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**Charter Township of Kalamazoo
Minutes of the Zoning Board of Appeals
Held on September 18, 2019**

10 A regular meeting of the Kalamazoo Charter Township Zoning Board of Appeals was held on
11 Wednesday, September 18, 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:

30 Chairman Jim Short
31 Warren Cook
32 Steve Leuty
33 Fred Nagler
34 Chris Mihelich

35 Absent was: None.

36 Also present were: Township Planner Patrick Hudson, Township Attorney Seth Koches and five
37 members of the audience.

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Roll Call.

Chairman Short called the roll, noting that all ZBA members were present.

Approval of the Agenda.

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

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

Approval of the Minutes of the August 21, 2019 ZBA Meeting.

The next item on the agenda was approval of the minutes of the August 21, 2019 regular Zoning
Board of Appeals meeting. The draft meeting minutes were provided to all ZBA members in
their agenda packets. There were no additions or revisions made to the minutes.

Nagler moved, supported by Cook, to approve the minutes of the August 21, 2019 regular ZBA
meeting as presented. The motion passed unanimously. Mihelich signed the minutes and the
same were provided to Hudson for transmission to the Township staff.

1 **Public Hearings.**

2

3 **537 Chicago Avenue / 517 Fenimore Avenue – KPEP Facility – Lot Coverage Variance Request**

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5 The first item set for public hearing was the request of Scott Dolfman of Kalamazoo Probation
6 Enhancement Programs (KPEP), 519 South Park Street, Kalamazoo, MI 49007 for a lot coverage
7 variance request for up to a 13% variance from the required 25% maximum lot coverage for all
8 buildings to allow for the removal of two existing sheds and to build a new accessory storage
9 building on property addressed as 537 Chicago Avenue, Kalamazoo, MI 49048 (Parcel Nos. 06-
10 14-433-270 and 06-14-433-340; collectively “subject property”). The subject property is
11 approximately 2.52 acres in size and is located in the RM-1 Multiple Family District and R-2
12 Single Family Residential District Zoning Classifications, respectively.

13

14 Hudson prepared and summarized his staff report, which was contained in the ZBA’s Board
15 packet. Hudson discussed Section 25.02 Schedule of Regulations contained in the Township
16 Zoning Ordinance, regarding minimum lot width, maximum structure height, and setback
17 requirements. Hudson said Section 2.03.C.3 of the Township Zoning Ordinance regulated the
18 size of detached accessory buildings and structures, which states:

19

20 Size

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22 The maximum floor area of an accessory building or structure is 768 square feet,
23 provided that the accessory building or structure together with all other
24 buildings and structures does not cover more than twenty-five percent (25%) of
25 the total area of the parcel, exclusive of road rights-of-way. Notwithstanding the
26 percentage of lot coverage requirement, each parcel shall be permitted
27 accessory building or structure floor area totaling 576 square feet, provided that
28 in no case shall an accessory building or structure exceed the square foot area of
29 the principal building on the parcel.

30

31 Hudson noted that 1,700 square feet for all accessory buildings is permitted on lots that are
32 over 2 acres but less than 3 acres in size. Hudson said the building height may be up to 25’ and
33 the minimum side and rear setback requirements equal the height of the principal building.
34 Hudson said that the applicant proposed to demolish two existing accessory storage sheds and
35 replace those structures with a 32’ x 40’ (1,280 square feet) accessory storage building,
36 resulting in increased lot coverage of all buildings on the subject property from 37% to 38%.
37 Hudson commented that KPEP is a unique use not clearly identified in the Zoning Ordinance,
38 but the use is somewhat similar to several permitted uses in the RM-1 District. Hudson said that
39 the proposed building is less than 2,000 square feet and is a minor site plan change, which does
40 not require Planning Commission review.

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42 Hudson said the surrounding properties on all sides and across the street are zoned R-2 and are
43 occupied by single-family dwellings. Hudson said that the applicant is requesting a 13% variance

1 from the maximum lot coverage of 25% to allow for a new 32' x 40' (1,280 square feet) storage
2 building, which will result in lot coverage of 38% of all buildings on the subject property.

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4 The site plan provided by the applicant's architect indicated that the total area of the existing
5 principal structure on the subject property is 40,312 square feet. The total area of the existing
6 accessory buildings (the two detached sheds) is a combined 233 square feet. The subject
7 property is 2.52 acres in size, totaling 109,701 square feet. The total area of all existing
8 buildings on the subject property is 40,545 square feet, or 37% of the total lot area. Total area
9 of the proposed new accessory building is 1,280 square feet. The total area of the existing
10 principal structure and the proposed new accessory buildings is 41,592 square feet, or 38% of
11 the total lot area.

12
13 The applicant's application indicated that strict compliance with the lot coverage requirements
14 (25%) prevents the owner from using the subject property in the best way possible. The
15 applicant indicated that the goal is to provide covered and secure storage for equipment. The
16 proposed accessory garage will provide this storage. The application indicated that granting this
17 request for a variance will clean up the area at the rear of the site by removing two existing
18 sheds and replacing them with a new storage garage. The appearance of the property will be
19 improved and will benefit surrounding property owners. The application noted that a lesser
20 variance will not allow the construction of the storage garage and the request is not a
21 self-created hardship because the sheds were not constructed by the current owner.

22
23 A letter dated August 19, 2019, from Steven Hassevoort of FORM Architecture, stated the
24 proposed accessory storage building will replace two smaller sheds. The new structure will
25 provide secured access for building maintenance and landscaping materials and equipment.
26 The new accessory building will satisfy the setback requirements.

27
28 Scott Dolfman of KPEP introduced himself to the ZBA and said that his architect, Steve
29 Hassevoort, would discuss the request for a variance. Hassevoort said that the request is to tear
30 down two existing detached storage sheds and replace them with a 32' x 40' wood-framed
31 accessory storage building. Hassevoort noted that the replacement accessory building will
32 satisfy the Zoning Ordinance's setback requirements and building height limitation. The
33 proposed accessory building will be used to store equipment and supplies. Hassevoort noted
34 that the existing sheds are not sufficient.

35
36 Short asked if any trees will be removed. Hassevoort indicated that one tree will be cut down.
37 Leuty discussed the existing screening to neighboring properties. Mihelich asked whether
38 KPEP's current equipment was stored in the sheds on the subject property. Dolfman said no,
39 KPEP's equipment is currently stored in a facility on James Street. Dolfman noted that KPEP
40 accepted a contract to maintain properties owned by Beacon Properties. KPEP purchased new
41 lawn mowing equipment and Dolfman wants to store the lawn equipment and trailers in the
42 proposed accessory building. Dolfman noted that the existing two detached sheds are
43 deteriorating. Short discussed landscaping and Hassevoort confirmed that the applicant would
44 comply with the Zoning Ordinance's landscaping requirements.

1 Short opened the public hearing and invited any interested party to give public comment in
2 support of or in opposition to the applicant's request for a variance. Hearing no additional
3 public comments, Short closed the public hearing and the Board members entered into
4 deliberations.

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6 Nagler indicated that the subject property has two parcel identification numbers. Short asked
7 how long KPEP has been operating on the subject property. Dolfman indicated that KPEP has
8 been there for 8-10 years. Dolfman discussed several services KPEP offers to probationers and
9 parolees who are enrolled in the program. Hassevoort discussed the lot coverage calculations.
10 Mihelich asked about limitations on what may be stored in an accessory building and whether
11 the applicant's request warranted Planning Commission review. Hudson indicated that he may
12 administratively approve the accessory building because it is less than 2,000 square feet, which
13 includes the Township Fire Marshal's review and approval. Nagler said that the proposed
14 accessory building will not change the use of the subject property. Dolfman said that the lawn
15 mowing service is a training program that provides training to people who are participating in
16 KPEP.

17
18 Section 26.05.B.4 of the Township Zoning Ordinance, titled "Variances," contains the criteria
19 used when reviewing a request for a variance, which states, in part:

- 20
21 a. The ZBA may grant a requested "non-use" variance only upon a finding that practical
22 difficulties exist and that the need for the variance is due to unique circumstances
23 peculiar to the property and not generally applicable in the area or to other properties
24 in the same zoning district. In determining whether practical difficulties exist, the ZBA
25 shall consider the following factors:
- 26
27 1. Strict compliance with restrictions governing area, setback, frontage, height,
28 bulk, density or other non-use matters, will unreasonably prevent the owner
29 from using the property for a permitted purpose or will render ordinance
30 conformity unnecessarily burdensome.
 - 31
32 2. The variance will do substantial justice to the applicant, as well as to other
33 property owners.
 - 34
35 3. A lesser variance than requested will not give substantial relief to the
36 applicant and/or be consistent with justice to other property owners.
 - 37
38 4. The problem and resulting need for the variance has not been self-created by
39 the applicant and/or the applicant's predecessors. (For example, a variance
40 needed for a proposed lot split would, by definition, be self-created, so such
41 a variance typically would not be granted.
 - 42

1 b. In all variance proceedings, it shall be the responsibility of the applicant to provide
2 information, plans, testimony and/or evidence from which the ZBA may make the
3 required findings.
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5 Leuty moved, supported by Cook, to grant the request of Scott Dolfman of Kalamazoo
6 Probation Enhancement Programs, 519 South Park Street, Kalamazoo, MI 49007 for a 13% lot
7 coverage variance from the required 25% maximum lot coverage of all buildings contained in
8 Section 25.02 of the Township Zoning Ordinance to allow for the removal of two existing
9 detached sheds and to build a new 32' by 40' accessory storage building on the property
10 addressed as 537 Chicago Avenue, Kalamazoo, MI 49048 (Parcel Nos. 06-14-433-270 and 06-14-
11 433-340) because strict compliance with the zoning ordinance will unreasonably prevent the
12 owner from using the property for a permitted purpose and/or conformance with the
13 ordinance is unnecessarily burdensome; granting the variance will do substantial justice to the
14 applicant and other property owners; a lesser variance will not give substantial relief to the
15 applicant; and, the request for a variance was not self-created due to the uniqueness of the
16 use, and also because KPEP did not build the existing detached shed they plan to remove, upon
17 the following condition:
18

- 19 1. The applicant combines the subject property's two parcel identification numbers
20 into one.
21

22 The motion passed unanimously. The ZBA notice of decision form was executed by Short and
23 Koches personally served the applicant with a copy of it.
24

25 Mihelich recommended that the Planning Commission consider re-zoning the subject property
26 so it is consistent with the zoning of the surrounding properties. The ZBA members discussed
27 Mihelich's request, and agreed. The ZBA discussed lawful non-conforming uses contained
28 within the RM-1 District and the current existing lot coverage requirements.
29

30 Upon motion of Mihelich, supported by Leuty, the ZBA recommended that the Planning
31 Commission review the existing lot coverage requirements contained within the RM-1 District
32 Zoning Classification and to identify non-conforming uses contained therein. The motion passed
33 unanimously.
34

35 **Old Business.**
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37 None.
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39 **New Business.**
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41 None.
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43 **Other matters to be reviewed by the ZBA.**
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1 **Citizen Comments.**

2 The ZBA welcomed the new ZBA members who will start their terms in October, 2019.

3
4 **Correspondence received.**

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6 Hudson noted that a copy of the Planning and Zoning informational newsletter was received
7 and distributed to the ZBA members.

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9 **Board Member Comments.**

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11 Leuty welcomed the new members to the ZBA. Leuty said that Jim Cripps had resigned from the
12 Planning Commission and noted that Cripps was a valuable member of the ZBA and Planning
13 Commission; Short agreed. Leuty said that he is preparing a resolution that he will submit to the
14 Township Board honoring Cripps for his years of service and valuable contributions. Cook said
15 that he appreciated his time as a ZBA member and looks forward to joining the Planning
16 Commission. Cook thanked the ZBA for the opportunity to serve as a member.

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18 **Report of the Planning Commission Member.**

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20 Nagler discussed the requests reviewed at the recent Planning Commission meeting.

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22 **Adjournment.**

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24 There being no additional business before the Zoning Board of Appeals, Short adjourned the
25 meeting at 7:55 p.m.

26 Respectfully Submitted,

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30 _____
31 Chris Mihelich, Secretary of the Zoning
32 Board of Appeals

33 **Synopsis of Actions**
34 **ZBA meeting September 18, 2019**

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36 Regarding the request for variances from Kalamazoo Probation Enhancement Programs:

- 37
38 1. Granted the request of Scott Dolfman of Kalamazoo Probation Enhancement
39 Programs, 519 South Park Street, Kalamazoo, MI 49007, for a 13% lot coverage
40 variance request from the required 25% maximum lot coverage by all buildings,
41 contained in Section 25.02 of the Township Zoning Ordinance, to allow for the
42 removal of two existing sheds and to build a new accessory storage building on
43 property addressed as 537 Chicago Avenue, Kalamazoo, MI 49048 (Parcel Nos.
44 06-14-433-270 and 06-14-433-340), with the condition that the applicant combines
45 the subject property into one parcel identification number.