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**Charter Township of Kalamazoo
Minutes of the Zoning Board of Appeals
Held on August 21, 2019**

10 A regular meeting of the Kalamazoo Charter Township Zoning Board of Appeals was held on
11 Wednesday, August 21, 2019.

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Call to Order.

19 The chairman called the meeting to order at 7:00 p.m.

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Present Were:

24 Chairman Jim Short
25 Warren Cook
26 Steve Leuty
27 Fred Nagler
28 Chris Mihelich

29 Absent was: None.

30 Also present were: Township Planner Patrick Hudson, Township Manager Dexter Mitchell,
31 Township Attorney Seth Koches and 18 members of the audience.

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Roll Call.

36 Chairman Short called the roll, noting that all ZBA members were present except Mihelich.
37 Short noted that Mihelich was absent from the meeting. Leuty moved, supported by Nagler to
38 excuse Mihelich from the meeting. The motion passed unanimously.

39 Mihelich arrived at the meeting at 7:20 p.m.

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Approval of the Agenda.

The ZBA members received a copy of the agenda in the member packets.

Nagler moved, supported by Cook, to approve the agenda as presented. The motion passed
unanimously.

Approval of the Minutes of the June 19, 2019 ZBA Meeting.

The next item on the agenda was approval of the minutes of the June 19, 2019 regular Zoning
Board of Appeals meeting. The meeting minutes were provided to all ZBA members in their
packets. There were no additions or revisions made to the minutes.

1 Cook moved, supported by Leuty, to approve the minutes of the June 19, 2019 regular ZBA
2 meeting as presented. The motion passed unanimously. Short signed the minutes because
3 Mihelich had not arrived when the June 19, 2019 meeting minutes were approved and the
4 same where provided to Hudson for transmission to the Township staff.

5
6 **Public Hearings.**

7
8 **2528 E. Main Street – Youth for Christ – recreation – Setback Variance Requests**

9
10 The first item set for a public hearing was the request of Kalamazoo Youth for Christ (applicant),
11 2528 E. Main Street, Kalamazoo, MI 49048 for consideration of several variance requests as
12 follows:

- 13 • Variances to permit the single family residence to be split from the existing
14 church and placed under separate ownership as follows:

15
16 --A 14-foot variance from the 80-foot minimum lot width requirement
17 contained in Section 25.02 of the Township Zoning Ordinance in order to
18 permit the house to be located on a 66-foot wide lot; and

19
20 --A 4,488-square foot variance from the 13,200 square foot minimum parcel
21 size requirement contained in Section 25.02 of the Township Zoning
22 Ordinance in order to permit the house to be located on a parcel of 8,712
23 square feet in area; and

- 24
25 • Variances in order to permit construction; additions and retaining of the
26 existing church building at 2528 E. Main Street as follows:

27
28 --An up-to 50-foot variance from the required 75-foot minimum front yard
29 minimum setback requirement contained in Section 8.02.LL of the Township
30 Zoning Ordinance for the proposed use adjacent to a residential zoning
31 district in order to permit it to construct a proposed gymnasium addition to
32 the front of the existing church building with a 25-foot setback; and,

33
34 ---A 5-foot variance from the 75-foot minimum side yard setback
35 requirement contained in Section 8.02.LL of the Township Zoning Ordinance
36 in order to permit the construction of the gymnasium 70 feet from the west
37 property line if the variances permitting the split of the house from the
38 church property are granted; and

39
40 ---A 23-foot variance from the 75-foot minimum side yard setback in order to
41 allow a 52-foot east side setback requirement contained in Section 8.02.LL of
42 the Township Zoning Ordinance in order to permit the construction of the
43 proposed gymnasium addition to be located 52 feet from the east property
44 line; and

1
2 --A 2% variance from the required 25% maximum lot coverage requirement
3 contained in Section 25.02 of the Township Zoning Ordinance in order to
4 permit the construction of the proposed gymnasium with a resulting 27% lot
5 coverage.
6

7 The subject property is located in the "R-2" Single and Two-Family Residential District Zoning
8 Classification and is approximately 1.38 acres in size (approximately 60,700 square feet); the
9 parcel identification number is 06-13-121-011.
10

11 Hudson prepared a staff report, which was contained in the ZBA's board packet and
12 summarized it. Hudson discussed Section 25.02 Schedule of Regulations contained in the
13 Township Zoning Ordinance. Hudson said the required minimum lot area is 13,200; the
14 applicant requested a 4,488 square-foot variance from the lot-area requirement; the required
15 minimum lot width is 80'; the applicant requested a 14' lot width variance request for the
16 former parsonage lot; the maximum lot coverage is limited to 25%; the applicant requested a
17 variance of a 2% increase in maximum lot coverage. Hudson said Article 8, Section 8.02.LL
18 Recreational Facilities lists the required setbacks to be 75' from all property lines; the applicant
19 requested a 50' setback for the location of the gym, and a 5' variance from the setback for the
20 new west lot line; and, a 23' variance from the east right-of-way property line. Hudson's report
21 indicated that the applicant wants to separate the former parsonage house on the platted 66' x
22 132' (8,172 square feet) and use the remainder of the former church property for a recreation
23 center. The applicant also wants to build a gymnasium addition to the E. Main Street side, 25'
24 from the right-of-way and 50' from the side street right of way.
25

26 The subject property is owned by East Main Church of Christ; Kalamazoo Youth for Christ is the
27 applicant. The application indicated that the reason for the requested relief from the 80-foot
28 minimum lot width requirement in the R-2 Zoning District Classification is to allow the property
29 containing the existing single-family residence to be under separate ownership from the
30 property containing the existing church. The applicant proposed to revert to the original
31 property lines that were in place when the house was constructed. The applicant noted that the
32 lot's dimensions are consistent with most other residential lots in the surrounding area. The
33 applicant noted that allowing a smaller lot size will keep the existing parking pavement on the
34 east side of the residence on the church property for which it is used.
35

36 The application indicated that the reason for the requested relief from the 13,200 square-foot
37 minimum lot size (to allow a lot size of 8,712 square feet) in the R-2 District Zoning
38 Classification is to allow the property containing the existing single-family residence to be under
39 separate ownership from the property containing the existing church. The applicant again
40 noted that allowing a smaller lot size will keep the existing parking pavement on the east side of
41 the residence on the church property for which it is used.
42

43 The application stated that the reason for the requested relief from the 75-foot front yard
44 setback requirement is to allow for the construction of a recreational gymnasium addition to

1 the existing church facility. The applicant noted that this is a program requirement for the
2 proposed new use as an indoor recreational facility. The applicant said that the activities are
3 necessary to provide group interaction and mentoring in an indoor space; there is no other
4 possible location on this property that will accommodate the addition of a recreational
5 gymnasium. The applicant noted that the 25-foot setback from the north of the property line is
6 consistent with many residential and commercial structures along E. Main Street.

7
8 The application stated that the reason for the requested relief from the 75-foot west side-yard
9 setback requirement is to allow for the division of the lots for the existing residence and the
10 existing church facility. This requested variance is for the existing church building, and is not
11 impacted by the proposed recreational gymnasium addition. The existing building is within
12 5-feet of complying with the 75-foot setback requirement; the applicant said this requirement
13 was created after the existing building was constructed.

14
15 The application stated that the reason for the requested relief from the 75-foot east side-yard
16 setback requirement is to allow for the construction of the proposed recreational gymnasium
17 addition to the existing church facility. The applicant again noted this is a program requirement
18 for the proposed new use as an indoor recreational facility and these activities are necessary to
19 provide group interaction and mentoring in an indoor space; there is no other possible location
20 on this property that will accommodate the addition of a recreational gymnasium. The existing
21 church is closer to the east property line so there will be no real impact to the adjacent
22 property as a result of this variance request. The addition will comply with setback
23 requirements based on distance from the west property line of the property to the east across
24 Lum Ave.

25
26 The application stated that the requested reason for the requested relief from the 25%
27 maximum site coverage (an increase of 2%) allowed in the R-2 District Zoning Classification is to
28 allow for the construction of the recreational gymnasium addition to the existing church facility.
29 The size of the proposed addition is being minimized in order to minimize the impact on the
30 site.

31
32 Scott McCloughan addressed the ZBA on behalf of the applicant and his architect, Steve
33 Hassevoort, who was also present. McCloughan said that Youth for Christ has existed in
34 Kalamazoo for 75 years and focuses on middle school and high school children and offers
35 mentoring, tutoring programs and mission trips. McCloughan said Kalamazoo Youth for Christ
36 has is an established organization with strong support from the community. McCloughan said
37 the need requested exists in the East side because there is no facility like this for teenagers to
38 come to; the facility will provide a place for teenagers to grow. McCloughan said Kalamazoo
39 Youth for Christ has a positive impact on teenagers and the proposed recreational center will
40 help teenagers grow their education, civic responsibility, relationships, economic literacy and
41 physical and spiritual needs. McCloughan said Kalamazoo Youth for Christ wants to provide
42 skills for children to grow and to create opportunities.

1 Hassevoort address the ZBA and said the addition of the recreational facility will have a limited
2 impact on the existing building; some windows will be replaced and the courtyard will be filled
3 in with a gym. Hassevoort said the front of the building will be more appealing and parking will
4 remain the same; the applicant would like to split off the parsonage because the existing church
5 will continue to use it for the church's continued operations.

6
7 Short asked if the facility is open to anyone; McCloughan said it will be open only to middle
8 school and high school children. Leuty discussed the subject property's dimensions and parking.
9 Hassevoort noted that if the variances are approved, the applicant still needs to obtain site plan
10 approval. McCloughan confirmed the hours of operation, stating that the facility will keep
11 after-school hours and typically remain open to 8:00 p.m. Cook discussed the proposed split of
12 the parsonage, noting that the property line on the east side will require removal of the
13 concrete curb; Hassevoort agreed. Cook asked whether the electronic message sign located in
14 the front of the church will be removed with the addition of the gymnasium; Hassevoort said
15 yes, the sign might be removed, but noted that this issue will be addressed in site plan review.

16
17 Short opened the public comment portion of the public hearing and invited any interested
18 party to speak in support or against the applicant's request for variances.

19
20 James Haring said Youth for Christ has been on E. Main Street for a couple of years and was
21 very excited about the plans. Haring said Youth of Christ will provide more community
22 services. Haring said the community is growing and Youth for Christ will add to that. Dominic
23 Walker said he is 20 years old and has lived on the east side most of his life. Walker said he had
24 family members take the wrong path in life and Youth for Christ offers services to avoid making
25 those same mistakes. Walker said Youth for Christ is a life-long friendship and he always keeps
26 in touch with them. Walker said he is very appreciative of the services Youth for Christ offers
27 and lots of children benefit. Pat Taylor said that Youth for Christ is a wonderful opportunity for
28 children to learn and grow.

29
30 Hearing no additional public comment, Short closed the public comment portion of the public
31 hearing and the ZBA entered into deliberations.

32
33 Attorney Koches said Section 26.05.B.4 of the Township Zoning Ordinance, titled "Variances"
34 contains the criteria used when reviewing a request for a variance; he read this Section to the
35 ZBA. Section 26.05.B.4 states, in part:

- 36
37 a. The ZBA may grant a requested "non-use" variance only upon a finding that practical
38 difficulties exist and that the need for the variance is due to unique circumstances
39 peculiar to the property and not generally applicable in the area or to other properties
40 in the same zoning district. In determining whether practical difficulties exist, the ZBA
41 shall consider the following factors:

- 42
43 1. Strict compliance with restrictions governing area, setback, frontage, height,
44 bulk, density or other non-use matters, will unreasonably prevent the owner

1 from using the property for a permitted purpose or will render ordinance
2 conformity unnecessarily burdensome.

- 3
- 4 2. The variance will do substantial justice to the applicant, as well as to other
5 property owners.
- 6
- 7 3. A lesser variance than requested will not give substantial relief to the
8 applicant and/or be consistent with justice to other property owners.
- 9
- 10 4. The problem and resulting need for the variance has not been self-created by
11 the applicant and/or the applicant's predecessors. (For example, a variance
12 needed for a proposed lot split would, by definition, be self-created, so such
13 a variance typically would not be granted.
- 14

- 15 b. In all variance proceedings, it shall be the responsibility of the applicant to provide
16 information, plans, testimony and/or evidence from which the ZBA may make the
17 required findings.
- 18

19 Leuty discussed the parsonage split, noting that the variances south put the property back to its
20 original lot lines, which is appealing. Leuty said the Eastwood neighborhood was developed in
21 the 1940s and most of the properties were .2 acres. Leuty said the Westwood neighborhood
22 was developed in the 1950s and most of the lot sizes are .3 acres.

23

24 The Board considered each request for a variance separately.

25

26 Nagler moved, supported by Leuty, to grant a 14-foot variance from the 80-foot minimum lot
27 width requirement contained in Section 25.02 of the Township Zoning Ordinance in order to
28 permit the house to be located on a 66-foot wide lot because strict compliance with the zoning
29 ordinance would unreasonably prevent the owner from using the property for a permitted
30 purpose and/or conformance with the ordinance is unnecessarily burdensome; granting the
31 variance will do substantial justice; a lesser variance will not give substantial relief to the
32 applicant; and the request for a variance was not self-created due to the uniqueness of the
33 property. The motion passed unanimously.

34

35 Nagler moved, supported by Leuty, to grant a 4,488-square foot variance from the 13,200
36 square foot minimum parcel size requirement contained in Section 25.02 of the Township
37 Zoning Ordinance in order to permit the house to be located on a parcel of 8,712 square feet in
38 area because strict compliance with the zoning ordinance would unreasonably prevent the
39 owner from using the property for a permitted purpose and/or conformance with the
40 ordinance is unnecessarily burdensome; granting the variance will do substantial justice; a
41 lesser variance will not give substantial relief to the applicant; and the request for a variance
42 was not self-created due to the uniqueness of the property. The motion passed unanimously.

43

1 Nagler moved, supported by Mihelich, to grant a 50-foot variance from the required 75-foot
2 minimum front yard minimum setback requirement contained in Section 8.02.LL of the
3 Township Zoning Ordinance for the proposed use adjacent to a residential zoning district in
4 order to permit it to construct a proposed gymnasium addition to the front of the existing
5 church building with a 25-foot setback because strict compliance with the zoning ordinance
6 would unreasonably prevent the owner from using the property for a permitted purpose
7 and/or conformance with the ordinance is unnecessarily burdensome; granting the variance
8 will do substantial justice; a lesser variance will not give substantial relief to the applicant; and
9 the request for a variance was not self-created due to the uniqueness of the property. The
10 motion passed unanimously.

11
12 Nagler moved, supported by Cook to grant a 5-foot variance from the 75-foot minimum side
13 yard setback requirement contained in Section 8.02.LL of the Township Zoning Ordinance in
14 order to permit the construction of the gymnasium 70 feet from the west property line if the
15 variances permitting the split of the house from the church property because strict compliance
16 with the zoning ordinance would unreasonably prevent the owner from using the property for a
17 permitted purpose and/or conformance with the ordinance is unnecessarily burdensome;
18 granting the variance will do substantial justice; a lesser variance will not give substantial relief
19 to the applicant; and the request for a variance was not self-created due to the uniqueness of
20 the property. The motion passed unanimously.

21
22 Nagler moved, supported by Cook to grant a 23-foot variance from the 75-foot minimum side
23 yard setback in order to allow a 52-foot east side setback requirement contained in Section
24 8.02.LL of the Township Zoning Ordinance in order to permit the construction of the proposed
25 gymnasium addition to be located 52 feet from the east property line because strict compliance
26 with the zoning ordinance would unreasonably prevent the owner from using the property for a
27 permitted purpose and/or conformance with the ordinance is unnecessarily burdensome;
28 granting the variance will do substantial justice; a lesser variance will not give substantial relief
29 to the applicant; and the request for a variance was not self-created due to the uniqueness of
30 the property. The motion passed unanimously.

31
32 Leuty moved, supported by Mihelich to grant a 2% variance from the required 25% maximum
33 lot coverage requirement contained in Section 25.02 of the Township Zoning Ordinance in
34 order to permit the construction of the proposed gymnasium with a resulting 27% lot coverage
35 because strict compliance with the zoning ordinance would unreasonably prevent the owner
36 from using the property for a permitted purpose and/or conformance with the ordinance is
37 unnecessarily burdensome; granting the variance will do substantial justice; a lesser variance
38 will not give substantial relief to the applicant; and the request for a variance was not
39 self-created due to the uniqueness of the property. The motion passed unanimously.

40
41 Short executed the ZBA Notice of Decision form and the applicant was personally served with a
42 copy of it.

43
44

1 **4123 W. Main Street – Drive-N-Shine – Sign Variance**

2
3 The next matter set for public hearing was the request of Haji M. Tehrani, 16915 Cleveland
4 Road, Granger, IN 46530, and DEV 4201 Main Street, LLC., for variances related to the car wash
5 facility at 4123 W. Main Street as follows:

- 6
7 • A variance from the single wall sign limitation in order to permit six wall
8 identification signs on the building; and
9
- 10 • A 37-foot variance from the permitted 3 48-square foot wall sign size
11 limitation (144 square feet according to the applicant) in order to permit the
12 addition of a logo onto a wall sign up to 180 square feet in area; and
13
- 14 • Variances from the one-sign per street-facing wall limitation in order to allow
15 wall signs on the east, north and west sides of the building; and
16
- 17 • A 73-foot variance from the 3 48-square foot freestanding sign (144 square
18 feet according to the applicant) size limitation in order to permit the
19 identification of three separate businesses at that location on a 121 square
20 foot sign; and
21
- 22 • A 16-foot variance from the maximum 6-foot freestanding sign height
23 limitation in order to permit the proposed freestanding sign to be 22 feet in
24 height; and
25
- 26 • Variances from the 4 square-foot maximum directional sign size limitation in
27 order to allow directional and internal signs of greater size in various
28 locations on the property; and
29
- 30 • Variances from the 4-foot directional sign height limitation in order to allow
31 directional and internal signs of greater height in various locations on the
32 property; and
33

34 The property is located in the C-2 Commercial Corridor District Zoning Classification and both
35 parcels combined are approximately 6.11 acres in total size. The parcel identification number is
36 06-18-330-072.

37
38 Hudson prepared a staff report, which was contained in the ZBA’s board packet. Hudson
39 discussed the various sign provisions contained in Article 7 of the Township Zoning Ordinance.
40 Article 7, Section 7.05. General Provisions, sub-section A. lists permitted exempt signs. Section
41 7.05.A.13 states:
42

1 13. Signs intended to safely and efficiently direct vehicular or pedestrian traffic
2 to parking areas, loading areas, or to certain buildings or locations on the site,
3 subject to the following conditions:
4

- 5 a. A directional sign may display on-premise commercial advertising
6 (such as a logo), which shall not exceed one (1) square foot in area.
- 7 b. Directional signs shall not exceed four (4) square feet in area, or four
8 (4) feet in height.
- 9 c. Directional signs may be located in the front setback area, provided
10 they are set back at least fifteen (15) feet from the existing or
11 planned right-of-way line.
- 12 d. Such signs shall comply with the Unobstructed Sight Distance
13 requirements, as specified in Section 2.24, so as to maintain visibility
14 for drivers.

15
16 Hudson said the subject property is part of a 7.116 acre parcel (312,133 square feet) on the
17 south side of W. Main Street (M-43) between the Popeye’s restaurant and the Kalsec PUD. The
18 lot is currently occupied by the former Davenport University buildings. Hudson said the
19 adjacent parcel to the south-west is zoned RM-2 and is occupied by an apartment complex.
20 Adjacent properties due west are zoned C-2 and are occupied by restaurants and offices. The
21 properties to the west and south are zoned PUD and are occupied by a mix of offices and
22 apartment buildings. The properties across W. Main Street to the north are located within the
23 City of Kalamazoo and are commercial uses and zoned as such. Hudson said the Popeye’s
24 restaurant to the west of the subject property has a pre-existing non-conforming freestanding
25 sign approved before the ordinance revisions. The signs across W. Main Street are all located
26 within the City of Kalamazoo.

27
28 Hudson said the applicant is requesting 22 directional signs:

- 29
- 30 - 6 that are 9.33 square feet;
- 31 - 6 that are 16 square feet;
- 32 - 7 that are 6 square feet;
- 33 - 1 that is 14 square feet;
- 34 - 1 that is 67.5 square feet; and,
- 35 - 1 menu sign.

36
37 The applicant is requesting 6 building signs in the following sizes:

- 38
- 39 - 68.22 square feet;
- 40 - 72 square feet;
- 41 - 20 square feet;
- 42 - 22.92 square feet;

- 1 - 17.25 square feet; and,
- 2 - 16 square feet;

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The applicant is requesting two free-standing signs as follows:

- One in two parts of 36 square feet and 50 square feet (electronic) for a total of 86.21 square feet with a height of 22 feet; and,
- A 12.75 square feet menu board sign with a height of 7'7".

10 7.08.C. Wall Signs Wall states that signs shall be permitted in office, commercial and industrial
11 districts subject to the following regulations:

12

13 1. Number

14

15 One (1) wall sign shall be permitted per street or highway frontage which abuts the
16 parcel. In the case of a multitenant building or shopping center, one (1) wall sign shall be
17 permitted for each tenant having an individual means of public access. Tenants who
18 occupy a corner space in a multi-tenant structure shall be permitted to have one (1) sign
19 on each side of the building. Where several tenants use a common entrance in a multi-
20 tenant structure, only one (1) wall sign shall be permitted, but the total sign area should
21 be allocated on an equal basis to all tenants.

22

23 2. Size

24

25 The total area of a wall sign shall not exceed one and one-half (1 ½) square feet per
26 lineal foot of building frontage, but in no case shall the wall sign exceed forty-eight (48)
27 square feet in area.

28

29 3. Location

30

31 One wall sign may be located on each side of a building that faces a street or highway.

32

33 4. Vertical Dimensions

34

35 The maximum vertical dimension of any wall sign shall not exceed one third (1/3) of the
36 building height.

37

38 5. Horizontal Dimensions

39

40 The maximum horizontal dimension of any wall-mounted sign shall not exceed three-
41 fourths (3/4) of the width of the building.

42

43 6. Height

44

1 The top of a wall sign shall not be higher than whichever is lowest:

- 2 a. The maximum height specified for the district in which the sign is located.
- 3 b. The top of the sills at the first level on windows above the first story.
- 4 c. The height of the building facing the street on which the sign is located.

5
6 7.08.D. provides that Freestanding Signs Freestanding signs shall be permitted in office,
7 commercial and industrial districts subject to the following regulations:

8
9 1. Number

10
11 One (1) freestanding sign shall be permitted per road frontage on each parcel. In multi-
12 tenant buildings or shopping centers the sign area may be allocated for use by individual
13 tenants.

14
15 2. Size

16
17 The total area of the freestanding sign shall not exceed one-half (1/2) of a square foot
18 per lineal foot of lot frontage, but in no case shall the freestanding sign exceed forty-
19 eight (48) square feet in area.

20
21 3. Setback from the Right-of-Way

22
23 Freestanding signs may be located in the required front yard, provided that no portion
24 of any such sign shall be located closer that twelve and one-half (12.5) to the existing
25 right-of-way line. If a parcel is served by a private road or service road, no portion of a
26 freestanding sign shall be closer than twelve and one-half (12.5) feet to the existing
27 right-of-way line. No portion of a freestanding sign shall be located closer than twenty-
28 five (25) feet to the right-of-way of an interstate freeway.

29
30 4. Height

31
32 The height of a freestanding sign in any nonresidential district shall not exceed six (6)
33 feet.

34
35 5. Electronic Display Permitted

36
37 Electronic changeable copy and electronic graphic display may be permitted on
38 freestanding signs subject to the regulations set forth in Section 7.05.F.

39
40 Tehrani's application stated that the requested relief from Section 7.08.C.1 is to vary the
41 allowed building signs from 1 to 6 because the use contains three distinct businesses on the
42 site. Also included are 3 interior lot signs on the east elevation of the building visible only to
43 traffic on site.

1 Tehrani's application stated that the reason for the requested relief from Section 7.08.C.2 to
2 vary the allowed building sign area from 48 square-feet to 180.39 square feet is because there
3 are three distinct businesses on the subject property which happen to be attached together.
4 The applicant asks for relief to allow three 48 square-foot signed (144 square feet total), and an
5 additional 36' square feet to add the company's logo on the building, which brings the total
6 square footage to approximately 180 square feet.

7
8 Tehrani's application stated that the reason for the requested relief from Section 7.08.C.3 is to
9 allow for building signs on the east, west and north elevations.

10
11 Tehrani's application stated that the reason for the requested relief from Section 7.08.D.2 is to
12 vary the allowed free-standing sign area from the allowed 48 square-feet to 120.21 square feet
13 because the free standing sign is for three distinct businesses (48 square-feet allowed x 2
14 businesses = 144 total square feet); the applicant notes that he would be below the 144 total
15 square feet, if the request for this variance is approved.

16
17 Tehrani's application stated that the reason for the requested relief from Section 7.08.D.4 is to
18 allow an increase in the free-standing sign height from 6 feet to 22 feet.

19
20 Tehrani's application stated that the reason for the requested relief from Section 7.05.13 to
21 vary the allowed directional square-footage requirements from 4 square feet to varying square
22 feet; and, height limitations of 4 feet to varying heights as shown in drawings attached to the
23 application. The applicant stated that this variance is needed because unlike a strip mall, a mall,
24 or restaurant where customers park their vehicles to get access, the Drive-N-Shine's customers
25 will be driving around the facility as many as two full rotations to get the services offered by the
26 businesses.

27
28 Leuty commented that the Planning Commission and the Township Board want to get away
29 from pole signs and prefer monument signs. Tehrani addressed the Board and said he wasn't
30 aware of the sign restrictions when he previously applied for a variance to the ZBA. Tehrani said
31 that the Drive-N-Shine pays a minimum wage of \$12/hour and has other positions that pay up
32 \$15/hour and \$45/hour. Tehrani described the layout of the facility and said that the Drive-N-
33 Shine is 30,000 square feet and offers several different businesses to customers. Tehrani said
34 the Popeye's restaurant next door has a very large sign and is much smaller (approximately
35 1,500 square feet in size). Tehrani discussed the internal directional, stating that these signs
36 direct traffic within the property. Tehrani said that all of the different businesses make up the
37 overall operation of Drive-N-Shine. Tehrani offered several diagrams for the Board to review
38 depicting the street view of the signs. Jay Stauffer designed the sign plans and discussed the
39 same. Tehrani provided the ZBA handouts of nearby competitors and their signage, noting that
40 48 square-feet limitation is too small.

41
42 Tehrani discussed the standards required for granting a variance and noted that the Drive-N-
43 Shine is 30,000 square-feet and it offers four separate services: car washing, vacuuming, oil
44 changes, and automobile detailing. Tehrani said he needs to clearly identify each of these

1 businesses within the Drive-N-Shine to the public. Tehrani said the requested variances will
2 allow the Drive-N-Shine to be visible to the public. Tehrani noted that the signage will be made
3 of high quality materials. Tehrani said that granting a lesser variance will not grant substantial
4 justice because the Drive-N-Shine will be less visible and the business will be negatively
5 impacted. Tehrani said the requests for variances are not self-created because multiple
6 businesses exist on the property.

7
8 Short opened the public comment portion of the public hearing and invited any interested
9 party to speak in support or against the applicant's request for variances. Hearing no additional
10 public comment, Short closed the public comment portion of the public hearing and the ZBA
11 entered into deliberations.

12
13 Attorney Koches said Section 26.05.B.4 of the Township Zoning Ordinance, titled "Variances"
14 contains the criteria used when reviewing a request for a variance; he read this Section to the
15 ZBA. Section 26.05.B.4 states, in part:

16
17 a. The ZBA may grant a requested "non-use" variance only upon a finding that practical
18 difficulties exist and that the need for the variance is due to unique circumstances
19 peculiar to the property and not generally applicable in the area or to other properties
20 in the same zoning district. In determining whether practical difficulties exist, the ZBA
21 shall consider the following factors:

- 22
23 1. Strict compliance with restrictions governing area, setback, frontage, height,
24 bulk, density or other non-use matters, will unreasonably prevent the owner
25 from using the property for a permitted purpose or will render ordinance
26 conformity unnecessarily burdensome.
27
28 2. The variance will do substantial justice to the applicant, as well as to other
29 property owners.
30
31 3. A lesser variance than requested will not give substantial relief to the applicant
32 and/or be consistent with justice to other property owners.
33
34 4. The problem and resulting need for the variance has not been self-created by
35 the applicant and/or the applicant's predecessors. (For example, a variance
36 needed for a proposed lot split would, by definition, be self-created, so such a
37 variance typically would not be granted.
38

39 b. In all variance proceedings, it shall be the responsibility of the applicant to provide
40 information, plans, testimony and/or evidence from which the ZBA may make the
41 required findings.
42

43 Hudson discussed the requests for variances and impact of the Drive-N-Shine offering four
44 separate businesses. Leuty discussed the proposed signs, noting that some of the signs were

1 advertising the services offered. Attorney Koches asked the ZBA to consider each variance
2 separately. The Board discussed whether the Drive-N-Shine offered four separate businesses.

3
4 The ZBA discussed several footnotes contained Article 7 of the Township Zoning Ordinance
5 (page 7-21), which states,

6
7 “[a] In the case of a multi-tenant building, one (1) wall sign shall be permitted for
8 each tenant having an individual means of public access. Tenants who occupy a
9 corner space in a multi-tenant structure shall be permitted to have one (1) sign
10 on each side of the building. Where several tenants use a common entrance in a
11 multi-tenant building, only one (1) wall sign shall be permitted, but the total sign
12 area should be allocated on an equal basis to all tenants.

13
14 [b] Only one (1) freestanding sign shall be permitted for multi-tenant buildings or
15 shopping centers, but the sign area may be allocated for use by individual
16 tenants.

17
18 [c] The area of permanent window signs and awnings and canopy signs shall be
19 counted in determining compliance with the standards for total area of wall
20 signs.

21
22 [d] Marquee signs shall be permitted for uses with an approved marquee located
23 in commercial districts.”

24
25 The Commission discussed and concluded to recognize the Drive-N-Shine as a multi-tenant
26 building.

27
28 Mihelich moved, supported by Cook, to recognize 4123 and 4201 W. Main Street as a
29 multi-tenant use as described in footnote “a” contained of Article 7 (page 7-21 of the Township
30 Zoning Ordinance) because each of the four businesses has its own separate entrance and
31 offers a separate service. The motion passed unanimously.

32
33 The ZBA referenced and discussed a sign plan that was provided by Tehrani.

34
35 The first request for a variance from the single wall sign limitation in order to permit six wall
36 identification signs on the building was no longer needed because the ZBA determined the
37 Drive-N-Shine was made of four separate businesses and that a business center sign was
38 permitted. The applicant also voluntarily reduced the size of the sign to 48 square-feet in order
39 to comply with the Township Zoning Ordinance, Section 7.08.c.

40
41 The Board took no action on the applicant’s request for a 37-foot variance from the permitted 3
42 48-square foot wall sign size limitation (144 square feet according to the applicant) in order to
43 permit the addition of a logo onto a wall sign up to 180 square feet in area because the

1 applicant voluntarily combined the signs into one sign, not to exceed 48 square feet in size
2 which is in compliance with the Township Zoning Ordinance, Section 7.08.c.

3
4 The request for variances from the one-sign per street-facing wall limitation in order to allow
5 wall signs on the east, north and west sides of the building was no longer needed because the
6 ZBA determined the Drive-N-Shine was a multi-tenant building made up of four separate
7 businesses. The applicant agreed to reduce the size of the signs to 48 square-feet each, as
8 permitted by Section 7.08.c of the Township Zoning Ordinance.

9
10 Nagler moved, supported by Mihelich, to grant a 24 area square-foot variance to allow up to 72
11 square feet in area for all signs on the freestanding sign as depicted and as indicated on the
12 applicant's sign plan because strict compliance with the zoning ordinance would unreasonably
13 prevent the owner from using the property for a permitted purpose and/or conformance with
14 the ordinance is unnecessarily burdensome; granting the variance will do substantial justice; a
15 lesser variance will not give substantial relief to the applicant; and the request for a variance
16 was not self-created due to the uniqueness of the property. The motion passed 4-1. Leuty
17 voted nay.

18
19 Nagler moved, supported by Mihelich, to grant an 8-foot variance from the maximum 6-foot
20 freestanding sign height limitation in order to allow up to a 14' freestanding sign in height to be
21 placed as indicated on the applicant's sign plan because strict compliance with the zoning
22 ordinance would unreasonably prevent the owner from using the property for a permitted
23 purpose and/or conformance with the ordinance is unnecessarily burdensome; granting the
24 variance will do substantial justice; a lesser variance will not give substantial relief to the
25 applicant; and the request for a variance was not self-created due to the uniqueness of the
26 property. The motion passed 4-1. Leuty voted nay.

27
28 Cook moved, supported Mihelich, to grant variances from the 4 square-foot maximum
29 directional sign size limitation in order to allow directional and internal signs of greater size in
30 various locations on the property as requested and depicted in the applicant's sign plan
31 because strict compliance with the zoning ordinance would unreasonably prevent the owner
32 from using the property for a permitted purpose and/or conformance with the ordinance is
33 unnecessarily burdensome; granting the variance will do substantial justice; a lesser variance
34 will not give substantial relief to the applicant; and the request for a variance was not
35 self-created due to the uniqueness of the property. The motion passed unanimously.

36
37 Cook moved, supported Mihelich, to grant variances from the 4-foot directional sign height
38 limitation in order to allow directional and internal signs of greater height in various locations
39 on the property as requested and depicted in the applicant's sign plan because strict
40 compliance with the zoning ordinance would unreasonably prevent the owner from using the
41 property for a permitted purpose and/or conformance with the ordinance is unnecessarily
42 burdensome; granting the variance will do substantial justice; a lesser variance will not give
43 substantial relief to the applicant; and the request for a variance was not self-created due to
44 the uniqueness of the property. The motion passed unanimously.

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Old Business.

None.

New Business.

None.

Other matters to be reviewed by the ZBA.

Citizen Comments.

None.

Correspondence received.

None.

Board Member Comments.

None.

Report of the Planning Commission Member.

None.

Adjournment.

There being no additional business before the Zoning Board of Appeals, Short adjourned the meeting at 10:50 p.m.

Respectfully Submitted,

Chris Mihelich, Secretary of the Planning
Commission

Synopsis of Actions
ZBA meeting August 21, 2019

Regarding the request for variances from Kalamazoo Youth of Christ:

1. Granted a 50-foot variance from the required 75-foot minimum front yard minimum setback requirement contained in Section 8.02.LL of the Township Zoning Ordinance for the proposed use adjacent to a residential zoning district in order to permit it to construct a proposed gymnasium addition to the front of the existing church building with a 25-foot setback; and,
2. Granted a 5-foot variance from the 75-foot minimum side yard setback requirement contained in Section 8.02.LL of the Township Zoning Ordinance in order to permit the construction of the gymnasium 70 feet from the west property line if the variances permitting the split of the house from the church property are granted; and,
3. Granted a 23-foot variance from the 75-foot minimum side yard setback in order to allow a 52-foot east side setback requirement contained in Section 8.02.LL of the Township Zoning Ordinance in order to permit the construction of the proposed gymnasium addition to be located 52 feet from the east property line; and
4. Granted a 2% variance from the required 25% maximum lot coverage requirement contained in Section 25.02 of the Township Zoning Ordinance in order to permit the construction of the proposed gymnasium with a resulting 27% lot coverage.

Regarding the request for variances from Drive-N-Shine Development, Inc.:

1. Granted a 24 area square-foot variance to allow up to 72 square feet in area for all signs on the freestanding sign; and,
2. Granted an 8-foot variance from the maximum 6-foot freestanding sign height limitation in order to allow up to a 14' freestanding sign in height; and,
3. Granted variances from the 4 square-foot maximum directional sign size limitation in order to allow directional and internal signs of greater size in various locations on the property as requested and depicted in the applicant's sign plan; and,
4. Granted variances from the 4-foot directional sign height limitation in order to allow directional and internal signs of greater height in various locations on the property as requested and depicted in the applicant's sign plan.