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**Charter Township of Kalamazoo
Minutes of a Zoning Board of Appeals Meeting
Held on April 17, 2024**

10 A regular meeting of the Kalamazoo Charter Township Zoning Board of Appeals was conducted on April
11 17, 2024, commencing at 6:00 p.m. at the Township Hall.

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Call to Order.

20 Leigh called the meeting to order at 6:00 p.m. and called the roll.

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Present were:

27 Nicky Leigh
28 Fred Nagler
29 Shawn Blue
30 Lisa Mackie
31 David Combs

32 Also present were Township Zoning Administrator Kyle Mucha; Township Attorney Seth Koches; and, two
33 (2) members of the audience.

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Absent was:

39 None.

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Approval of the Agenda for the April 17, 2024, Zoning Board of Appeals Meeting.

The ZBA members received the agenda in their meeting packets. No additions or revisions were made.
Blue moved, supported by Combs to approve the agenda as presented. The motion passed unanimously.

Approval of Zoning Board of Appeals' Meeting Minutes of the February 21, 2024 Meeting.

The next item on the agenda was approval of the February 21, 2024, Zoning Board of Appeals' meeting
minutes. Copies of the draft meeting minutes were provided to the Members in their agenda packets.

Combs moved, supported by Mackie to approve the minutes as revised. The motion passed unanimously.

Public Hearings.

3025 Ravine Road – Sign Dimensional Variance

The next item on the agenda was the public hearing for the consideration of the request of Jason Newton
(Applicant) on behalf of Ken Hoving (Agent of 3025 Ravine Road), regarding the property located at 3025
Ravine Road, Parcel No. 06-08-170-010, recorded owner of AKKG, LLC, for an 8.4-foot height variance from
the maximum 6-foot limitation (proposed height of 14.4 feet) and a 14.66 square foot size variance from
the maximum 48 square foot maximum (proposed size of 62.66 square feet). The sign limitations are
established within the Kalamazoo Charter Township Zoning Ordinance, Section 7.08. The property is

1 located in the I-2, General Industrial Zoning District. Standards for variance consideration are contained
2 in Section 26.05 of the Township Zoning Ordinance.

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4 Leigh opened the public hearing and asked for any interested person to submit public comment in support
5 of or in opposition to the Applicant’s request for a variance.

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7 The Township received a letter from Jane Kiel, which objected to the request for a variance. The letter
8 was read aloud and entered into the record for the ZBA members to consider. Hearing no additional public
9 comment, Leigh closed the public hearing.

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11 **Old Business.**

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13 None.

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15 **New Business.**

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17 **3025 Ravine Road – Sign Dimensional Variance**

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19 The next item on the agenda was consideration of the request of Jason Newton (Applicant) on behalf of
20 Ken Hoving (Agent of 3025 Ravine Road), regarding the property located at 3025 Ravine Road, Parcel No.
21 06-08-170-010, recorded owner of AKKG, LLC, for an 8.4-foot height variance from the maximum 6-foot
22 limitation (proposed height of 14.4 feet) and a 14.66 square foot size variance from the maximum 48
23 square foot maximum (proposed size of 62.66 square feet). The sign limitations are established within the
24 Kalamazoo Charter Township Zoning Ordinance, Section 7.08. The property is located in the I-2, General
25 Industrial Zoning District. Standards for variance consideration are contained in Section 26.05 of the
26 Township Zoning Ordinance.

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28 Mucha said that the Applicant proposed to construct two free standing signs, one for each road frontage.
29 The Applicant proposed the signs to be 14.4 feet in height, where a maximum 6 feet is permitted, thereby
30 requiring a variance of 8.4 feet. The Applicant also proposes a variance of 62.66 square-feet where a
31 maximum of 38 square-feet is permitted for sign size area.

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33 Mucha said that Section 26.05.B.4.a of the Township Zoning Ordinance contains the standards of review
34 when considering a request for a variance. Section 26.05.B.4.a states, in part, that:

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36 In determining whether practical difficulties exist, the ZBA shall consider the following factors:

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38 (1) Strict compliance with restrictions governing area, setback, frontage,
39 height, bulk, density or other non-use matters, will unreasonably
40 prevent the owner from using the property for a permitted purpose
41 or will render ordinance conformity unnecessarily burdensome.
42 (2) The variance will do substantial justice to the applicant, as well as to
43 other property owners.
44 (3) A lesser variance than requested will not give substantial relief to the
45 applicant and/or be consistent with justice to other property owners.
46 (4) The problem and resulting need for the variance has not been self-
47 created by the applicant and/or the applicant's predecessors. (For
48 example, a variance needed for a proposed lot split would, by

1 definition, be self-created, so such a variance typically would not be
2 granted.)
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4 Art Mulder addressed the ZBA on behalf of the Applicant. Mulder said that he wants to install signs at the
5 building, which is used as a recycling center. Mulder provided the ZBA renderings of the proposed signs
6 he prefers to install. Mulder said that a variance is needed because EGLE requirements require an 8'
7 opaque fence for the existing use and the Township's height limitation for signs is 6'. Mulder provided the
8 EGLE regulations to the ZBA members specifying the 8' opaque fencing requirement. Mulder said that the
9 Township Zoning Ordinance does not account for EGLE regulations, which is a practical difficulty. Mulder
10 said that there is no negative impact on the subject property or adjacent properties if the requested
11 variances is granted.
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13 The Commissioners discussed the standards to grant a variance. Mackie confirmed that the signs will be
14 placed approximately 120 feet from the road. Combs confirmed that the signs will be illuminated by
15 uplighting. The Commissioners discussed separating the variances into two separate motions regarding
16 sign height and sign area.
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18 Blue moved, supported by Nagler to approve the request of Jason Newton (Applicant) on behalf of Ken
19 Hoving (Agent of 3025 Ravine Road), regarding the property located at 3025 Ravine Road, Parcel No. 06-
20 08-170-010, recorded owner of AKKG, LLC, for an 8.4-foot height variance from the maximum 6-foot
21 limitation (proposed height of 14.4 feet) and a sign size variance for the sign to be place on Ravine Road
22 of 14.66 feet because strict compliance with restrictions governing area, setback, frontage, height, bulk,
23 density or other non-use matters, will unreasonably prevent the owner from using the property for a
24 permitted purpose or will render ordinance conformity unnecessarily burdensome; the variance will do
25 substantial justice to the applicant, as well as to other property owners; a lesser variance than requested
26 will not give substantial relief to the applicant and/or be consistent with justice to other property owners;
27 the problem and resulting need for the variance has not been self-created by the applicant and/or the
28 applicant's predecessors due to EGLE regulations.
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30 The motion passed unanimously.
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32 The ZBA next considered the request for a variance regarding sign size/area regarding the sign height
33 limitation and sign size for the sign to be placed facing Nichols Road. The Board decided, and Mulder
34 agreed, that the sign size variance request would not be considered by the Board.
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36 Nagler moved, supported by Combs to approve the request of Jason Newton (Applicant) on behalf of Ken
37 Hoving (Agent of 3025 Ravine Road), regarding the property located at 3025 Ravine Road, Parcel No. 06-
38 08-170-010, recorded owner of AKKG, LLC, for an 8.4-foot height variance from the maximum 6-foot
39 limitation (proposed height of 14.4 feet) for the sign facing Nichols Road because strict compliance with
40 restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will
41 unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance
42 conformity unnecessarily burdensome; the variance will do substantial justice to the applicant, as well as
43 to other property owners; a lesser variance than requested will not give substantial relief to the applicant
44 and/or be consistent with justice to other property owners; the problem and resulting need for the
45 variance has not been self-created by the applicant and/or the applicant's predecessors due to EGLE

1 regulations; the request for a variance for sign size variance for the sign to be place facing Nichols Road
2 would be denied because the standards of review contained in Section 26.05.B.4.a are not satisfied.

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4 The motion passed unanimously.

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6 **Comments from the public.**

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8 None.

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10 **ZBA Member Comments.**

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12 The members discussed the need to appoint members to the ZBA.

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14 **Report of Planning Commission Member.**

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16 Nagler discussed updates from recent Planning Commission meetings.

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18 **Adjournment.**

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20 Leigh moved, supported by Combs to adjourn the meeting at 6:54 p.m. The motion passed unanimously.

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SYNOPSIS OF ACTIONS

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24 The Kalamazoo Township Zoning Board of Appeals undertook the following actions at the April
25 17, 2024 meeting:

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27 1. Approved the request for sign height and size variance for 3025 Ravine Road for the sign facing
28 Ravine Road.

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30 2. Approved the request for sign height size variance for 3025 Ravine Road for the sign facing Nichols
31 Road and denied the sign size variance request for the same.

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Recording Secretary