

Dimensional Variance: Applicant must demonstrate that if the Zoning Ordinance is applied strictly, practical difficulties to the applicant will result. All Dimensional Variance Requirements must be met. (See Requirements List.)

Appeal of an Administrative Decision

Description THE EXISTING SIGN COMPLIES W/ SET BACK + HEIGHT AS FAR AS I AM AWARE - THE NEW SIGN REPLACEMENT WILL BEING THIS WHOLE NON-COMPLYING SIGN CLOSER TO COMPLIANT - WE ARE MOVING FROM 40 SQ FT TO 25 SQ FT ON THE STATE RD. - SEE DRAWING ATTACHED.

- \$200 Fee (Use Variances - \$450, All Other Requests \$200)
- Brief narrative (less than one type-written page) describing the nature of the request (2 copies)
- Sketch plan of the property in question (2 copies)
- Additional attachments as needed e.g. (pictures, architectural drawings, petitions, etc. (2 copies)

Rob Baldwin Tracy Rogers _____ 7-16-09
 Signature of Applicant Date

Rob Baldwin _____ 7-16-09
 Signature of Owner (if different than applicant) Date

RECEIVED JUL 17 2009

CITY SIGN ERECTORS OF WESTERN MICHIGAN, INC.

2824 3 Mile Rd, N. W.
Grand Rapids, MI 49544
Phone (616) 791-0016
Fax (616) 791-1011

7/7/09

We will be removing the white board behind the black readerboard that shows the text reading Lee's Chicken in Amber/Yellow just about the "it's catering time". The sign there now is 5 x 8 and the replacement is 2'9" x 9'2". This drawing is not to scale.

Let me know if you have any questions.

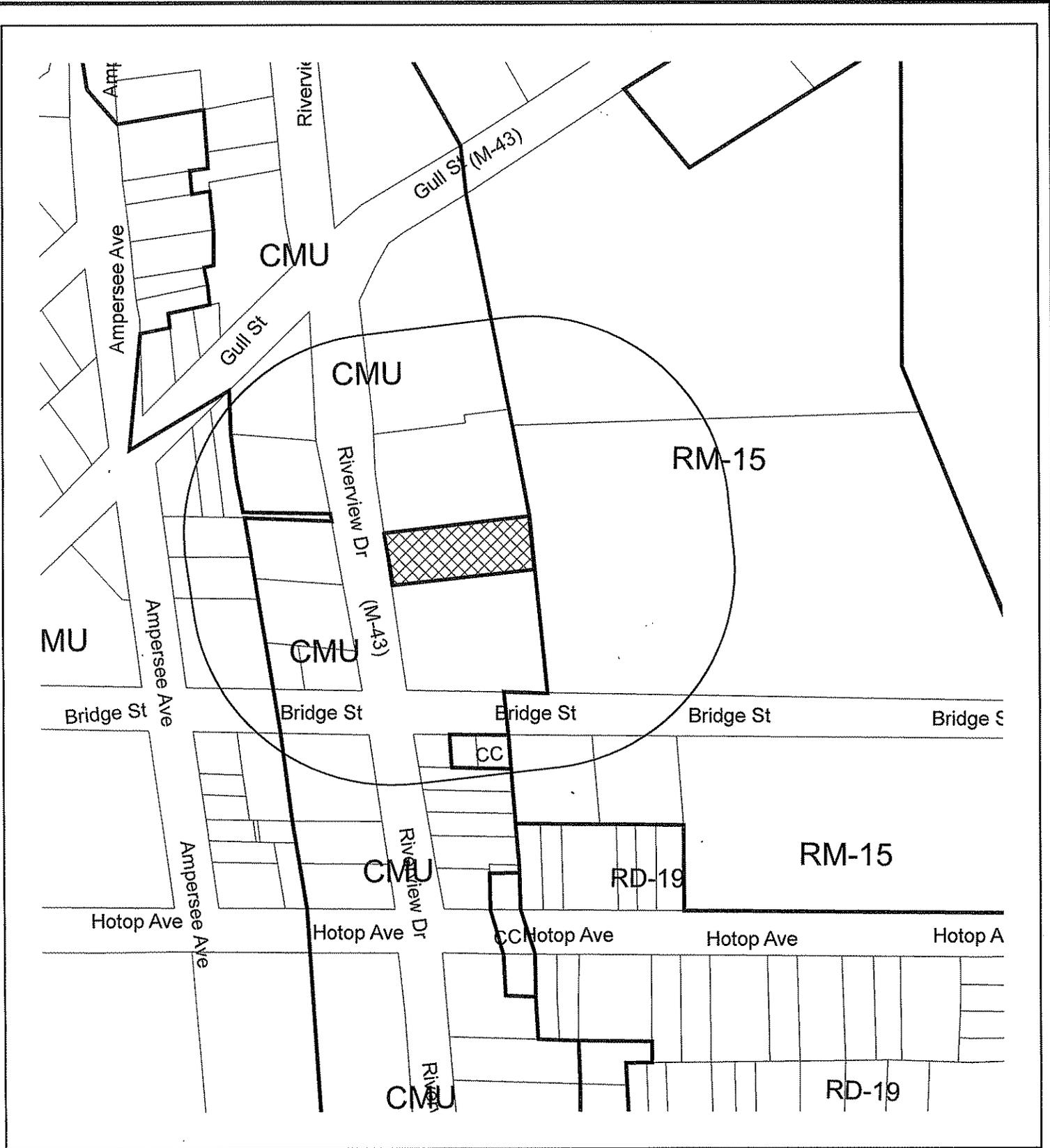
Best Regards,
Tracy Rogers



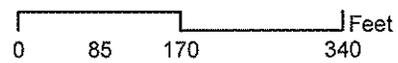
Specializing in sign installation and maintenance for over 40 years

820 Riverview Drive
July 23, 2009





300' Mailing Boundary
820 Riverview Drive





Community Planning & Development

445 W. Michigan Avenue, Suite 101
Kalamazoo, MI 49007
Ph. 269.337.8026
www.kalamazoo.org

NOTICE OF PUBLIC HEARING

July 24, 2009

**RE: 2416 Parchmount Avenue
CCN# 06-01-155-057
ZBA# 09-08-13**

Dear Property Owner:

An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Rocky Saunders Construction on behalf of Amber Bartholomew, the property owner. The request concerns the property at 2416 Parchmount Avenue, which is situated in use Zone RS-5(Residential – Single Dwelling District).

The request, if approved, would authorize a dimensional variance from Chapter 5, Section 5.1, to allow the construction of a new attached garage, which will be located three feet from the side property line, where the required side yard setback is eight feet per the Zoning Ordinance.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the item described above.

A public hearing will be held on **Thursday, August 13, 2009 at 7:00 p.m.** in the City Commission Chambers in City Hall (241 W. South Street), at which time you may submit your views on this matter in person, by writing, or by representative.

If you should know of any interested person who has not received a copy of this letter, it would be appreciated if you could inform them of the time and place of the hearing.

Further information may be obtained from the Community Planning and Development Department, located at the Development Center at 445 W. Michigan Avenue Suite 101, or by calling (269) 337-8044.

Sincerely,
ZONING BOARD OF APPEALS

A handwritten signature in cursive script that reads 'Pete Eldridge'.

Pete Eldridge, AICP
Project Coordinator

c: File





Zoning Board of Appeals (ZBA) Application Form

RECEIVED
Community Planning & Development Department
JUL 24 2009

Community Planning & Development Department
445 W. Michigan Avenue, Suite 101
Kalamazoo, MI 49007
phone: 269-337-8026
www.kalamazoocity.org

Your fully completed application, fee, and all related documents must be submitted to the Community Planning & Development Department at least four (4) weeks prior to the Zoning Board of Appeals meeting.

Applicant: Name Rocky Saunders / Rocky Saunders Construction
Address 70 S 26TH ST
City, State, Zip OSHTON, MI 49078
Phone 269-692-3129 Cell 269-207-7572
Fax 269-692-3129 Email _____

Owner: Name AMBER BARTHOLOMEW
Address 2416 PARCHEMONT
City, State, Zip KALAMAZOO, MI
Phone 269-345-5125 Cell 269-377-3698
Fax _____ Email _____

(If the applicant is not the property owner, a letter signed by the owner agreeing to the variance must be included with the application.)

Property Information

Street or Street Address 2416 PARCHEMONT

This property is located between CLARKIN street and _____ street, on the

north south east west side of the street.

CCN# 06-01-155-057 Zone _____

Type of Request

Interpretation of Chapter(s) _____ Sections(s) _____
Paragraph(s) _____ of the City of Kalamazoo Zoning Ordinance.

Use Variance: Applicant must demonstrate that if the Zoning Ordinance is applied strictly, unnecessary hardship to the applicant will result. All Use Variance Requirements must be met. (See *Requirements List*.)

Dimensional Variance: Applicant must demonstrate that if the Zoning Ordinance is applied strictly, practical difficulties to the applicant will result. All Dimensional Variance Requirements must be met. (See *Requirements List*.)

Appeal of an Administrative Decision

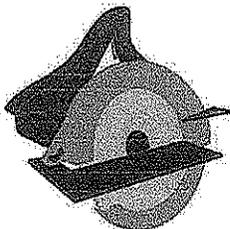
Description _____

Attachments

- \$200 Fee (Use Variances - \$450, All Other Requests \$200)
- Brief narrative (less than one type-written page) describing the nature of the request (2 copies)
- Sketch plan of the property in questions (2 copies)
- Additional attachments as needed e.g. (pictures, architectural drawings, petitions, etc. (2 copies)

Rocky Saunders _____ 7-24-09
Signature of Applicant Date

Amber Bartholomew _____ 7-24-2009
Signature of Owner (if different than applicant) Date



7/27/2009

ROCKY SAUNDERS CONSTRUCTION
70 S. 20TH STREET
OTSEGO, MI 49078
269-692-3129

To: The members of the zoning board of the city of Kalamazoo.

From: Rocky Saunders on behalf of Amber Bartholomew of 2416 Parchmount Kalamazoo, Mi.

We are requesting a variance for the property above, A few weeks ago I spoke with one of the building inspectors requesting the set backs for this property, he told me that with a fire rated wall against the next property the set back was 3'. At this time I quoted a building for Amber with the fire rated walls and received the contract to build the building. Later when getting the lot description from Peter Eldridge he informed me that if it was not in the back yard the set back was 8'.

Reasons for hardship and not being able to put this building in the back yard are as follows.

1. Amber and her husband recently erected a above ground pool which is in the space needed.
2. The existing garage is not wide enough for them to park their vehicles in and open their doors with out banging doors.
3. They also do not have adequate storage in the garage or house.
4. Reason for not being able to directly attach to house is the drive, garage floor and front yard are 6" higher than the floor level of the house.
5. There is no other place to build the building in the back yard.
6. The existing building is already 3' from the line and with a variance it would still be 3' the same as the existing one.

I ask that you also consider that with economy the way it is it is already hard enough to find work, this project would create work for a few people as well increase the property value and make it more pleasing to the eye.

Thank you for consideration and time. Respectfully.



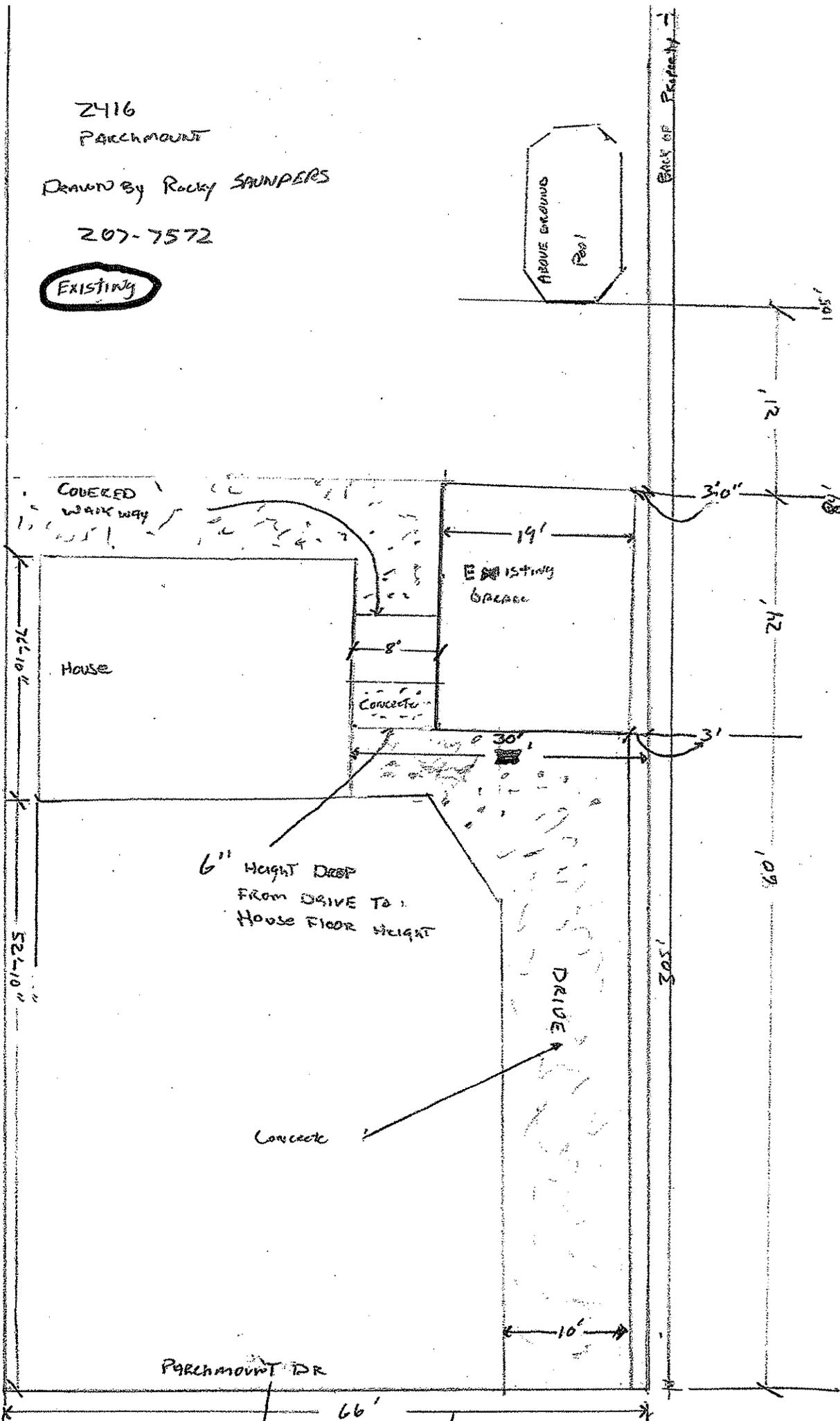
2416

PARCHMOUNT

Drawn By Rocky SAUNDERS

207-7572

EXISTING

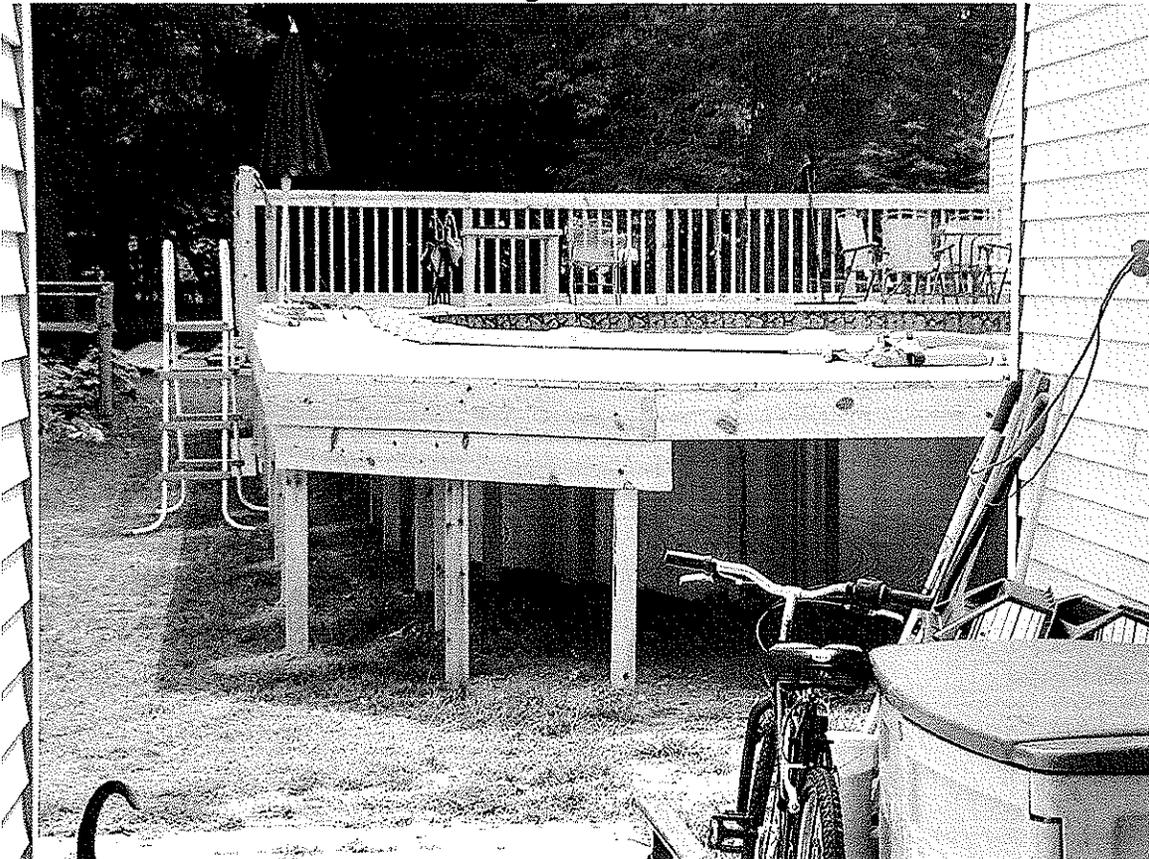


2

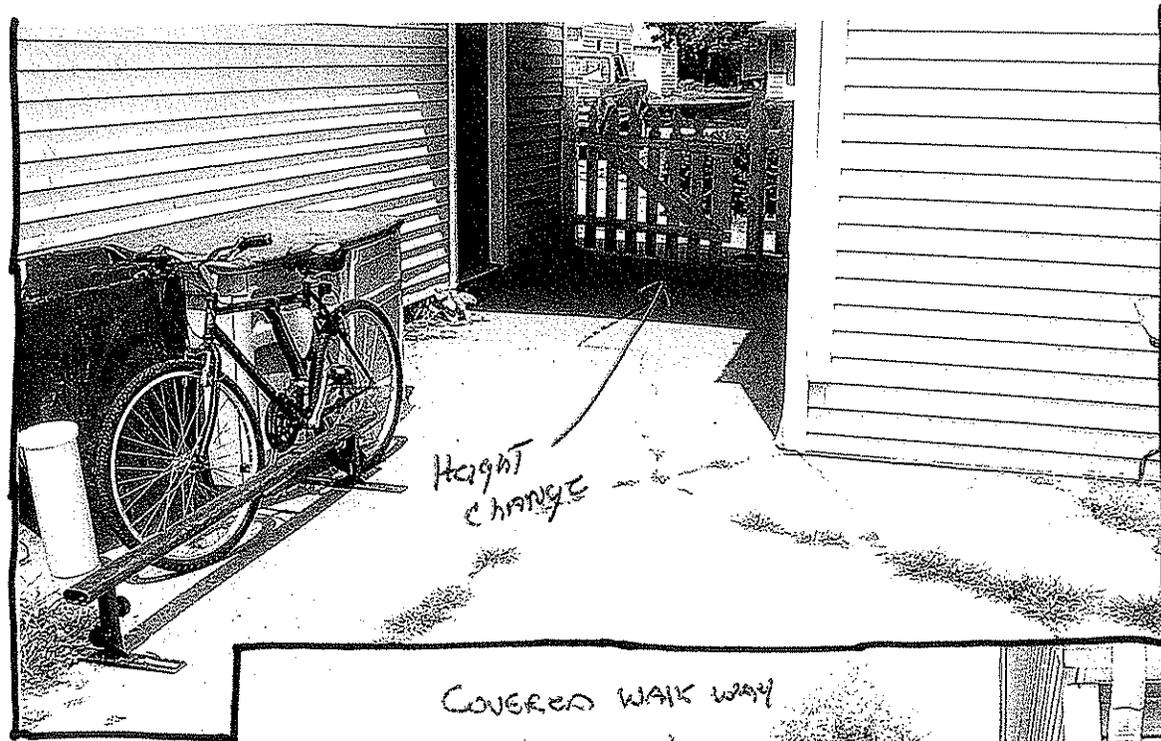
2416 Parchmount Avenue
July 23, 2009



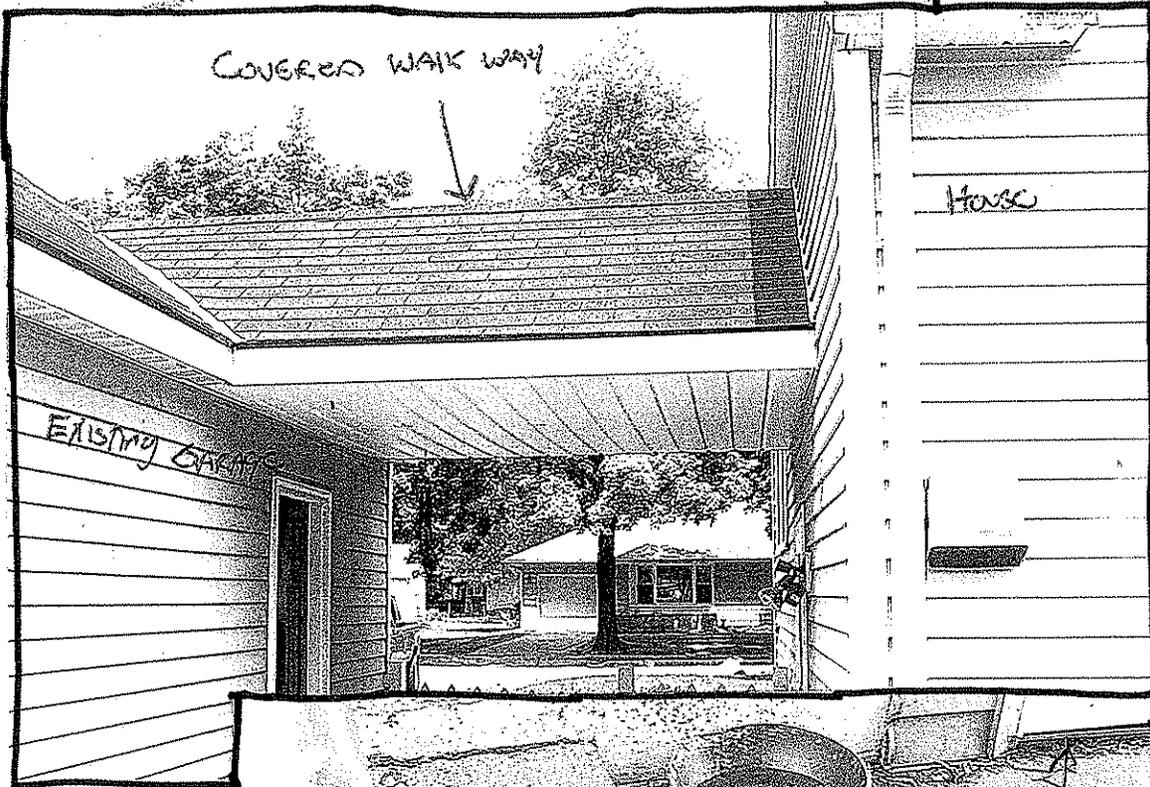
Street View of House and Attached Garage



View of Rear Yard Looking Through Breezeway



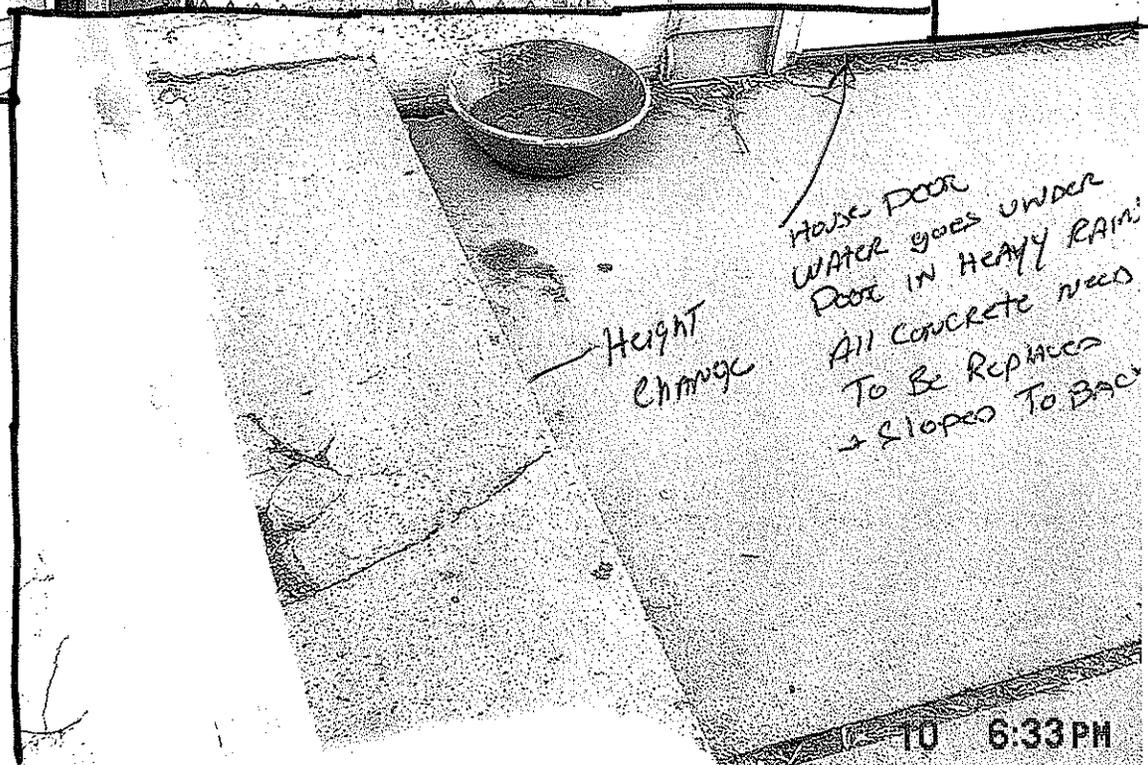
Height Change



COVERED WALK WAY

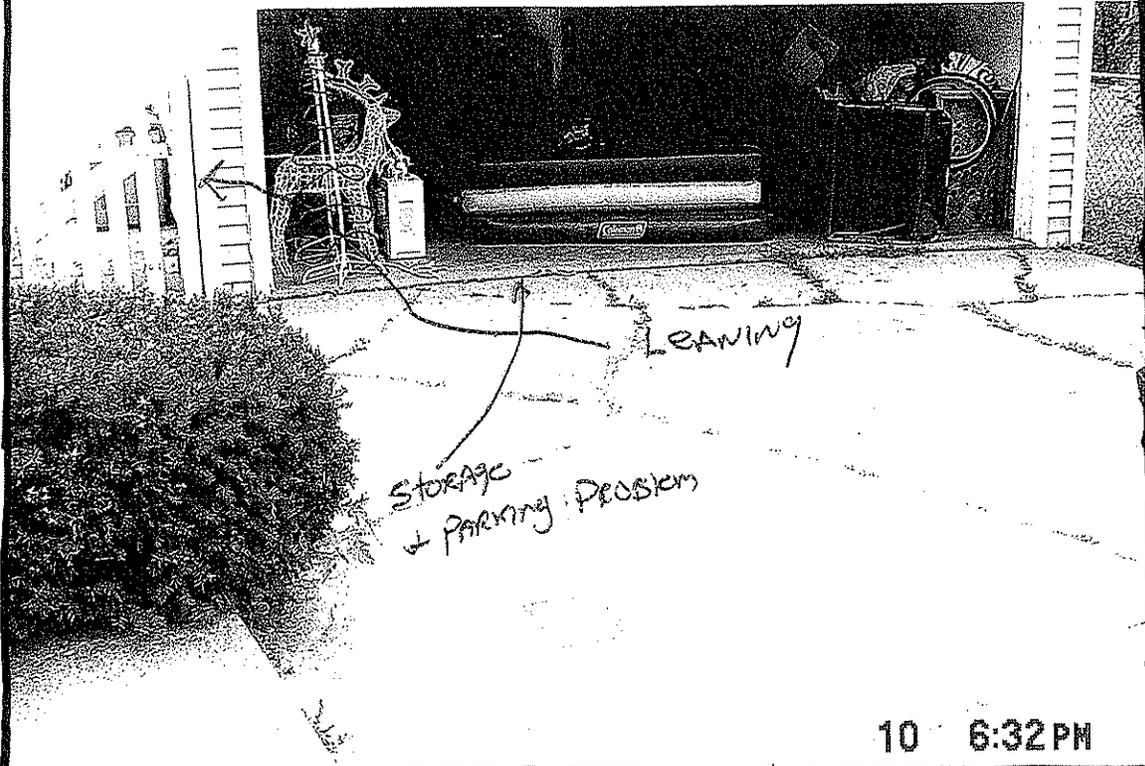
EXISTING CASING

House



Height Change

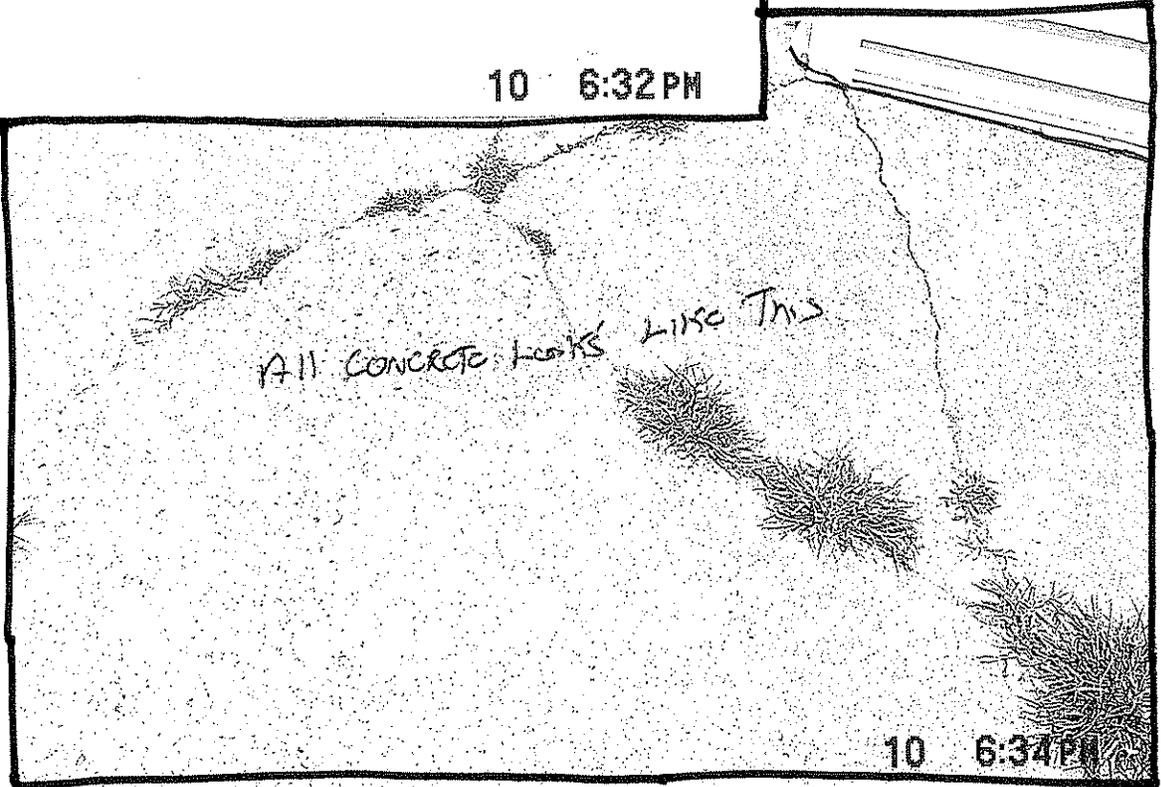
horse door
water goes under
door in heavy rain!
All concrete needs
to be replaced
& sloped to back



STORAGE & PARKING PROBLEM

LEAVING

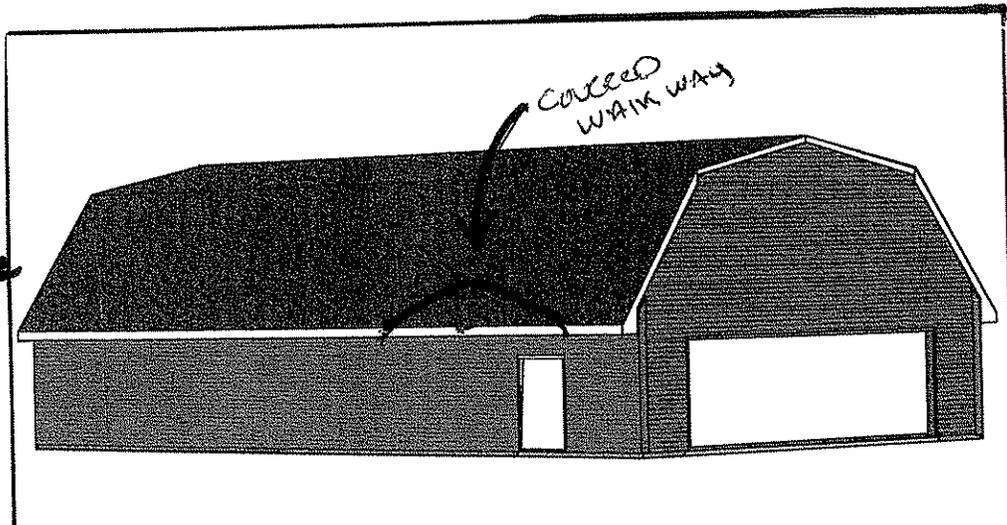
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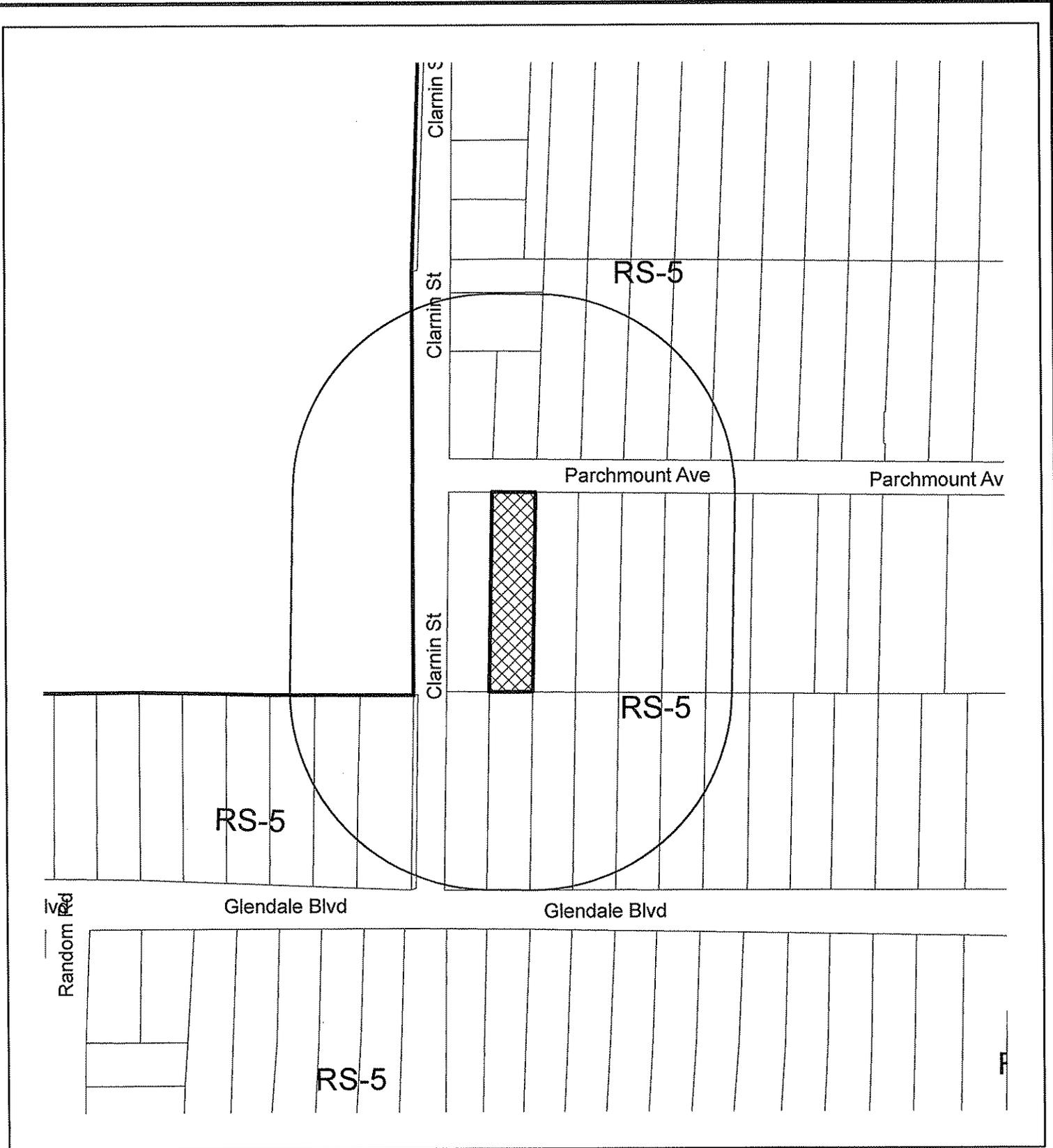
ALL CONCRETE LOOKS LIKE THIS

10 6:34 PM

Example of Proposed Garage



Covered WALKWAY



300' Mailing Boundary
 2416 Parchmont Avenue

