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**Charter Township of Kalamazoo  
Minutes of the Zoning Board of Appeals  
Held on November 18, 2020**

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A regular meeting of the Kalamazoo Charter Township Zoning Board of Appeals was held on Wednesday, November 18, 2020. Due to restrictions of COVID-19 and Orders of Michigan Governor Gretchen Whitmer, the meeting was conducted remotely via ZOOM video conference.

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**Call to Order.**

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

**Present Were:**

Jim Short, Chairman  
Steve Leuty  
Robert Mihelich  
Fred Nagler  
Shawn Blue  
Mary Anne Sydlik (alternative)

**Absent was:**

None

Also present were: Township Planner Patrick Hudson, Township Manager Dexter Mitchell Township Attorney Seth Koches, Katarina Kusmack, and three members of the public.

**Roll Call.**

Chairman Short called the roll.

**Approval of the Agenda.**

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

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

**Approval of the Minutes of the July 15, 2020 Meeting.**

The next item on the agenda was approval of the minutes of the July 15, 2020 regular Zoning Board of Appeals meeting. The draft meeting minutes were provided to all ZBA members in their agenda packets.

1 Nagler moved, supported by Blue, to approve the minutes of the July 15, 2020 regular ZBA  
2 meeting as presented. The motion passed unanimously. Mihelich authorized Katarina Kusmack  
3 to sign the approved minutes on his behalf and forward them to the Hudson to be included in  
4 the Township's records.

5

6 **Public Hearings.**

7

8 **2528 E. Main Street, Youth for Christ, Sign Variance Request**

9

10 Hudson read from his report. Youth for Christ is located at 2528 E. Main Street. The applicant,  
11 Scott McCloughan, wishes to install a 125 square-foot wall sign (logo) on the street side of the  
12 new building. The applicant is requesting a variance of 77 square feet from the maximum  
13 allowed wall sign area.

14

15 The existing building is zoned R-2 Single and Two-family Residential, which allows religious  
16 institutions and schools are permitted uses, and non-profit recreation facilities as special uses.  
17 The surrounding properties on the west, south and across Main Street to the north are zoned R-  
18 2 and are occupied by single-family dwellings. The properties across Lum Avenue to the east  
19 include a house zoned R-2 and a shopping center zoned C-1 Local Commercial.

20

21 Short asked Hudson for clarification on if two different entities were in the same facility and if  
22 the sign could jump from 48 square-feet to 96 square-feet if approved by the board. Hudson  
23 agreed and added that he interrupts it as the entities could have two separate signs one facing  
24 each wall and still be allowed the 48 square-feet for each of those signs. Hudson mentioned  
25 that the zoning text is not quite clear on that. Short also asked if the board determines that,  
26 then would it require a variance if the sign was 96 square-feet. Hudson said yes it would require  
27 a variance because the 96 square-feet is still over what the width of the building would allow.  
28 Short added that it would be a variance, but then they could consider it as running the two  
29 together. Hudson said he would not consider it that way, but the ZBA has looked at that in a  
30 similar circumstance.

31

32 Short asked the applicant to speak. McCloughan, Executive Director of Youth for Christ, spoke.  
33 He spoke of the history of Youth for Christ's in Kalamazoo Township. He also gave an update on  
34 the building construction. The building is set to be completed on December 22, 2020. He  
35 explained that they feel like the sign size is the right to beautify the building and make it visible  
36 for the community. McCloughan introduced Heather Hyliard, from the sign company. Hyliard  
37 mentioned that the logo projection is only two inches off the building and the logo itself will not  
38 be illuminated.

39

40 Short asked if there will be any external lighting to the sign. McCloughan said the sign will not  
41 light up or have back lightening; it will have ground lighting towards the building to make it  
42 visible.

43

1 Short asked if there was any other signage. McCloughan said there is a digital road sign in the  
2 yard that is perpendicular to the road. The new sign that they applied for the variance for will go  
3 on the new gymnasium exterior wall.  
4

5 Leuty asked for clarification on the perpendicular signage that McCloughan mentioned and its  
6 location. McCloughan said that the sign faces both east and west and is north of the building.  
7

8 Leuty asked if there is any other signage that will face the road. McCloughan said they do not  
9 have any other plans for other signage. Youth for Christ could put one on their overhang, but that  
10 is not in the plans yet and that would be a directional sign.  
11

12 Leuty clarified that if Youth for Christ wanted more signage then it would fit into the ordinance if  
13 it faced two different directions. Hudson said that he was speaking of two different things.  
14 Hudson said that every wall that faces a street is allowed a sign. In addition, every use is allowed  
15 a sign.  
16

17 Chairman Short opened the public hearing at 7:19PM. No one spoke. Chairman closed the  
18 hearing at 7:20PM.  
19

20 Leuty asked Hudson and Koches about precedence on sign placement and size, giving the  
21 examples of Pizza Hut and Dollar General, and if the board is being consistent or if this is a legal  
22 liability.  
23

24 Koches spoke that every property and application is a little different. Koches asked McCloughan  
25 if Youth for Christ is considered a church. McCloughan said yes they are a church by IRS  
26 standards. Koches said that then they will need to take that into consideration.  
27

28 Leuty spoke on the signage scale being proportionate to the building on the plans. However,  
29 when one looks at the building, the signage may be too high and large for the building.  
30

31 Blue mentioned how the logo is considered a sign per Hudson. He asked if the logo is a  
32 trademark. McCloughan said yes. Short added that he believes that logos make this a little  
33 different too, it is more of a symbol of something versus an advertisement.  
34

35 Short said how he is concerned about the sign being proportionate. He thinks by looking at the  
36 drawing, that the sign does not look extremely large compared to the building.  
37

38 Nagler asked about precedence. He mentioned that there are requirements that need to be  
39 met to allow the variance, and if they are met then the variance is granted. Nagler asked  
40 Koches since this is a religious institution if there is more latitude on this matter. Koches said  
41 that the variance standards are what they are, but there is also a public act that does look at  
42 not restricting religious organization from getting their message out there. Koches added that  
43 the Township's attorneys did speak on this matter. Nagler spoke on the reasoning for a sign

1 ordinance and added that he does not believe that a religious institution will not need to be in a  
2 “sign war” with competitors.

3  
4 Short said that he agreed with Nagler and added that schools would be in the same position, as  
5 opposed to commercial districts. Mihelich agreed with the other’s thought process.

6  
7 Leuty added that he was concerned about building illumination and being respect of the  
8 neighbors, but Hyliard talked about that. Leuty wanted to make sure that the lighting  
9 standards will be met. McCloughan shared that they want to be good neighbors and have been  
10 building relationships with the neighbors. He also mentioned the digital sign and exterior  
11 lighting. He addressed that if any neighbor had any concerns about lightening the lighting could  
12 be adjusted.

13  
14 Nagler asked Hudson if there is an ordinance or any standards on up lighting. Nagler knows that  
15 all of the building and parking lighting needs to be shielded so no light is casted upwards.  
16 Hudson said that the ordinance prohibits lighting where you can see the source of the light  
17 from off sight. Nagler said then that does not apply because this lighting will be facing the  
18 building. Hudson agreed.

19  
20 Next, Short read the criteria for the review of variance requests and the board discussed.  
21 Section 26.05, B., 4., a., of the Zoning Ordinance provides criteria for the review of variance  
22 requests by the Zoning Board of Appeals. The following are those criteria:

- 23  
24 a. The ZBA may grant a requested "non-use" variance only upon a finding that practical  
25 difficulties exist and that the need for the variance is due to unique circumstances  
26 peculiar to the property and not generally applicable in the area or to other properties  
27 in the same zoning district. In determining whether practical difficulties exist, the  
28 ZBA shall consider the following factors:

- 29  
30 (1) Strict compliance with restrictions governing area, setback, frontage, height, bulk,  
31 density or other non-use matters, will unreasonably prevent the owner from using  
32 the property for a permitted purpose or will render ordinance conformity  
33 unnecessarily burdensome.

34  
35 To this factor, Nagler said that he believes if the applicant was denied that it would not stop  
36 people from attending the building’s intended purpose or cause a burden. Nagler answered no  
37 to this factor. Leuty agreed. Short agreed and said that the building will still be used.

38  
39 Board agreed that the answer to this factor is no.

- 40  
41 (2) The variance will do substantial justice to the applicant, as well as to other  
42 property owners.

1 To this factor, Leuty said that this variance would do substantial justice and accomplish Youth for  
2 Christ's goals. Nagler agreed. Short agreed.

3  
4 Board agreed that the answer to this factor is yes.

5  
6 (3) A lesser variance than requested will not give substantial relief to the applicant  
7 and/or be consistent with justice to other property owners.

8  
9 To this factor, Short read the applicant's response to that answer. The applicant's answer was  
10 that yes, a lesser variance would not give substantial relief due to the ordinance restrictions on  
11 sign size. The ordinance would only allow signs size of less than 4% of the overall area of only the  
12 single front wall for which the sign is designed for. Variance approval would allow the sign to be  
13 only 10% of just the single front wall for which the sign is intended for.

14  
15 Leuty said that he can see how the applicant's answer would be yes to this and added that the  
16 board has already looked at ways to provide justice to other property owners.

17  
18 Short spoke on the percentage of the single front wall that the sign would take up.

19  
20 Nagler spoke on precedent on signage and how the commercial buildings in the area do not need  
21 to be concerned with that. Nagler can see the applicant's answer but is leaning towards no for  
22 this factor because they would not consider this with a commercial business. Short agreed with  
23 that train of thought.

24  
25 Board agreed that the answer to this factor is no.

26  
27 (4) The problem and resulting need for the variance has not been self-created by the  
28 applicant and/or the applicant's predecessors. (For example, a variance needed  
29 for a proposed lot split would, by definition, be self-created, so such a variance  
30 typically would not be granted.)

31  
32 To this factor, Short said he thinks it is self-created. Leuty agreed because the design created  
33 this need. Nagler agreed.

34  
35 Short said that they have three no's and one yes on this variance review.

36  
37 Nagler said that this is the results he thought they would come to. However, based on what  
38 Koches said on the religious institute, they can approve this as a unique circumstance. Leuty  
39 believes that it is a Supreme Court ruling, so that would surpass their vetting review process, but  
40 that it can be noted in the minutes that they still went through the normal process to show that  
41 the board considered the neighbors. Short also added that McCloughan already mentioned that  
42 they have been in contact with the neighbors.

43

1 Blue asked about the measurements and the possibility of allowing this as an allowable square  
2 footage for two signs. Short added expanded on that and mentioned past board precedence.  
3 Nagler asked if the board considers within an allowable square footage for two signs, is it even a  
4 variance at that point. Nagler then answered his own question by saying that it is only one sign  
5 and does fall outside of the ordinance.

6  
7 Mihelich asked what came first, the building or the sign? Was the sign design, with the ordinance  
8 regulation in mind, submitted with the plan or was this sign an afterthought? When was the size  
9 of the sign thought about in the design?

10  
11 Short asked McCloughan to discuss the sign size consideration. McCloughan spoke that when  
12 they spoke with their architect, they designed the building to the purpose. He also mentioned  
13 that this logo was in the initial drawings. McCloughan was not aware of the codes to ask that  
14 question in the beginning, but that the sign was apart of the plan and the purpose from the  
15 beginning.

16  
17 Leuty mentioned that Mihelich had a good thought process. Then he asked if Hudson had any  
18 incite from the site plan review process. Short agreed with Leuty and said that it kind of goes  
19 back to the architect.

20  
21 Leuty asked Koches for his feedback on how the ZBA is handling this request. Koches said that he  
22 believes the board went through the standards thoroughly and even considered the unique  
23 circumstances peculiar to the property and to this request.

24  
25 Leuty moved, supported by Short, to grant the variance request of Youth for Christ (Scott  
26 McCloughan) upon a finding that practical difficulties exist and that the need for the variance is  
27 due to unique circumstances peculiar to the property and not generally applicable in the area or  
28 to other properties in the same zoning district after considering factors such as lighting.

29  
30 Nagler asked Koches if it should be added to the motion that Youth for Christ is a religious  
31 institution. Koches said yes and that the purpose is to spread their message. Leuty amended his  
32 motion and Short amended his support.

33  
34 Blue asked if it can be mentioned in the motion that this sign is intended to cover both uses of  
35 the property. Leuty and Short agreed that it can.

36  
37 Nagler asked if the size of the variance should be included in the motion.

38  
39 Leuty moved, supported by Short, to grant the variance request for a 77 square feet from the  
40 maximum allowed wall sign area (total sign will be a c. 125 square-foot wall sign (logo) on the  
41 street side of the new building) for Youth for Christ (Scott McCloughan) and its property's two  
42 uses for upon a finding that practical difficulties exist and that the need for the variance is due  
43 to unique circumstances peculiar to the property and not generally applicable in the area or to

1 other properties in the same zoning district after considering factors such as lighting and them  
2 being a religious institution hoping to spread their message.

3

4 Chairman called for a rollcall vote.

5 Short - aye

6 Leuty - aye

7 Blue - aye

8 Nagler - aye

9 Mihelich - aye

10

11 The motion passed unanimously. Koches filled out the notice of decision form. Short authorized  
12 Katarina Kusmack to sign it on his behalf, due to the remote meeting situation. She indicated  
13 that she would mail it to McCloughan and fill in the proof of service.

14

15 **Old Business.**

16

17 None.

18

19 **New Business.**

20

21 None.

22

23 **Other matters to be reviewed by the ZBA.**

24

25 None.

26

27 **Citizen Comments.**

28

29 None.

30

31 **Correspondence received.**

32

33 None. Hudson noted that he had mailed the Planning & Zoning News to all ZBA members in their  
34 agenda packets.

35

36 **Board Member Comments.**

37

38 Leuty mentioned that there are three new trustees on the Township Board and the new term  
39 starts in three days. Leuty also mentioned that he is not sure what trustee will be on ZBA, but  
40 thanked the board for the time he was able to serve with them.

41

42 Leuty asked Hudson if Gernaat Greenhouses have applied to be rezoned to the C District. Hudson  
43 spoke and said that they did combine the parcels. Hudson said that the Planning Commission  
44 decided to defer the rezoning until they had more information on the problem. Nagler spoke and

1 said that he believed they are going to do work on the ordinance to allow greenhouses not to  
2 have to apply for a variance every time they want to do something. Nagler also confirmed that  
3 Gernaat did combine the parcels into one large parcel.

4  
5 Leuty also mentioned that the planning commission has been doing work to view ground based  
6 solar panels as accessory structures in a different way than normal accessory structures.

7  
8 **Report of the Planning Commission Member.**

9  
10 Nagler summarized the recent Planning Commission meeting. He said that there have been  
11 numerous meetings, including site plan reviews and special uses. They are also working on the  
12 master plan but are having issues getting out to the public. Also, the commission has been  
13 discussing ground based solar panels as Leuty said. Nagler also mentioned that they have been  
14 in communication with KalSec regarding their site plan review and the required sidewalk along  
15 West Main.

16  
17 **Adjournment.**

18  
19 There being no additional business, Nagler moved, supported by Blue, to adjourn the ZBA  
20 meeting. The motion passed unanimously, and the meeting was adjourned at 8:15p.m.

21  
22 Respectfully Submitted,

23  
24  
25  
26  
27 \_\_\_\_\_  
28 Robert Mihelich, Secretary of the Zoning  
29 Board of Appeals

30  
31  
32  
33 **Synopsis of Actions**  
34 **ZBA meeting November 18, 2020**

35  
36 Regarding the request for a variance from Youth for Christ (Scott McCloughan), 2528 E. Main  
37 Street:

38  
39 Variance granted.

40  
41 Conditions:

42  
43 None.