

**KALAMAZOO TOWNSHIP
ZONING BOARD of APPEALS MEETING
AGENDA
WEDNESDAY JULY 19, 2023, 6:00 PM**

The agenda for the *meeting* will include the following items:

- #1 Call to order
- #2 Roll call
- #3 Approval of agenda for July 19, 2023
- #4 Approval of Minutes:
 - 4a. May 17, 2023
- #5 Public Hearings
 - 5a. 3809 E. Michigan: Parking Reduction; Parking Lot Landscaping; Building Height
 - 5b. 2334 Lincoln Avenue: Setback
 - 5c. 222 S. Kendall: Setback
- #6 Old Business
 - 6a. 4629 Winding Way – No Action Required
- #7 New Business
 - 7a. 3809 E. Michigan Avenue – Variance Review
 - 7b. 2334 Lincoln Avenue – Variance Review
 - 7c. 222 S. Kendall – Variance Review
- #8 Other matters to be reviewed by the ZBA
 - 8a. Comments from the public on matters not already addressed.
 - 8c. Zoning Board of Appeals members’ comments.
 - 8d. Report of the Planning Commission member.
- #9 Adjournment

Public Hearings. The following rules of procedure shall apply to public hearings held by the ZBA:

1. Chairperson opens the public hearing and announces the subject.
2. Chairperson summarizes procedures/rules to be followed during the hearing.
3. Township zoning administrator/planning consultant presents brief summary of the request.
4. Applicant presents brief overview of request.
5. Persons wishing to comment on the request are recognized.
6. Chairperson closes public hearing.

*Note: further discussion of the application (such as discussion) take place during “business”.

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Charter Township of Kalamazoo
Minutes of a Zoning Board of Appeals Meeting
Held on May 17, 2023

A regular meeting of the Kalamazoo Charter Township Zoning Board of Appeals was conducted on May 17, 2023, commencing at 6:00 p.m. at the Township Hall.

Present were:

Nicky Leigh
Fred Nagler
Lisa Moaiery—Alternate

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

Absent was:

Shawn Blue

Moaiery moved, supported by Nagler to excuse Blue from the meeting. The motion passed 3-0.

Call to Order.

Nicky called the meeting to order at 6:23 p.m. and called the roll.

Approval of the Agenda for the May 17, 2023 Zoning Board of Appeals Meeting.

The ZBA members received the agenda in their meeting packets. No additions or revisions were made. Moaiery moved, supported by Nagler to approve the agenda as presented. The motion passed 3-0.

Approval of Zoning Board of Appeals' Meeting Minutes of the April 19, 2023.

The next item on the agenda was approval of the April 19, 2023 Zoning Board of Appeals' meeting minutes. Copies of the draft meeting minutes were provided to the Members in their agenda packets.

Nagler moved, supported by Moaiery to approve the minutes as presented. The motion passed 3-0.

Public Hearings 910 Jenks Blvd. Variance Request for Dimensional Setback

The next item on the agenda was the public hearing for the request of Andrea Dillion (applicant) on behalf of Hope Reformed Church to obtain relief from the front yard setback requirement (25 feet) in the R-2 Single and Two-Family Residential District Zoning Classification of 15 feet to allow construction of a children's play structure along Fletcher Ave. Mucha prepared a staff report which was provided to the Board members in their agenda packets. Mucha said that the subject property is approximately 1.35 acres in size and is currently zoned R-2. Mucha said that a children's play structure is considered an accessory use to the principal use of the parcel (which is a religious institution). The applicant seeks to place the play structure to the northeast of the assembly hall along Fletcher Ave.

1 Mucha summarized the standards for granting a variance contained in Section 26.05.B.4.a of the Township
2 Zoning Ordinance, which states:

3
4 “The ZBA shall have authority in specific cases to authorize one or more dimensional or
5 “non-use” variances from the strict letter and terms of this Ordinance by varying or
6 modifying any of its rules or provisions so that the spirit of this Ordinance is observed,
7 public safety secured, and substantial justice done. A dimensional or non-use variance
8 allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the
9 Ordinance. A use variance authorizes the establishment of a use of land that is otherwise
10 prohibited in a zoning district. The ZBA is not authorized to grant use variances by this
11 Ordinance.

12
13 Such authority shall be exercised in accordance with the following standards.

14
15 a. The ZBA may grant a requested “non-use” variance only upon a finding that
16 practical difficulties exist and that the need for the variance is due to unique
17 circumstances peculiar to the property and not generally applicable in the area or
18 to other properties in the same zoning district. In determining whether practical
19 difficulties exist, the ZBA shall consider the following factors:

20
21 (1) Strict compliance with restrictions governing area, setback, frontage,
22 height, bulk, density or other non-use matters, will unreasonably prevent
23 the owner from using the property for a permitted purpose or will render
24 ordinance conformity unnecessarily burdensome.

25
26 (2) The variance will do substantial justice to the applicant, as well as to other
27 property owners.

28
29 (3) A lesser variance than requested will not give substantial relief to the
30 applicant and/or be consistent with justice to other property owners.

31
32 (4) The problem and resulting need for the variance has not been self-created
33 by the applicant and/or the applicant’s predecessors. (For example, a
34 variance needed for a proposed lot split would, by definition, be self-
35 created, so such a variance typically would not be granted.)

36
37 b. In all variance proceedings, it shall be the responsibility of the applicant to provide
38 information, plans, testimony and/or evidence from which the ZBA may make the required
39 findings. Administrative officials and other persons may, but shall not be required to, provide
40 information, testimony and/or evidence on a variance request.”

41
42 Leigh opened the public hearing and invited any interested person to speak in support of or opposition to
43 the applicant’s request.

44
45 Mucha noted that the Township received a letter from Karen Brooks, which supported the applicant’s
46 request. Moaiery read the letter to the ZBA. The applicant addressed the Board and said that the church
47 offers a community service that is open to the neighborhood in Westwood. The applicant said that there

1 aren't many accessible playgrounds and the church received positive feedback regarding this project.
2 Hearing no additional public comments, Leigh closed the public hearing.

3

4 **Old Business.**

5

6 **4629 Winding Way**

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8 No action was needed regarding this agenda item.

9

10 **New Business - 910 Jenks Blvd. Variance Request for Dimensional Setback.**

11

12 The ZBA entered into deliberations and discussed each standard of approval for granting a variance and
13 concluded that proposed location of the play structure was appropriate; that the subject property is
14 unique because it has three front yards under the zoning ordinance, which is not typical; a lesser variance
15 will not give substantial relief to the applicant; and, the need for a the variance is only partially self-created
16 because placing the play structure in a conforming location would significantly impact traffic circulation,
17 fire safety access and reduce the total number of off-street parking spaces required by the zoning
18 ordinance. The ZBA concluded that all standards for granting a variance were satisfied.

19

20 Nagler moved, supported by Moaiery, to approve the request of Hope Reformed Church to obtain
21 relief from the front yard setback requirement (25 feet) in the R-2 Single and Two-Family Residential
22 District Zoning Classification of 15 feet to allow construction of a children's play structure along Fletcher
23 Ave. because all of the standards to approve a request for a variance contained in Section 26.05.B.4.a of
24 the Township Zoning Ordinance were satisfied. The motion passed 3-0.

25

26 **Comments from the public.**

27 None.

28 **Correspondence received.**

29 None.

30 **ZBA Member Comments.**

31 None.

32 **Report of Planning Commission Member.**

33 Nagler discussed updates from recent Planning Commission meetings.

34 **Adjournment.**

35 Moaiery moved, supported by Nagler to adjourn the meeting at 6:43 p.m. The motion passed 3-0.

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SYNOPSIS OF ACTIONS

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The Kalamazoo Township Zoning Board of Appeals undertook the following actions at the May 17, 2023 meeting:

- 1. Approved the request of 910 Jenks Blvd. for a dimensional setback variance from the front yard setback requirement (25 feet) in the R-2 Single and Two-Family Residential District Zoning Classification of 15 feet to allow construction of a children’s play structure along Fletcher Ave.

Recording Secretary



MCKENNA

June 13, 2023

Hon. Members of the Zoning Board of Appeals
Kalamazoo Charter Township
1720 Riverview Drive
Kalamazoo, Michigan 49004

SUBJECT: ZBA Report

#23-04 Variance Request – Parking, Landscaping, Landscaping Parking Lots, and Building Height

APPLICANT: Adrienne Heidema (Consumers Concrete Corporation)

**SECTION: Section 4.01(D)(6) – Parking
Section 5.02 (F) – Landscaping Parking Lots
Section 25.02 – Building Height**

LOCATION: 3809 E. Michigan Avenue, Kalamazoo, MI 49048 (Parcel ID: 06-13-480-011)

REQUEST: To obtain relief from the parking minimum requirement in the I-2, General Industrial District in the form of a parking space reduction from the required 52 spaces to 18 spaces.

To obtain relief from the parking lot landscaping requirements to provide landscaping based on the 18 proposed parking spaces, which is contingent upon receiving relief from the parking minimum requirements.

To obtain relief from the building height maximum of 45'-0" as specified for the I-2, General Industrial District to allow for a maximum height of 50'-10" for the high bay in order to accommodate production.

Dear Members of the Zoning Board of Appeals:

We have reviewed the above referenced application regarding four variance requests pertaining to the construction of a new concrete block manufacturing plant located at 3809 E. Michigan Avenue and offer the following for consideration.

VARIANCE REQUEST SUMMARY

The applicant, Consumers Concrete (CCC) is proposing to obtain relief from the Kalamazoo Township Zoning Ordinance in the following areas:

- *Section 4.01(D)(6) – Parking*
- *Section 5.02(F) – Landscaping Parking Lots*
- *Section 25.02 – Building Height*

The applicant proposes to construct a new concrete block manufacturing plant on the same site where they own and operate an existing concrete manufacturing plant. Once the new plant is operational and has demonstrated it can meet production needs, the old plant will be repurposed or demolished. The



HEADQUARTERS

235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM



applicant is requesting relief from the I-2 District parking minimum requirement. Per Section 4.01(D)(6), 1 parking space is required for every 750 sq. ft. of gross floor area, meaning at 38,800 sq. ft., this facility would need 52 parking spaces. The applicant has submitted the following justification for reduction of the parking spaces to 18 spaces: the maximum number of people working in the day shift is 12, there will be a need for 4 maintenance vehicles, and the new facility will not be open to the public, nor does it have access via public roads.

Contingent on approval of the parking reduction, the applicant is requesting a variance for parking landscaping. The applicant proposes to provide parking lot landscaping based upon the 18 parking spaces rather than the 52 required parking spaces. Per Section 5.02(F), this relief would change the required landscape area from 1,560 sq. ft. to 540 sq. ft. and 6 deciduous shade trees to 2 deciduous shade trees.

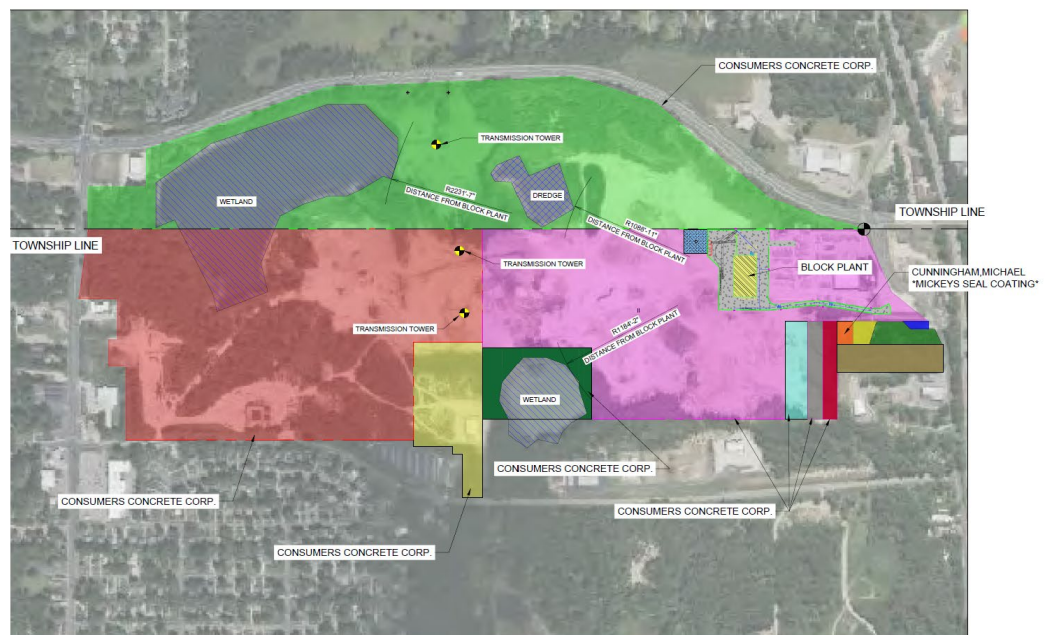
CCC is also seeking relief from the landscaping adjacent to roads requirements in Section 5.02(B). The applicant has provided that the frontage adjacent to E. Michigan Avenue has no existing impervious surface that is suitable for landscape plantings. The applicant has provided in previous Special Land Use application that the height of the road varies from the height of the site; however, there is an existing lawn where planting low profile vegetation would be appropriate. The applicant is seeking to forgo the landscaping adjacent to roads, but provides that if they demolish the existing plant, they can provide a landscape plan that complies with Zoning Ordinance standards. **Note: this request is being handled at the Planning Commission; the Planning Commission has the ability to offer modifications to the landscaping requirements.**

The new concrete block manufacturing plant will have two bays that are necessary for production. The high bay's average height is 50'-10", and the applicant is requesting a variance on the building height maximum of 45'-0" as specified in Section 25.02, the Schedule of Regulations.

EXISTING SITE CONDITIONS

The subject parcel is approximately 52.31 acres in size. The site is currently zoned I-2, General Industrial Use. A concrete manufacturing plant is permitted by special use within the I-2 District, per Section 20.02(B)(15) of the Kalamazoo Township Zoning Ordinance. The site is currently operating an existing concrete block manufacturing plant and showroom. The subject site also includes a gravel mining operation in the northern section of the parcel; however, the proposed project is in the southern portion of the parcel.

The subject site is part of the larger CCC operations, and many of the adjacent parcels are owned by CCC. CCC is currently in the process of creating a master plan for their operations, which are located in Kalamazoo and Comstock Townships. The diagram to the right shows the parcels owned by CCC.





STANDARDS FOR VARIANCE APPROVAL

Section 26.05.B.4.a, of the Zoning Ordinance provides criteria for the review of variance requests by the Zoning Board of Appeals. The following are those criteria and how they relate to this request:

- a. *The ZBA may grant a requested "non-use" variance only upon a finding that practical difficulties exist and that the need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. In determining whether practical difficulties exist, the ZBA shall consider the following factors:*
- *Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.*

Applicant Statement: "Yes - Building height limitation prevents the use of aggregate and cement silos which are a necessary part of our permitted process."

While the applicant only directly responded to the building height variance request, justification has been provided in an attached site plan diagram for the other variance requests.

Parking: The applicant has provided that the maximum number of parking spaces needed at any given time will be 16 spaces. The creation of the Ordinance required spaces, 52, would create an unnecessary burden for the project. Further, no public access is provided for this site.

Parking Lot Landscaping: The parking lot landscaping requirements are unnecessarily burdensome contingent on the parking space reduction request. Requiring parking lot landscaping for 52 spaces, while allowing only 18 spaces creates a unnecessary burden for the project.

Building Height: The building height requested is required for operations of the concrete block manufacturing process, which is a permitted use by special land use permit.

We find that strict compliance with restrictions governing area, setback or other non-use matters **would unreasonably prevent the owner from using the property for a permitted purpose**, and the Kalamazoo Township Zoning Ordinance **would unnecessarily render conformity burdensome**.

- *The variance will do substantial justice to the applicant, as well as to other property owners.*

Applicant statement: "Yes."

Parking: It is not anticipated that a reduction in parking will adversely affect the applicant, nor adjacent properties. It is anticipated that this will benefit adjacent properties, as it allows for less visual clutter, and reduced traffic.

Parking Lot Landscaping: It is not anticipated that reduction of parking lot landscaping will negatively impact the applicant or adjacent property owners.

Building Height: Building height may negatively impact adjacent properties by impeding their sightline, however, it is anticipated that the new plant is setback far enough from adjacent properties, that the 5'-10" increase in height will be negligible.

While building height has the potential to impact adjacent properties, we find that these variance requests **will do justice for the applicant and will not negatively impact adjacent property owners**.



- *A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.*

Applicant statement: “A lesser variance would prevent us from using the property as permitted.”

Parking: A lesser variance than requested would not impact how the property is used.

Parking Lot Landscaping: A lesser variance would not impact how the property is used.

Building Height: A lesser variance would not allow for the operation of the concrete block manufacturing plant, as the requested height is required for usage of the aggregate and cement silo.

We find that the parking reduction request, and parking lot landscaping reduction request **would still receive substantial relief from a lesser variance.** However, we find that the building height addition request **would not give substantial relief** if a lesser variance was approved.

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

Applicant statement: “NO.”

Building Height: The applicant has provided that 50'-10" is the required building height to operate the facility; however, justification for a shorter building height that is in compliance has not been provided, so we defer to the applicant to provide further narrative.

- b. *In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings. Administrative officials and other persons may, but shall not be required to, provide information, testimony and/or evidence on a variance request.*

The applicant has provided an application, brief description as it relates to the four review criteria, and a conceptual site design and justification for the four (4) requested variances.

Conditions

The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or variance request.

We find that additional/reasonable conditions in connection with the variance request are not applicable at this time, but defer to the Zoning Board of Appeals should they find any additional conditions warranted after the Public Hearing has been held.

STAFF FINDINGS

We offer the following for consideration by the Zoning Board:

1. *There is a need for an extension to the building height regulation (Section 25.02) to allow for the operation of the concrete block manufacturing plant, which is permitted by special land use.*
2. *The regulations on parking spaces (Section 4.01(D)(6)), parking lot landscaping (5.02(F)), are exceedingly burdensome for the existing conditions and proposed use.*
3. *A lesser variance for the parking space reduction (Section 4.01(D)(6)), parking lot landscaping (Section 5.02(F)) would still grant substantial relief.*



4. *It is not anticipated that any of the requested variances will negatively impact adjacent property owners.*

Feel free to reach Danielle Bouchard, AICP, Principal Planner, at DBouchard@mcka.com or Kyle Mucha, AICP, Senior Planner at KMucha@mcka.com you have any questions about this variance request or review.

Respectfully,

McKenna

Danielle Bouchard, AICP
Principal Planner

Kyle Mucha, AICP
Senior Planner

Lauren Sayre
Assistant Planner



Zoning Board of Appeals Application for Variance, Interpretation, or Appeal

1720 Riverview Drive
Kalamazoo, MI 49004
P. (269) 381-8080
F. (269) 381-3550
ktwp.org



OFFICE USE ONLY
Date: _____
Case #: _____
Fee: _____

APPLICANT

Contact Person Adrienne Heidema		
Business Name (if applicable) Consumers Concrete Corporation	Email Asheidema@consumersconcrete.com	
Address 3506 Lovers Ln	Phone 269.366.3024	Cell Phone 269.870.5886
City Kalamazoo	State MI	Zip Code 49001

PROPERTY OWNER

Check here if same as above

Name	Email	
Address	Phone	Cell Phone
City	State	Zip Code

PROPERTY INFORMATION

Street Address 700Rd & 3809 E. Michigan Ave	Suite/Apt. #
Zoning District Kalamazoo Twp. & Comstock Twp.	Master Plan Designation
Gross Acreage 212.85	Parcel Dimensions

ZBA ACTION REQUESTED

- To interpret a particular section of the ordinance, as it is felt the Zoning Administrator/Planning Commission is not using the proper interpretation.
- To interpret the zoning map, as it is felt the Zoning Administrator/Planning Commission is not reading the map properly. Describe the portion of the zoning map in question (attach detail maps if applicable).
- To grant a variance to certain requirements of the zoning ordinance, (parking, setbacks, lot size, height, floor area, sign regulations, location of accessory buildings, maximum amount of lot coverage, etc.).
- To overturn an action of the zoning administrator. The zoning administrator erred (did not issue a permit, issued a permit, enforcement).

SECTION OF THE ZONING ORDINANCE SEEKING INTREPRETATION OR VARIANCE

Section:



I (we), the undersigned, do hereby indicate that all information contained in this application, accompanying plans and attachments are complete and accurate to the best of my (our) knowledge.

_____	<u>SAME AS OWNER</u>	_____
Date	Signature of Applicant	Print Applicant Name
05/02/2023	<u>Adrienne Heidema</u>	Adrienne Heidema
_____	<u>Adrienne Heidema (May 2, 2023 10:40 EDT)</u>	_____
Date	Signature of Property Owner	Print Property Owner Name

FOR VARIANCE APPLICATIONS ONLY

RULING SOUGHT (attach additional sheets if necessary)

- SECTION 4.01 (D0(6)) – PARKING – Reduction of Required Spaces
- SECTION 5.02 (B) -LANDSCAPING – Delay
- SECTION 5.02 (F) -LANDSCAPING PARKING LOTS – Reduction of Landscaping with reduction of parking
- SECTION 25.02, BUILDING HEIGHT – High Bay needed for Production.

SEE ATTACHED – Drawing for Details

STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION (attach additional sheets if necessary)

State specifically the reason for the variance request

SEE ATTACHED - Drawing and Justification

VARIANCE QUESTIONS: If you are seeking a variance, please provide answers to the following questions. Be specific, and explain your answers. If the answer to any of the questions numbered 1-4 is “no,” a variance may not be granted (attach additional sheets if necessary)

1. Does strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, unreasonably prevent the owner from using the property for a permitted purpose or does the ordinance render conformity unnecessarily burdensome?

Yes - Building height limitation prevents the use of aggregate and cement silos which are a necessary part of our permitted process.

2. Would a variance do substantial justice to the applicant, as well as adjacent property owners?

Yes

3. Would a lesser variance not give substantial relief to the applicant and/or be consistent with justice to other property owners?

A lesser variance would prevent us from using the property as permitted.



4. Is the problem and resulting need for the variance not self-created by the applicant and/or the applicant's predecessors?
NO

ATTACH SEVEN (7) COPIES OF A SITE PLAN PLUS ONE ELECTRONIC COPY

NOTE: The ZBA shall *not* have the authority to alter or change zoning district classifications of any property, nor to make any change in the text of the Township Zoning Ordinance. The ZBA has *no* authority to grant variances or overturn decisions involving special land uses or planned unit developments.

The ZBA shall have authority in specific cases to authorize one or more dimensional or "non-use" variances from the strict letter and terms of the Township Zoning Ordinance by varying or modifying any of its rules or provisions so that the spirit of the Ordinance is observed, public safety secured, and substantial justice done. A dimensional or non-use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance. A use variance authorizes the establishment of a use of land that is otherwise prohibited in a zoning district. The ZBA is *not* authorized to grant use variances by this Ordinance.

For more information pertaining to the rules, regulations, and powers of the ZBA, see Section 26.05 of the Township Zoning Ordinance.



**FOR ORDINANCE INTREPRETATION / OVERTURN (MAPS OR TEXT)
APPLICATIONS ONLY**

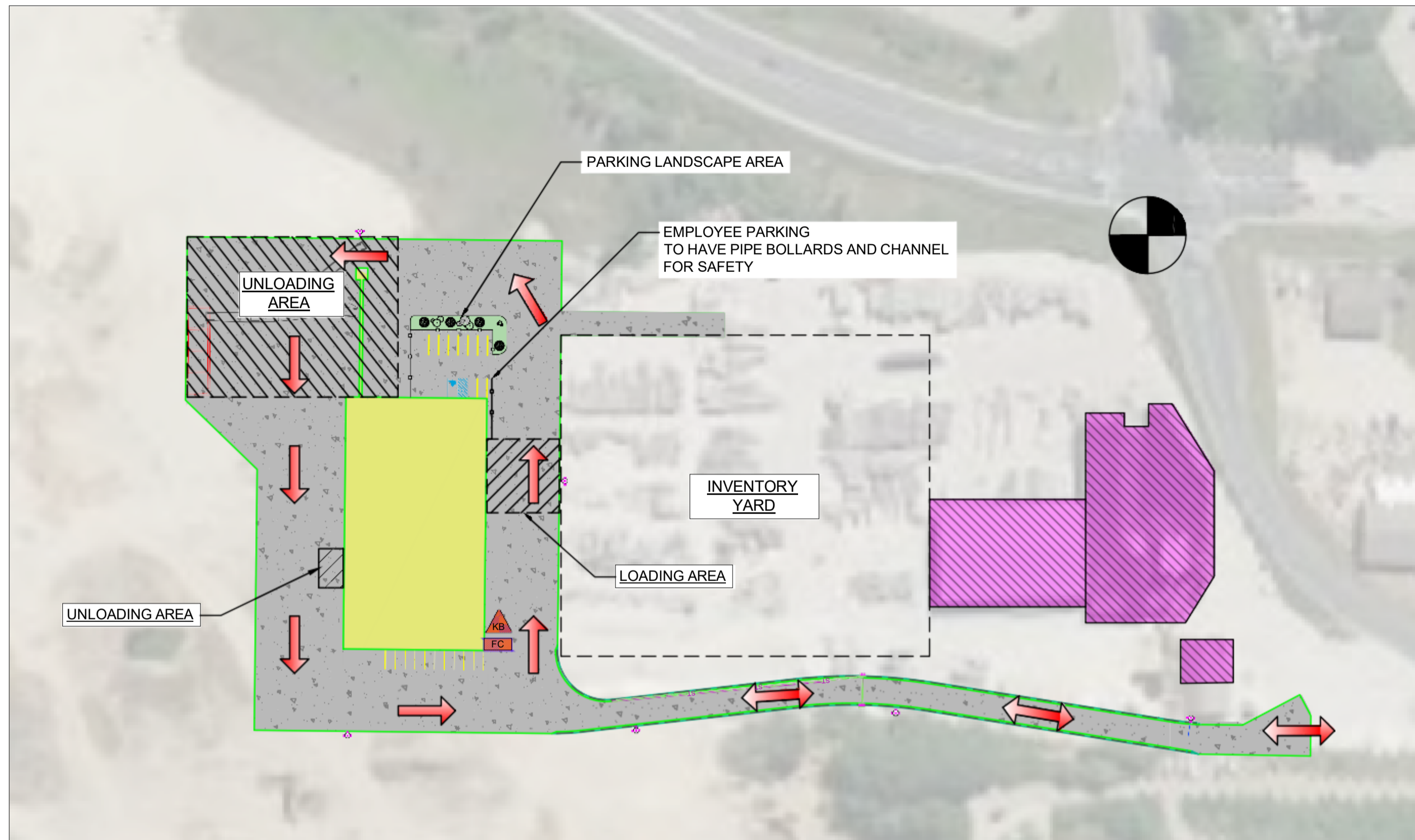
RULING SOUGHT (attach additional sheets if necessary)

STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION (attach additional sheets if necessary)
State specifically the reason for the variance request



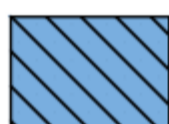


Attach a copy of any communications pertaining to the interpretation issue and the zoning administrator's (or planning commission's) written ruling on this issue.



NORTH



LEGEND

-  EXISTING FACILITIES
-  PROPOSED NEW CONSTRUCTION
-  PROPOSED NEW CONSTRUCTION
-  KNOX BOX
-  FIRE CONNECTION

NOT FOR CONSTRUCTION

INDICATED SCALE FACTOR ONLY ACCURATE IF PRINTED ON 24 x 36 DRAWING SHEET.



2232 S. MAIN, #482
ANN ARBOR, MI 48103
(734)929-0644
WWW.SALIGROUP-ES.COM

NO.	DATE	DESCRIPTION	APPROVED

PROJECT NO:	-	DRAWN:	CSPENCER
DATE:	3-7-2023	CHECKED:	-
SCALE:	AS NOTED	APPROVED:	-

PROJECT: CONSUMERS CONCRETE BLOCK PLANT
KALAMAZOO TWP, MI

TITLE: SITE PLAN
TRAFFIC PATTERN/ FIRE LANE

DRAWING NUMBER: C-7

SHEET OF SHEETS: C-7

VARIANCE REQUEST

- SECTION 4.01 (D0(6)) - PARKING-
 - PER THE ORDINANCE, 1 PARKING SPACE IS REQUIRED FOR EVERY 750 SF OF GROSS FLOOR AREA. OUR GROSS BUILDING FLOOR AREA IS 38,800SF. USING THIS SQUARE FOOTAGE, THE CALCULATED NUMBER OF SPACES IS 51.75 SPACES. THE NEW FACILITY WILL EMPLOY AT MOST 12 PERSONS DURING THE DAY SHIFT. IN ADDITION, THERE WILL BE A NEED FOR AS MANY AS 4 PARKING SPACES FOR MAINTENANCE EQUIPMENT. THIS NEW FACILITY IS NOT OPEN TO THE PUBLIC NOR DOES IT HAVE ANY ACCESS FROM PUBLIC ROADS THAT WOULD NECESSITATE PARKING. FOR THIS REASON, CONSUMERS PROPOSES TO PROVIDE 18 PARKING SPACES, OF WHICH ONE IS A VAN ACCESSIBLE ADA CONFORMING SPACE.
- SECTION 5.02 (B) -LANDSCAPING.
 - ALONG E. MICHIGAN AVENUE THERE CURRENTLY IS NO IMPERVIOUS SPACE ON WHICH TO PLANT ANY LANDSCAPING WITHOUT IMPACTING EXISTING PRODUCTION ACTIVITIES THE EXISTING PLANT AT A FUTURE DATE IS PLANNED TO BE ABANDONED AND DEMOLISHED. AT THAT TIME, AS PART OF THE AREA REDEVELOPMENT CONSUMERS CAN INCLUDE A LANDSCAPE PLAN THAT IS IN ACCORDANCE WITH TOWNSHIP ORDINANCE.

- SECTION 5.02 (F) -LANDSCAPING PARKING LOTS
 - THE ORDINANCE CALLS FOR 30SF OF LANDSCAPE AREA PER PARKING SPACE PLUS 1 SHADE TREE FOR EVERY 5 PARKING SPACES. WITH THE REQUESTED VARIANCE FOR NUMBER OF PARKING SPACES [18], WE PROPOSE A PARKING LANDSCAPE AREA OF 1,700 SQUARE FEET TO INCLUDE 4 TREES AROUND THE PARKING AREA AT THE SOUTHEAST CORNER OF THE PROPOSED FACILITY.
- SECTION 25.02, BUILDING HEIGHT-
 - THE ORDINANCE LIMITS AVERAGE BUILDING HEIGHT TO A MAXIMUM OF 45'-0"'. OUR BUILDING HAS TWO BAYS. THE LOW BAY HAS AN AVERAGE HEIGHT OF 34'-3"'. OUR HIGH BAY HAS AN AVERAGE HEIGHT OF 50'-10"'. CONSUMERS IS ASKING FOR A VARIANCE TO ALLOW THE HIGH BAY TO REMAIN AS DESIGNED TO BEST ACCOMMODATE OUR PRODUCTION. GENERALLY, OUR PROPOSED BUILDING FLOOR [804.5'] IS MORE THAN 30' BELOW THE CENTERLINE OF SPRINKLE ROAD. SEE DRAWING C-10.






ZBA-Application Variance 05022023

Final Audit Report

2023-05-02

Created:	2023-05-02
By:	Alicia Frenette (ap@saligroup-es.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA7mErLdkDIW6kH8Lv6UYsn26nJ26o-lpg

"ZBA-Application Variance 05022023" History

-  Document created by Alicia Frenette (ap@saligroup-es.com)
2023-05-02 - 2:32:00 PM GMT- IP address: 104.14.6.145
-  Document emailed to Adrienne Heidema (asheidema@consumersconcrete.com) for signature
2023-05-02 - 2:34:20 PM GMT
-  Email viewed by Adrienne Heidema (asheidema@consumersconcrete.com)
2023-05-02 - 2:39:59 PM GMT- IP address: 64.136.246.82
-  Document e-signed by Adrienne Heidema (asheidema@consumersconcrete.com)
Signature Date: 2023-05-02 - 2:40:30 PM GMT - Time Source: server- IP address: 64.136.246.82
-  Agreement completed.
2023-05-02 - 2:40:30 PM GMT

SITE PLAN APPLICATION NARRATIVE- PROPOSED BLOCK PRODUCTION FACILITY

Application Date: April 4, 2023

Site Location :

Consumers Concrete Corporation
3809 E. Michigan Ave
Kalamazoo, MI 49048

Prepared By:

Sali Group-ES, LLC
2232 S. Main, #482
Ann Arbor, MI 48103



In Association With

Tower Pinkster
242 E. Kalamazoo Ave, Ste 100
Kalamazoo, MI 49007

Hurley Stewart
2800 S. 11th St.
Kalamazoo, MI 49009

GENERAL DESCRIPTION

Consumers Concrete Corporation is proposing to construct a new block manufacturing facility on their property at 3809 E. Michigan Avenue in Kalamazoo Township. This is also the site of their existing block manufacturing facility, which will be removed after the construction is completed and the new facility is operational.

The new 36,750 SF facility will be approximately 256 ft. by 144 ft. The front (south) 2/3 of the building is a single story “low bay” area that will be used for manufacturing concrete block products as well as housing the office and employee spaces. The back 1/3 of the building is a single story “high bay” area that will house the material handling and mixing operations as well as the maintenance rooms. Additionally, exterior aggregate storage bins will be located on the north side of the building.

The new facility will have as many as 12 people working during the day shift. The facility's operation is planned for 12 hours a day, 6 days a week. It is expected that the new plant will produce as many as 20,000 standard 8" CMU's per production day [current facility can produce a maximum of 9,000 CMU's per day]. To support this planned production rate, an average of 350 tons of raw material will be brought into the facility [aggregate, cement] and an equal amount on average will be sold as finished product.

- Aggregate Trucks: 8 gravel train trucks [lead+pup]
- Cement Trucks: 1 per day
- Finished Product Vehicles: Customer dependent sizes. As many as 45 vehicles per day with sizes varying from 53' flatbed to landscape truck with 14' trailer.

FUTURE USE

The new facility is part of the long-term development plans that Consumers Concrete has for the property. The attached Development Plan shows the company's vision for the site, which

Consumers Concrete Block Facility Narrative

includes 8-10 20,000sf to 40,000 light industrial buildings accessible from a drive planned on the west side of the site and accessible via East Michigan Avenue and Nazareth Road. The plan would entail a general leveling of the non-wetland's areas, an emphasis on visual and pedestrian accessibility to the natural wetlands features, and generous amounts of landscaping with native vegetation.

NEW PROJECT DETAILS

New facility access will be through an existing curb cut on E. Michigan avenue. There are no plans to change this entrance or curb cut.

All block production activities will be housed inside the new facility. The building is equipped with the following features to mitigate noise and dust nuisances.

- Noise: The main noise generating system is the block mold operation. This operation will be housed in an isolated concrete block room. The machine itself is isolated from the earth and building around it by vibration adsorbing filler. Further, the interior space of the room will be fitted with noise absorbing wall panels. The second loudest part of the operation is the concrete mixer. This system is housed in the high bay section of the building. The mixer will be isolated on its own pad to minimize vibration carrying through the building space. The high bay building is a 4" insulated metal panel building that is fully enclosed.
- Dust: Dust will generate from three main areas of product.
 - Cement Silo Load. Each cement silo will be equipped with its own dedicated baghouse. The filters in the baghouse are designed to capture any dust formed during the load operation.
 - Mixing. The mixer tank is fully enclosed and is fitted with a dust capture filter. The mixer assembly is located inside the high bay area.
 - Mold Forming. The mold forming room is fully enclosed in a separate enclosure inside the low bay part of the building. This room's air will be circulated through a high volume dust capture system.
 - Splitting. The block splitters will be located within the low bay area. At each splitter operation [2 total] there will be a dust capture hood the circulates air through a dust capture system.

In addition to the above specific controls, there is planned to be two whole room circulating dust capture units [20,000 CFM each] in the low bay area. Further, the production area work space is planned to be held at a slightly negative pressure [from atmosphere] to reduce the potential for any dust particulates from migrating outside the building envelope.

Energy Efficiency considerations are incorporated into this design. Elements include:

- Carbon Free Energy Source: Our new facility is being designed with the capability to install and harness energy from solar panels on the south portion of the facility. Consumers Concrete is working with Consumers Energy to incorporate this energy source.
- Lighting: All lighting is the latest technology for LED fixtures.
- Building Envelop: Our building envelop exceeds relevant building code requirements for energy efficiency, including
 - Use of insulated block units from top of foundation wall to roof deck.

Consumers Concrete Block Facility Narrative

- Use of insulated cast in place concrete foundation wall system.
- Use of 4" Insulated Metal Panel walls for high bay.
- Insulated roof deck system that is R-38 average.
- Elimination of steam system for curing room humidification.
- Use of through wall pallet conveyors to eliminate fork truck door opening and closing.

CHEMICALS

As part of production, the new facility will consume the same chemicals that are consumed in the current block plant operation. The base product in every block is aggregate [sand, stone], water and cement. Additional admixtures include the following:

Concrete Admixtures:

- KreteGuard 230-Efflorescence control
- KreteGuard 301- Multipurpose admixture
- KreteMix 110- Plasticizing admixture
- KreteMix 150 Plasticizing admixture
- KreteControl 230- Water repellent

Cement colorants

- Yellow Iron Oxide- Pigment
- Black Iron Oxide- Pigment
- Red Iron Oxide- Pigment
- Tracer Red- Pigment

All the above chemicals will be stored in a designated space within the high bay area. The space will be isolated and contained to eliminate any potential for chemical release outside of the designated area.

VARIANCE REQUESTS

Consumers Concrete is requesting variances for the following ordinances:

Section 4.01 (D0(6) - Parking-

Per the ordinance, 1 parking space is required for every 750 SF of gross floor area. Our gross building floor area is 38,800SF. Using this square footage, the calculated number of spaces is 51.75 spaces. The new facility will employ at most 12 people during the day shift. In addition, there will be a need for as many as 4 parking spaces for maintenance equipment. This new facility is not open to the public, nor does it have any access from public roads that would necessitate parking. For this reason, Consumers proposes to provide 18 parking spaces, of which one is a van accessible ADA conforming space.

Section 5.02 (B) -Landscaping.

Along E. Michigan Avenue there currently is no impervious space in which to plant any landscaping without impacting existing production activities. The existing plant at a future date is planned to be abandoned and demolished. At that time, as part of the area redevelopment Consumers can include a landscape plan that is in accordance with township ordinance.

Section 5.02 (F) -Landscaping Parking Lots

The ordinance calls for 30SF of landscape area per parking space plus 1 shade tree for every 5 parking spaces. With the requested variance for number of parking spaces [18], we propose a

Consumers Concrete Block Facility Narrative

parking landscape area of 1,700 square feet to include 4 trees around the parking area at the southeast corner of the proposed facility.

Section 25.02, Building Height-

The ordinance limits average building height to a maximum of 45'-0". Our building has two bays. The low bay has an average height of 34'-3". Our high bay has an average height of 50'-10". Consumers is asking for a variance to allow the high bay to remain as designed to best accommodate our production. Generally, our proposed building floor [804.5'] is more than 30' below the centerline of Sprinkle Road. See drawing C-10.

Additionally, there are some requirements on the Site Plan Checklist that do not apply to this application, and they are explained below.

EXCEPTIONS TO SITE PLAN REQUIREMENTS BY SECTION

SITE DATA

Acceleration, deceleration, and passing lane diagram: Not Applicable; no such features on this proposal.

Location of existing sidewalks: Not Applicable; no such features on this site.

Cross-section of proposed berms: Not Applicable; no berms proposed for this site.

BUILDING AND STRUCTURE DETAILS

Carport location and details: Not Applicable- no carports proposed for this site.

INFORMATION CONCERNING RESIDENTIAL DEVELOPMENT

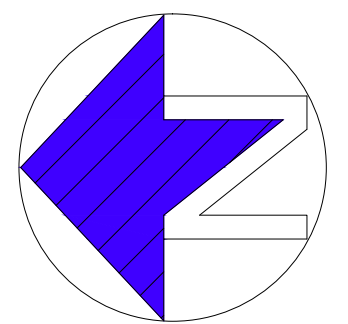
All items Not Applicable for this industrial development.

INFORMATION APPLICABLE TO MOBILE HOME PARKS

All items Not Applicable for this industrial development.

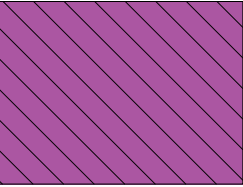
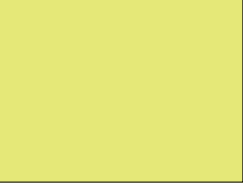
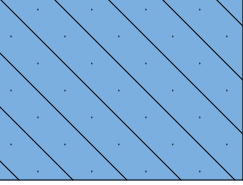
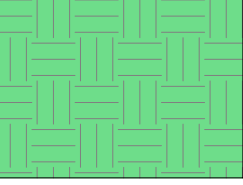


ADDITIONAL INFORMATION

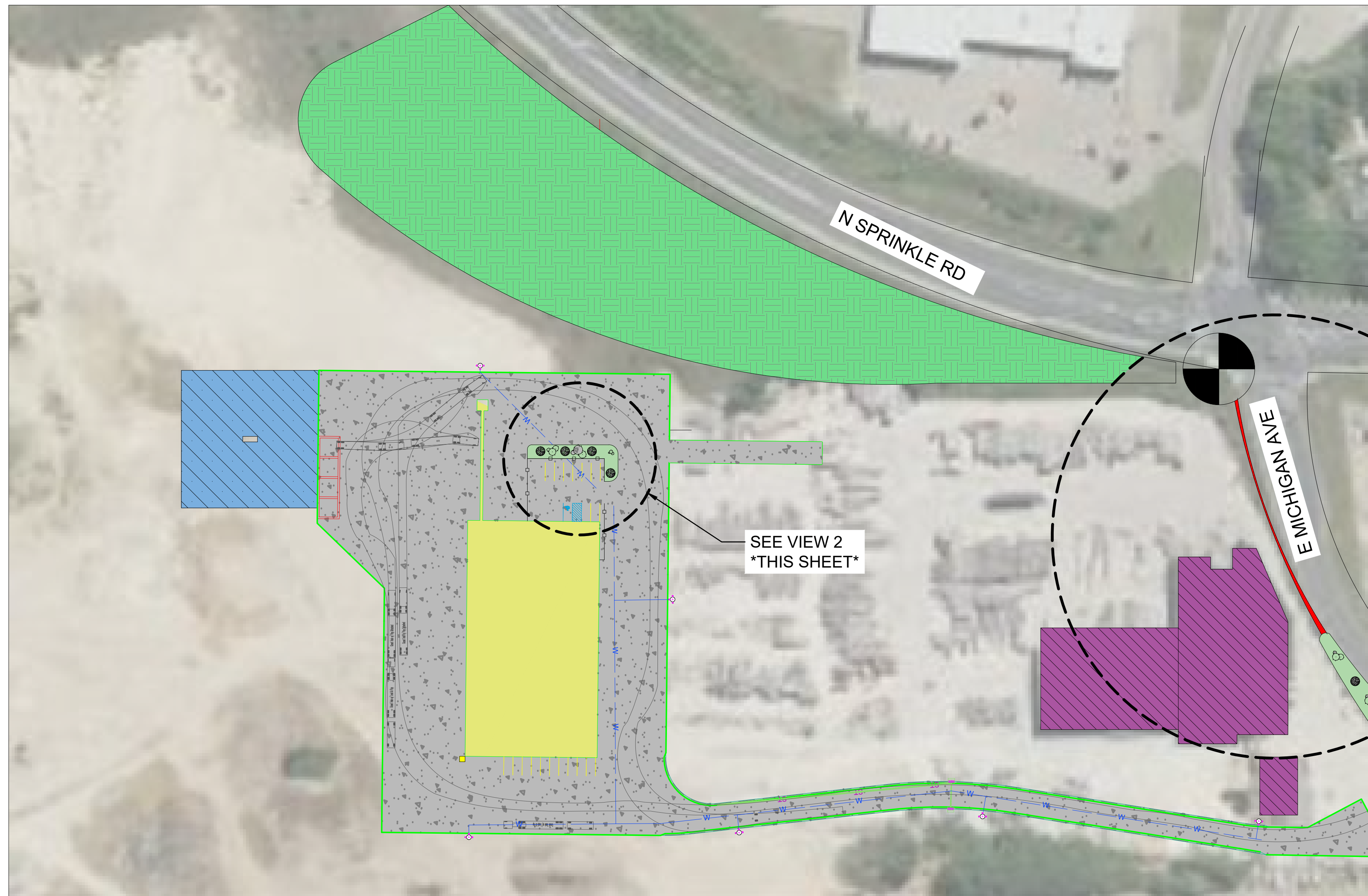
All items Not Applicable for this industrial development.



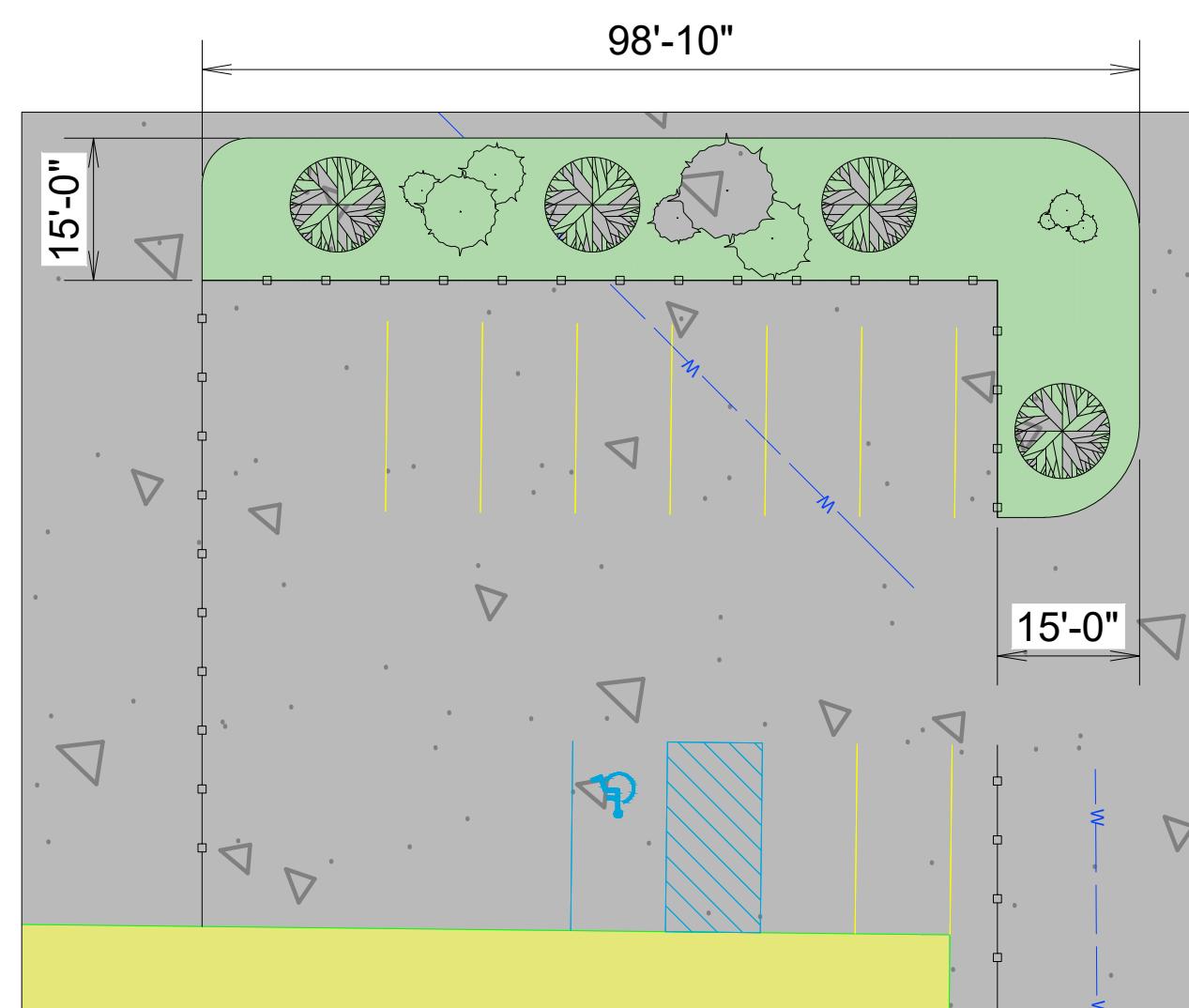
NORTH

LEGEND

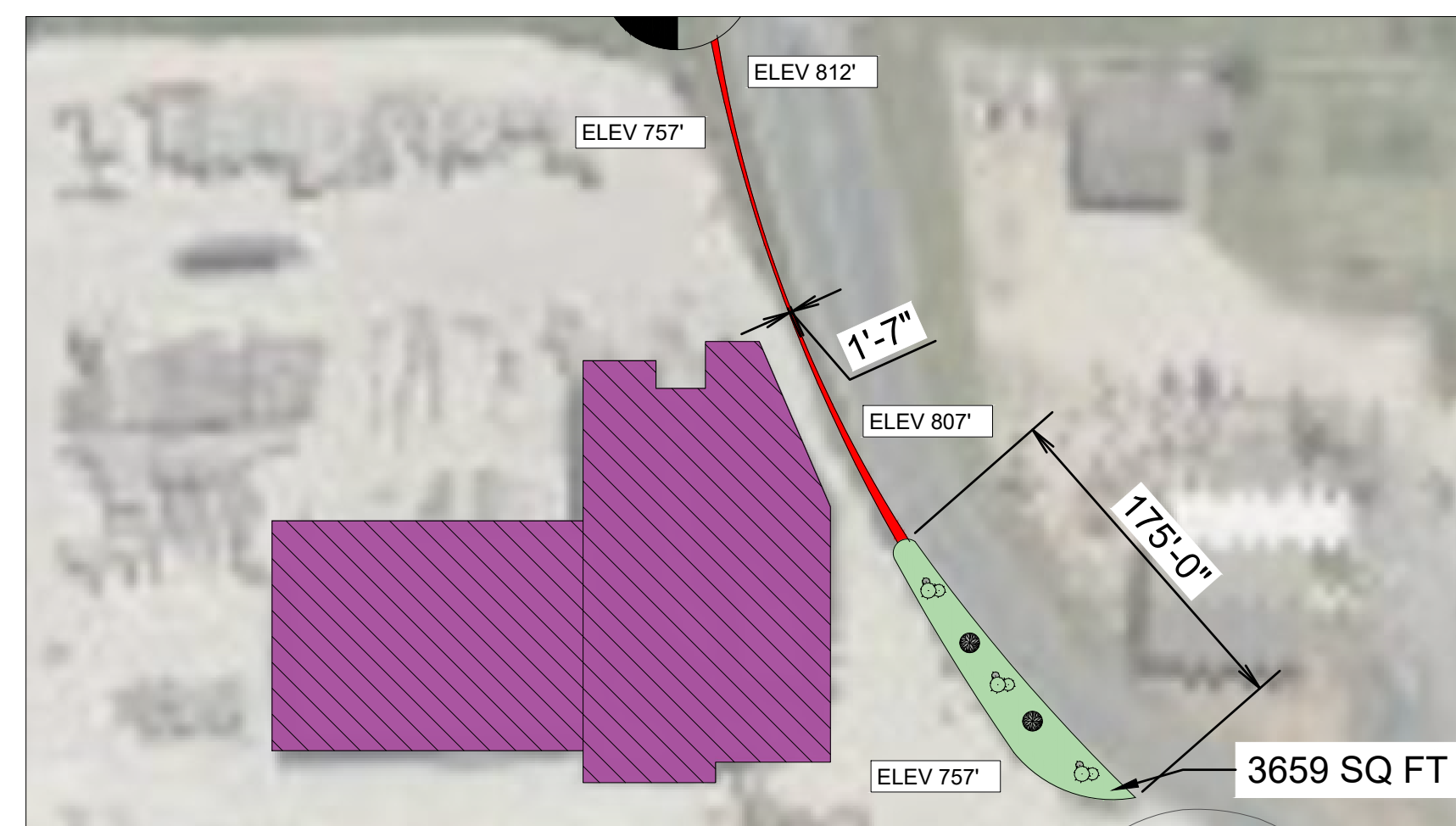
-  EXISTING FACILITIES
-  PROPOSED NEW CONSTRUCTION
-  PROPOSED SEPTIC TANK
-  EXISTING GREEN SPACE
-  NEW LANDSCAPED AREA
-  WATER LINE



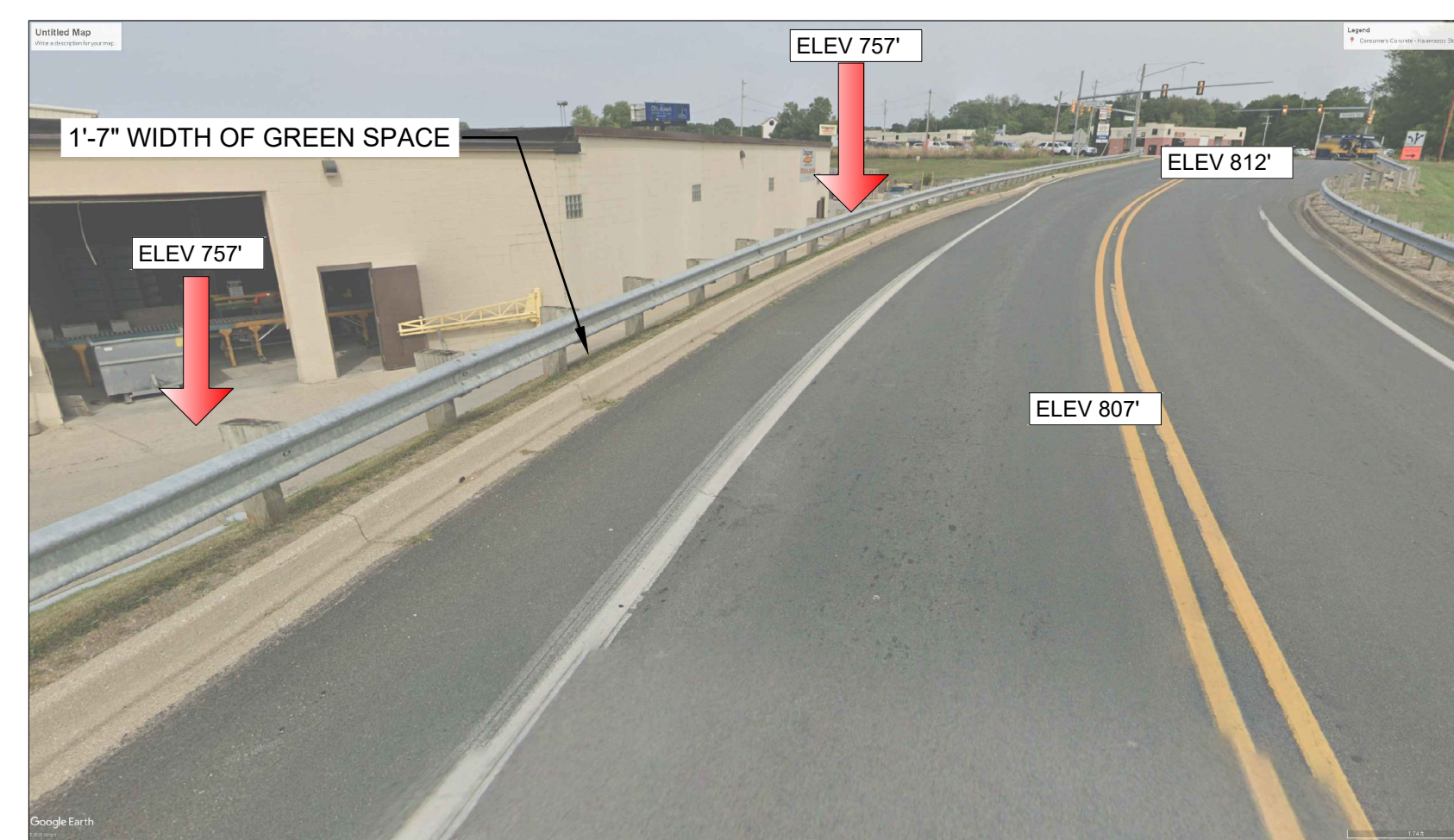
1 LANDSCAPE PLAN



2 PARKING LOT LANDSCAPE



3 ROAD FRONTAGE LANDSCAPE



4 E MICHIGAN AVE-ELEVATIONS PHOTO

NOT FOR CONSTRUCTION

INDICATED SCALE FACTOR ONLY ACCURATE IF PRINTED ON 24 x 36 DRAWING SHEET.



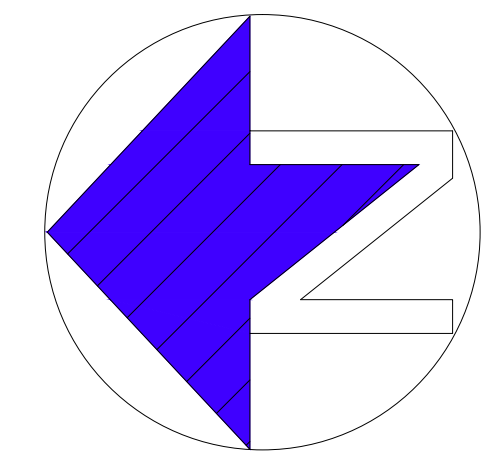
2232 S. MAIN, #482
ANN ARBOR, MI 48103
(734)829-0644
WWW.SALIGROUP-ES.COM

NO.	DATE	DESCRIPTION	APPROV
PROJECT NO:		DRAWN: CSPENCER	
DATE:	5-2-2023	CHECKED:	
SCALE:	AS NOTED	APPROVED:	

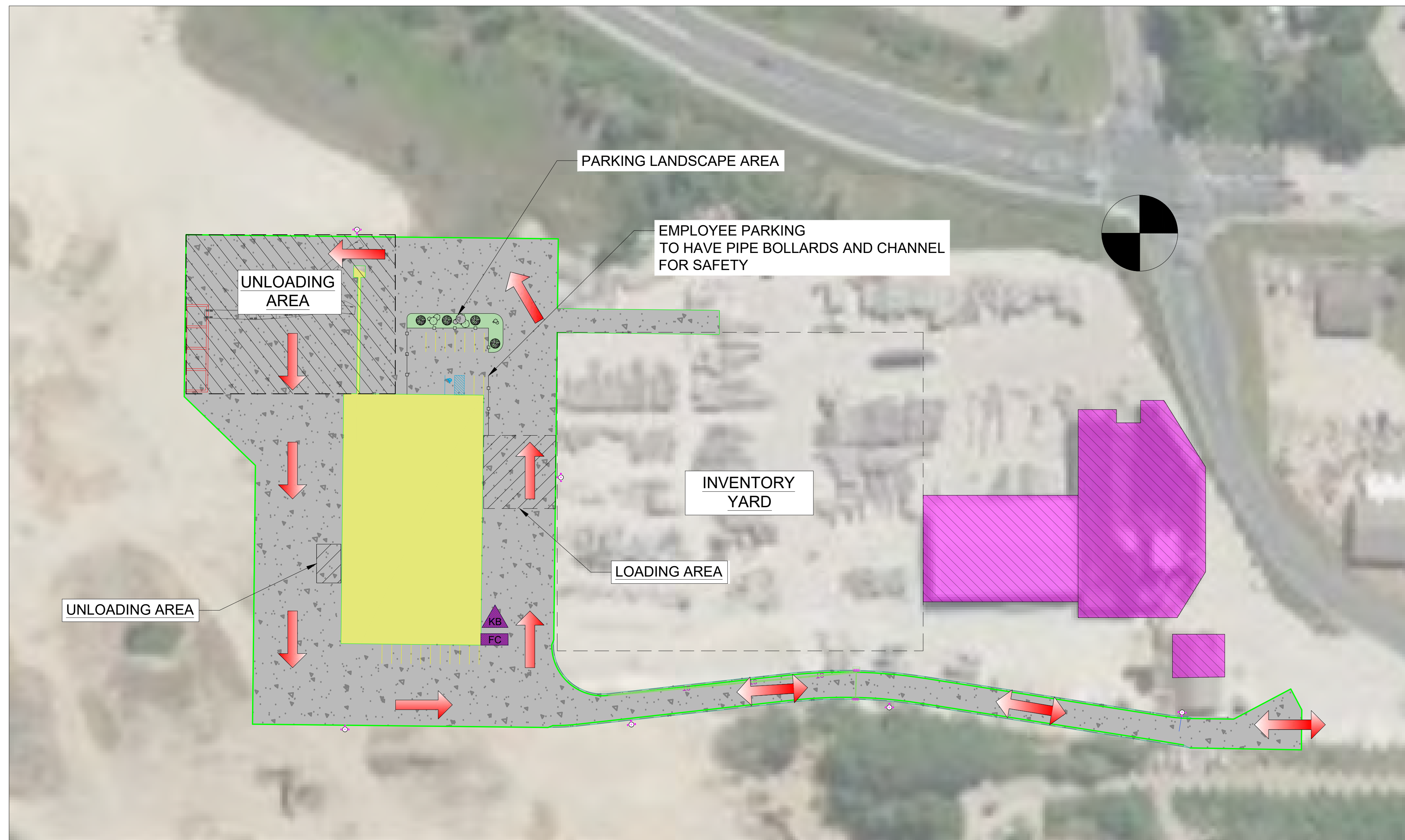
PROJECT CONSUMERS CONCRETE BLOCK PLANT
KALAMAZOO TWP, MI

TITLE LANDSCAPE PLAN



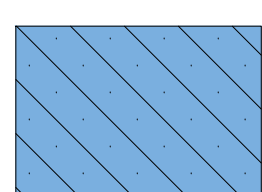
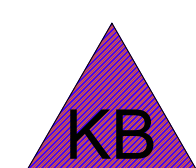
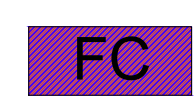
DRAWING NUMBER: C-11
SHEET of SHEETS



NORTH



LEGEND

-  EXISTING FACILITIES
-  PROPOSED NEW CONSTRUCTION
-  PROPOSED NEW CONSTRUCTION
-  KNOX BOX
-  FIRE CONNECTION

NOT FOR CONSTRUCTION

INDICATED SCALE FACTOR ONLY ACCURATE IF PRINTED ON 24 x 36 DRAWING SHEET.



2232 S. MAIN, #482
ANN ARBOR, MI 48103
(734)829-0644
WWW.SALIGROUP-ES.COM

NO.	DATE	DESCRIPTION	APPROV

PROJECT NO:	-	DRAWN:	CSPENCER
DATE:	3-7-2023	CHECKED:	-
SCALE:	AS NOTED	APPROVED:	-

PROJECT CONSUMERS CONCRETE BLOCK PLANT
KALAMAZOO TWP, MI

TITLE SITE PLAN
TRAFFIC PATTERN/ FIRE LANE

DRAWING NUMBER:
C-7

SHEET of SHEETS

VARIANCE REQUEST

- SECTION 4.01 (D0(6)) - PARKING-
 - PER THE ORDINANCE, 1 PARKING SPACE IS REQUIRED FOR EVERY 750 SF OF GROSS FLOOR AREA. OUR GROSS BUILDING FLOOR AREA IS 38,800SF. USING THIS SQUARE FOOTAGE, THE CALCULATED NUMBER OF SPACES IS 51.75 SPACES. THE NEW FACILITY WILL EMPLOY AT MOST 12 PERSONS DURING THE DAY SHIFT. IN ADDITION, THERE WILL BE A NEED FOR AS MANY AS 4 PARKING SPACES FOR MAINTENANCE EQUIPMENT. THIS NEW FACILITY IS NOT OPEN TO THE PUBLIC NOR DOES IT HAVE ANY ACCESS FROM PUBLIC ROADS THAT WOULD NECESSITATE PARKING. FOR THIS REASON, CONSUMERS PROPOSES TO PROVIDE 18 PARKING SPACES, OF WHICH ONE IS A VAN ACCESSIBLE ADA CONFORMING SPACE.
- SECTION 5.02 (B) -LANDSCAPING.
 - ALONG E. MICHIGAN AVENUE THERE CURRENTLY IS NO IMPERVIOUS SPACE ON WHICH TO PLANT ANY LANDSCAPING WITHOUT IMPACTING EXISTING PRODUCTION ACTIVITIES THE EXISTING PLANT AT A FUTURE DATE IS PLANNED TO BE ABANDONED AND DEMOLISHED. AT THAT TIME, AS PART OF THE AREA REDEVELOPMENT CONSUMERS CAN INCLUDE A LANDSCAPE PLAN THAT IS IN ACCORDANCE WITH TOWNSHIP ORDINANCE.

- SECTION 5.02 (F) -LANDSCAPING PARKING LOTS
 - THE ORDINANCE CALLS FOR 30SF OF LANDSCAPE AREA PER PARKING SPACE PLUS 1 SHADE TREE FOR EVERY 5 PARKING SPACES. WITH THE REQUESTED VARIANCE FOR NUMBER OF PARKING SPACES [18], WE PROPOSE A PARKING LANDSCAPE AREA OF 1,700 SQUARE FEET TO INCLUDE 4 TREES AROUND THE PARKING AREA AT THE SOUTHEAST CORNER OF THE PROPOSED FACILITY.
- SECTION 25.02, BUILDING HEIGHT-
 - THE ORDINANCE LIMITS AVERAGE BUILDING HEIGHT TO A MAXIMUM OF 45'-0". OUR BUILDING HAS TWO BAYS. THE LOW BAY HAS AN AVERAGE HEIGHT OF 34'-3". OUR HIGH BAY HAS AN AVERAGE HEIGHT OF 50'-10". CONSUMERS IS ASKING FOR A VARIANCE TO ALLOW THE HIGH BAY TO REMAIN AS DESIGNED TO BEST ACCOMMODATE OUR PRODUCTION. GENERALLY, OUR PROPOSED BUILDING FLOOR [804.5'] IS MORE THAN 30' BELOW THE CENTERLINE OF SPRINKLE ROAD. SEE DRAWING C-10.



MCKENNA

June 13, 2023

Hon. Members of the Zoning Board of Appeals
Kalamazoo Charter Township
1720 Riverview Drive
Kalamazoo, Michigan 49004

SUBJECT: ZBA Report
#23-05 Variance Request – Side Yard Setback

APPLICANT: Edward Tarkowski

SECTION: 25.02 – Side Yard Setback

LOCATION: 2334 Lincoln Street, Kalamazoo, MI 49048 (Parcel ID: 06-24-105-020)

REQUEST: To obtain relief from the minimum side yard setback requirement in the I-2, General Industrial District from 30 feet to 15 feet.

Dear Members of the Zoning Board of Appeals:

We have reviewed the above referenced application regarding a side yard setback variance request pertaining to the construction of a new garage located at 2334 Lincoln Street and offer the following for consideration.

VARIANCE REQUEST SUMMARY

The applicant, Edward Tarkowski, is proposing to obtain relief from the Kalamazoo Township Zoning Ordinance in the following area:
Section 25.02 – Side Yard Setback

The applicant proposes to construct a new garage. To the right, the red, dashed line shows the parcel, and the yellow box shows the approximate location of the proposed garage. The parcel is zoned I-2, General Industrial, but is being utilized as a residential property. The home was existing prior to the change in zoning district and is considered a legal nonconforming property.

The applicant is requesting a variance to the accessory building minimum side yard setback (Section 25.02) of 30 feet in the I-2 District. The applicant requests a reduction from 30 feet to 15 feet for the eastern side yard setback.

EXISTING SITE CONDITIONS

The subject parcel is approximately 0.28 acres in size. The property is used as residential property, despite being in the I-2, General Industrial District. Since the home was built before the zoning change, the property is a legal nonconforming property. The applicant also owns the parcel to the east but indicated that he is interested in selling that property in the future.



HEADQUARTERS

235 East Main Street
Suite 105
Northville, Michigan 48167

O 248.596.0920
F 248.596.0930
MCKA.COM



STANDARDS FOR VARIANCE APPROVAL

Section 26.05.B.4.a, of the Zoning Ordinance provides criteria for the review of variance requests by the Zoning Board of Appeals. The following are those criteria and how they relate to this request:

- a. *The ZBA may grant a requested "non-use" variance only upon a finding that practical difficulties exist and that the need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. In determining whether practical difficulties exist, the ZBA shall consider the following factors:*
- *Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.*

Applicant Statement: "Yes – Under current zoning restrictions, a hardship exists resulting in the inability to construct a typical 2-car garage by maintaining the current side setback requirements."

The subject site is approximately 75 feet wide. Under the current zoning setback requirements for I-2, General Industrial, a building would have to be only 15 feet wide. This is unnecessarily burdensome and unrealistic, and the standards of I-2 are intended for large properties.

We find that strict compliance with restrictions governing area, setback or other non-use matters **would unreasonably prevent the owner from using the property for a permitted purpose**, and the Kalamazoo Township Zoning Ordinance **would unnecessarily render conformity burdensome**.

- *The variance will do substantial justice to the applicant, as well as to other property owners.*

Applicant statement: "Yes – An increase in property values would occur."

The construction of a new garage would benefit the applicant by increasing property value. Adjacent properties include a vacant parcel to the west, industrial properties to the north, East Michigan Avenue to the south, and a parcel owned by the applicant to the east. While the applicant indicated that he intended to sell the property east of the subject site, the variance would not negatively impact the adjacent property as the side yard setback is still greater than the side yard setbacks required in R-1, Single Family and R-2, Single & Two Family Districts.

We find that the setback variance **will do justice for the applicant and will not negatively impact adjacent property owners**.

- *A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.*

Applicant statement: "Yes – A lesser variance could prohibit future development."

The setback requirements for the I-2, General Industrial District are intended for properties with large lots. The property is a legal nonconforming property being utilized as residential, and therefore, the setback requirements limit the development of the property. The existing principal structure on the site is 24 feet wide, which, under the I-2 regulations, would not allow for any more construction on the site.

We find that a lesser variance **would not give substantial relief** if a lesser variance was approved.



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

Applicant statement: no statement provided.

The subject parcel is a legal nonconforming property as the home was built before the parcel was zoned as I-2, General Industrial.

We find that the variance request has **not been self-created by the applicant.**

- In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings. Administrative officials and other persons may, but shall not be required to, provide information, testimony and/or evidence on a variance request.*

The applicant has provided an application, brief description as it relates to the setback requirement, and sketch diagrams of the proposed new garage.

Conditions

The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or variance request.

We find that additional/reasonable conditions in connection with the variance request are not applicable at this time, but defer to the Zoning Board of Appeals should they find any additional conditions warranted after the Public Hearing has been held.

STAFF FINDINGS

We offer the following for consideration by the Zoning Board:

- The property is a legal nonconforming residential property in the I-2, General Industrial District, and as such, the dimensional requirements, such as side yard setbacks are unnecessarily burdensome for a residential property.*
- The applicant is requesting a minimum side yard setback of 15 feet, which is greater than the 5-foot minimum setback of the R-1 and R-2 Districts.*
- A lesser variance would not grant substantial relief due to the existing principal structure and lot dimensions.*
- It is not anticipated that any of the requested variance will negatively impact adjacent property owners.*

Feel free to reach Danielle Bouchard, AICP, Principal Planner, at DBouchard@mcka.com or Kyle Mucha, AICP, Senior Planner at KMucha@mcka.com you have any questions about this variance request or review.

Respectfully,

McKenna

Danielle Bouchard, AICP
Principal Planner

Kyle Mucha, AICP
Senior Planner

Lauren Sayre
Assistant Planner



Zoning Board of Appeals
Application for Variance, Interpretation, or
Appeal

1720 Riverview Drive
 Kalamazoo, MI 49004
 P. (269) 381-8080
 F. (269) 381-3550
 ktwp.org



OFFICE USE ONLY
Date: _____
Case #: _____
Fee: _____

APPLICANT

Contact Person EDWARD TARKOWSKI		
Business Name (if applicable)		Email EDTBONE@OUTLOOK.COM
Address 5454 CLATO ST		Phone
City KALAMAZOO		State MI
		Cell Phone 269 990 3643
		Zip Code 49004

PROPERTY OWNER

Check here if same as above

Name		Email	
Address		Phone	Cell Phone
City		State	Zip Code

PROPERTY INFORMATION

Street Address 2334 LINCOLN		Suite/Apt. #
Zoning District I-1		Master Plan Designation
Gross Acreage .5 +/-		Parcel Dimensions 75' x 285' AVERAGE

ZBA ACTION REQUESTED

- To interpret a particular section of the ordinance, as it is felt the Zoning Administrator/Planning Commission is not using the proper interpretation.
- To interpret the zoning map, as it is felt the Zoning Administrator/Planning Commission is not reading the map properly. Describe the portion of the zoning map in question (attach detail maps if applicable).
- To grant a variance to certain requirements of the zoning ordinance, (parking, setbacks, lot size, height, floor area, sign regulations, location of accessory buildings, maximum amount of lot coverage, etc.).
- To overturn an action of the zoning administrator. The zoning administrator erred (did not issue a permit, issued a permit, enforcement).

SECTION OF THE ZONING ORDINANCE SEEKING INTREPRETATION OR VARIANCE

Section: _____



I (we), the undersigned, do hereby indicate that all information contained in this application, accompanying plans and attachments are complete and accurate to the best of my (our) knowledge.

5-9-23

Date

Edward Tarkowski

Signature of Applicant

EDWARD TARKOWSKI

Print Applicant Name

5-9-23

Date

Edward Tarkowski

Signature of Property Owner

EDWARD TARKOWSKI

Print Property Owner Name

FOR VARIANCE APPLICATIONS ONLY

RULING SOUGHT (attach additional sheets if necessary)

REDUCING THE EAST SIDE SETBACK REQUIREMENT FROM 25' TO 15'

STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION (attach additional sheets if necessary)

State specifically the reason for the variance request

ORIGINALLY WHEN HOME WAS CONSTRUCTED A 5' SIDE SETBACK WAS ALLOWED - SUBSEQUENT REZONING TO I-1 SIGNIFICANTLY CHANGED THIS SETBACK TO 25' - CREATING FUTURE OWNERS FROM CONSTRUCTING ANY STRUCTURES WITHIN THIS REQUIREMENT, RESULTING IN THE INABILITY TO CONSTRUCT A TYPICAL 2 CAR GARAGE WHILE MAINTAINING A 25' SETBACK. THIS HARDSHIP WAS CREATED WITHOUT REGARDS TO RESIDENTIAL USE.

VARIANCE QUESTIONS: If you are seeking a variance, please provide answers to the following questions. Be specific, and explain your answers. If the answer to any of the questions numbered 1-4 is "no," a variance may not be granted (attach additional sheets if necessary)

1. Does strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, unreasonably prevent the owner from using the property for a permitted purpose or does the ordinance render conformity unnecessarily burdensome? **YES - UNDER CURRENT ZONING RESTRICTIONS A HARDSHIP EXIST RESULTING IN THE INABILITY TO CONSTRUCT A TYPICAL 2 CAR GARAGE. BY MAINTAINING THE CURRENT SIDE SETBACK REQUIREMENTS.**
2. Would a variance do substantial justice to the applicant, as well as adjacent property owners? **YES - AND INCREASE IN PROPERTY VALUE'S WOULD OCCUR.**
3. Would a lesser variance not give substantial relief to the applicant and/or be consistent with justice to other property owners? **YES - A LESSER VARIANCE COULD PROHIBIT FUTURE DEVELOPMENT.**



4. Is the problem and resulting need for the variance not self-created by the applicant and/or the applicant's predecessors?

ATTACH SEVEN (7) COPIES OF A SITE PLAN PLUS ONE ELECTRONIC COPY

NOTE: The ZBA shall *not* have the authority to alter or change zoning district classifications of any property, nor to make any change in the text of the Township Zoning Ordinance. The ZBA has *no* authority to grant variances or overturn decisions involving special land uses or planned unit developments.

The ZBA shall have authority in specific cases to authorize one or more dimensional or "non-use" variances from the strict letter and terms of the Township Zoning Ordinance by varying or modifying any of its rules or provisions so that the spirit of the Ordinance is observed, public safety secured, and substantial justice done. A dimensional or non-use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance. A use variance authorizes the establishment of a use of land that is otherwise prohibited in a zoning district. The ZBA is *not* authorized to grant use variances by this Ordinance.

For more information pertaining to the rules, regulations, and powers of the ZBA, see Section 26.05 of the Township Zoning Ordinance.



FOR ORDINANCE INTREPRETATION / OVERTURN (MAPS OR TEXT)
APPLICATIONS ONLY

RULING SOUGHT (attach additional sheets if necessary)

REDUCING THE EAST SIDE SETBACK FROM 25' TO 15' -

STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION (attach additional sheets if necessary)
State specifically the reason for the variance request

TO ADJUST THE EAST SIDE SETBACK REQUIREMENT FROM 25' TO 15' ALLOWING A TYPICAL 2 CAR GARAGE TO BE CONSTRUCTED - THE ORIGINAL RESIDENTIAL SIDE SETBACK WAS 5' - THE HOME CURRENTLY HAS A 5' SIDE SETBACK ON ITS WEST SIDE -

Attach a copy of any communications pertaining to the interpretation issue and the zoning administrator's (or planning commission's) written ruling on this issue.

EAST MICH AVE

PRIVACY FENCE

NEW DRAIN FIELD

TREE

TREE

N

24'

5'

26'

EXISTING HOUSE
2 STORY

2339
LINCOLN ST
KAL TWP

PIN

FOUND

55'

LINCOLN ST

75.95'

57'

OWNER
ED TARKOWSKI

SEPTIC

GAS

WATER

4'

PROPOSED GARAGE

7'

24'

24'

15'

285+



2334 LIVELON



3-28-23

To: KYLE MUKHA, Senior Planner

Dear Kyle, this letter of Intent is regarding my hope to construct a garage (2 car) on the East side of my residence located at 2384 LINCOLN ST, within the Township. Find enclosed a copy of my Intended Construction. Not to scale but dimensioned.

Thank you for reviewing my Intent letter.

Sincerely, Ed Tarkowski

Contact # 269 998 3643



MCKENNA

July 5, 2023

Hon. Members of the Zoning Board of Appeals
Kalamazoo Charter Township
1720 Riverview Drive
Kalamazoo, Michigan 49004

SUBJECT: ZBA Report
#23-06 Variance Request - Sign

APPLICANT: Jason Newton

SECTION: Section 7.06.C.2 – Sign Setback Standards

LOCATION: 222 South Kendall Avenue, Kalamazoo, MI 49006 (Parcel ID: 06-17-305-190)

REQUEST: To obtain relief from the front sign setback requirement (40ft) and side sign setback requirement (30ft) in the RM-3, Residential Restricted District to place a ground sign at the entrance of the apartment complex.

Dear Members of the Zoning Board of Appeals:

We have reviewed the above referenced application regarding the variance request pertaining to the construction of a ground sign at 222 S. Kendall Avenue and offer the following for consideration.

VARIANCE REQUEST SUMMARY

The applicant, Jason Newton, on behalf of Simtob Management & Investment, is proposing to obtain relief from the Kalamazoo Township Zoning Ordinance’s Sign Design Standards (Section 7.06) as it pertains to setback requirements for the front & side yard setback in the RM-3, Residential Restricted District.

The proposed sign meets the standards for a development entranceway sign, as specified in Section 7.05.G. However, due to the standards outlined in Section 7.06.C.2, the stricter regulation, the proposed sign is subject to zoning board approval.



The applicant proposes to construct a ground sign on the northeast corner of the parcel. **While the applicant only applied for a front setback variance, a variance for the side setback will also be required.** The required front setback is 40 feet and the required side setback is 30 feet according to the Schedule of Regulations (Section 25.02). The applicant proposes a front setback of 13 feet and a side setback of 10 feet.

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

○ 248.596.0920
F 248.596.0930
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EXISTING SITE CONDITIONS

The subject parcel is approximately 2.32 acres in size. The site is currently zoned RM-3, Residential Restricted. There are three multi-family residential buildings on the subject parcel. Additionally, there is an existing ground sign in the same location as the proposed new sign.

Section 26.05.B.4.a, of the Zoning Ordinance provides criteria for the review of variance requests by the Zoning Board of Appeals. The following are those criteria and how they relate to this request. Applicant responses are a culmination of written communication and discussions with Township staff.

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

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

Applicant Statement: "YES. The zoned sign setback is such that an entry sign for this location is not feasible."

Section 7.06.C.2 specifies "All signs shall comply with the setback requirements for the district in which they are located, except as otherwise permitted herein."

Complying with the setback requirements for the RM-3, Residential Restricted District limits the placement of entry signs in locations that are not the entrance of the residential development. Staff finds that strictly applying these standards restricts the owner from the permitted purpose, particularly because of the applicability and compliance with the standards regarding development entranceway sign (Section 7.05.G).

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

Applicant statement: "YES. A variance would allow the applicant to have a named entry sign to their location. Adjacent property owners already have entry signs in the lawn areas next to the entries/road.."

It is not anticipated that the proposed sign will have any negative impact on surrounding property owners. There is currently an existing sign in the proposed new sign location. The proposed sign is not located in the right-of-way. Additionally, granting this variance will allow the property an entranceway sign improving the navigability of the property. Therefore, staff is supportive of this finding.

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

Applicant statement: "YES."

The location of the proposed sign must be readily visible from the street to function as an entranceway sign. Because of this consideration, the proposed location is the most appropriate and a lesser variance would not allow the sign to function as intended.



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

Applicant statement: “YES. This is a zoning issue resulting from the last update of the ordinance outside the applicant's control.”

Staff finds that the problem and need for a variance has not been self-created. The Zoning Ordinance specifies requirements and applicability standards for development entryway signs. The proposed sign meets the requirements specified in Section 7.05.G. However, the stricter setback standards found in Section 7.06.C.2 limit the location of signs to locations that are not feasible for entry signs. This inconsistency highlights the issue is not self-created but rather created by the Zoning Ordinance.

- b. *In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings. Administrative officials and other persons may, but shall not be required to, provide information, testimony and/or evidence on a variance request.*

The applicant has provided an application, a brief description as it relates to the four review criteria, and a conceptual site design for the proposed sign location. The applicant shall provide the proposed side setback distance for the sign location.

Conditions

The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or variance request.

We find that additional/reasonable conditions in connection with the variance request are not applicable at this time but defer to the Zoning Board of Appeals should they find any additional conditions warranted after the Public Hearing has been held.

STAFF FINDINGS

We offer the following for consideration by the Zoning Board:

1. The proposed sign complies with the eligibility criteria and standards set forth in Section 7.05.G – Development Entranceway Sign; however, since stricter standards (Section 7.06.C.2) exist, these standards must be applied.
2. Complying with the standards in Section 7.06.C.2 would limit the effectiveness of the sign as an entrance way sign.
3. The proposed sign is replacing an existing sign in the same location and is not located in the right-of-way.
4. It is not anticipated that the proposed sign will negatively impact surrounding property owners.
5. The problem this variance request addresses is not self-created.

Feel free to reach Danielle Bouchard, AICP, Principal Planner, at DBouchard@mcka.com or Kyle Mucha, AICP, Senior Planner at KMucha@mcka.com you have any questions about this variance request or review.

Respectfully,
McKenna

Danielle Bouchard

Danielle Bouchard, AICP
Principal Planner

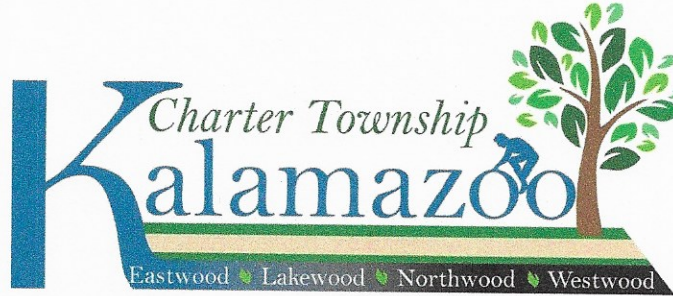
KMucha

Kyle Mucha, AICP
Senior Planner

Zoning Board of Appeals

Application for Variance, Interpretation, or Appeal

1720 Riverview Drive
 Kalamazoo, MI 49004
 P. (269) 381-8080
 F. (269) 381-3550
 ktwp.org



OFFICE USE ONLY	
Date: _____	
Case #: _____	
Fee: _____	

APPLICANT

Contact Person
 Jason Newton

Business Name (if applicable)
 Sign Center

Email
 jason@signcenter.net

Address
 711 Portage Street

Phone
 269-381-6869

Cell Phone

City
 Kalamazoo

State
 Michigan

Zip Code
 49001

PROPERTY OWNER

Check here if same as above

Name
 Simtob Management & Investment

Email
 Anthony.joseph@simtob.com

Address
 PO BOX 1418

Phone
 517-488-2448

Cell Phone

City
 East Lansing

State
 Michigan

Zip Code
 48823

PROPERTY INFORMATION

Street Address
 222 S Kendall Ave

Suite/Apt. #

Zoning District
 RM-3

Master Plan Designation

Gross Acreage
 2.31877

Parcel Dimensions
 518' x 197' x 518' x 197'

ZBA ACTION REQUESTED

- To interpret a particular section of the ordinance, as it is felt the Zoning Administrator/Planning Commission is not using the proper interpretation.
- To interpret the zoning map, as it is felt the Zoning Administrator/Planning Commission is not reading the map properly. Describe the portion of the zoning map in question (attach detail maps if applicable).
- To grant a variance to certain requirements of the zoning ordinance, (parking, setbacks, lot size, height, floor area, sign regulations, location of accessory buildings, maximum amount of lot coverage, etc.).
- To overturn an action of the zoning administrator. The zoning administrator erred (did not issue a permit, issued a permit, enforcement).

SECTION OF THE ZONING ORDINANCE SEEKING INTREPRETATION OR VARIANCE

Section: Article 7 SIGNS Specifically Sign Setback



I (we), the undersigned, do hereby indicate that all information contained in this application, accompanying plans and attachments are complete and accurate to the best of my (our) knowledge.

5/26/23

Date

5/26/23

Date

Signature of Applicant

Signature of Property Owner

Sason Newton

Print Applicant Name

Anthony Joseph

Print Property Owner Name

FOR VARIANCE APPLICATIONS ONLY

RULING SOUGHT (attach additional sheets if necessary)

The ruling sought is simply to have the ability to place an entrance sign to the apartment complex out near the entry/road in the grass area consistent with the other entry signs on S. Kendall.

STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION (attach additional sheets if necessary)

State specifically the reason for the variance request

The reason for this variance request is the current zoned sign setback at this location. As the current ordinance reads the sign setback does not allow for an entry sign to the apartment complex. The current zoned sign setback would put an entry sign in either the parking lot or where a building currently sits.

VARIANCE QUESTIONS: If you are seeking a variance, please provide answers to the following questions. Be specific, and explain your answers. If the answer to any of the questions numbered 1-4 is "no," a variance may not be granted (attach additional sheets if necessary)

1. Does strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, unreasonably prevent the owner from using the property for a permitted purpose or does the ordinance render conformity unnecessarily burdensome? YES. The zoned sign setback is such that an entry sign for this location is not feasible.
2. Would a variance do substantial justice to the applicant, as well as adjacent property owners? YES. A variance would allow the applicant to have a named entry sign to their location. Adjacent property owners already have entry signs in the lawn areas next to the entries/road.
3. Would a lesser variance not give substantial relief to the applicant and/or be consistent with justice to other property owners? YES.



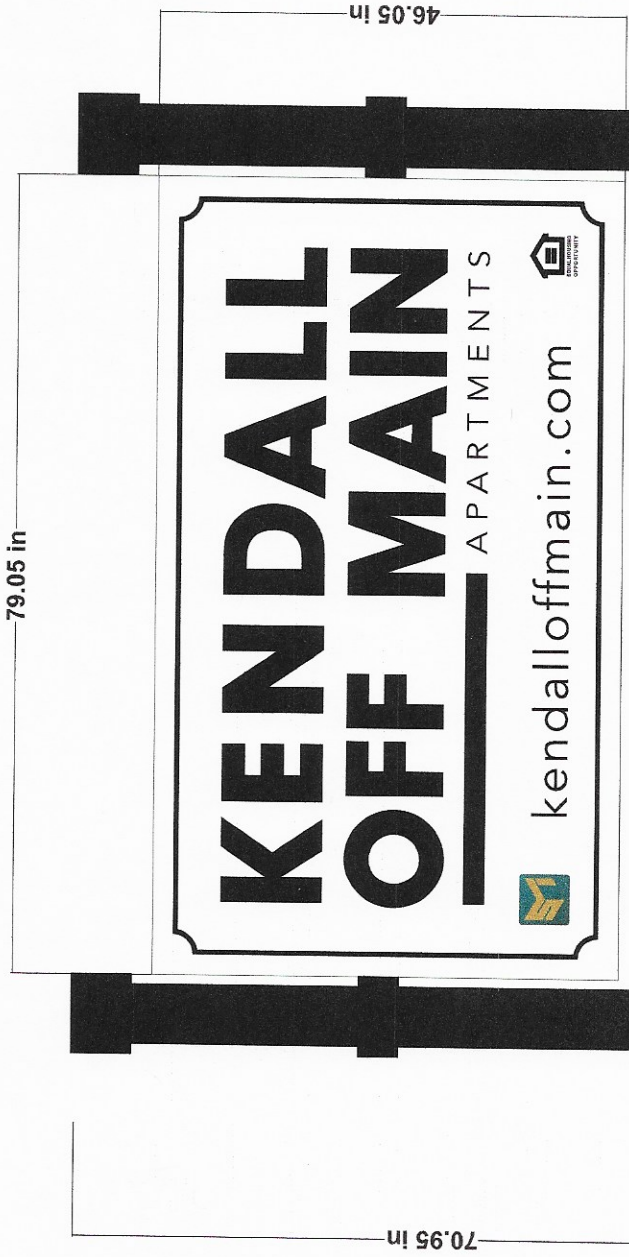
4. Is the problem and resulting need for the variance not self-created by the applicant and/or the applicant's predecessors?
YES. This is a zoning issue resulting from the last update of the ordinance outside the applicant's control.

ATTACH SEVEN (7) COPIES OF A SITE PLAN PLUS ONE ELECTRONIC COPY

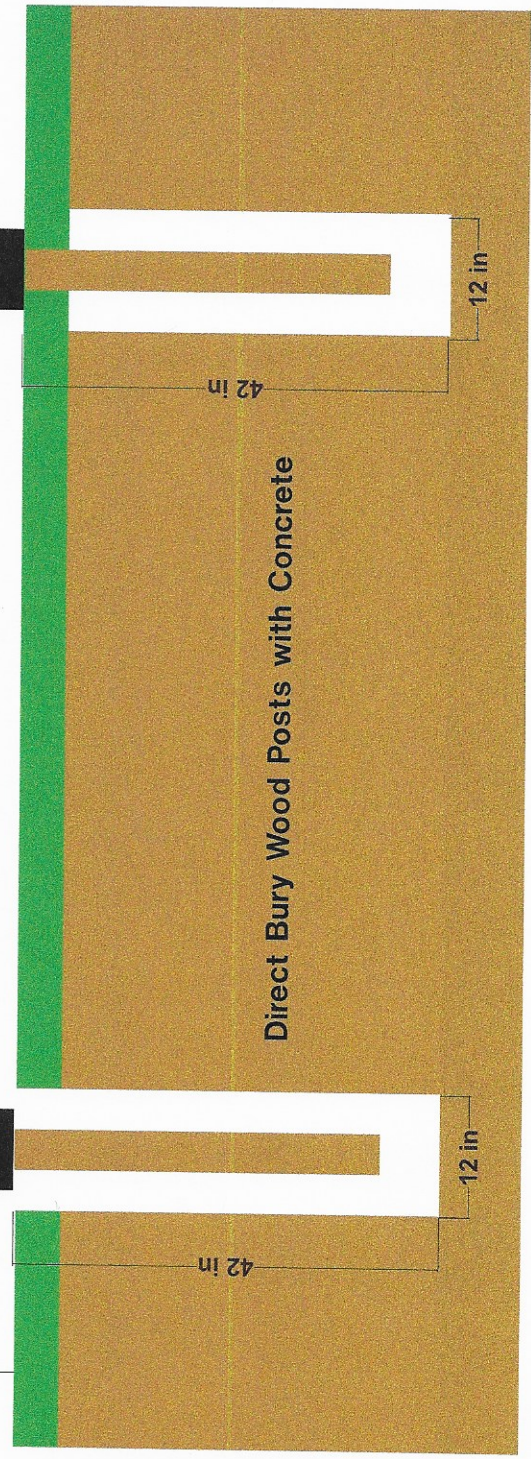
NOTE: The ZBA shall *not* have the authority to alter or change zoning district classifications of any property, nor to make any change in the text of the Township Zoning Ordinance. The ZBA has *no* authority to grant variances or overturn decisions involving special land uses or planned unit developments.

The ZBA shall have authority in specific cases to authorize one or more dimensional or "non-use" variances from the strict letter and terms of the Township Zoning Ordinance by varying or modifying any of its rules or provisions so that the spirit of the Ordinance is observed, public safety secured, and substantial justice done. A dimensional or non-use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance. A use variance authorizes the establishment of a use of land that is otherwise prohibited in a zoning district. The ZBA is *not* authorized to grant use variances by this Ordinance.

For more information pertaining to the rules, regulations, and powers of the ZBA, see Section 26.05 of the Township Zoning Ordinance.



- Sign is NOT illuminated
- Sign face is aluminum clad panel and has raised acrylic lettering and pressure sensitive vinyl
- Sign is single sided



New Sign 13' Setback

Measure distances and areas

Last point

42° 17' 26.61" N / 85° 37' 35.44" W
42.290724 / -85.626511

Path distance

13 Feet (0.00 Miles)

Area

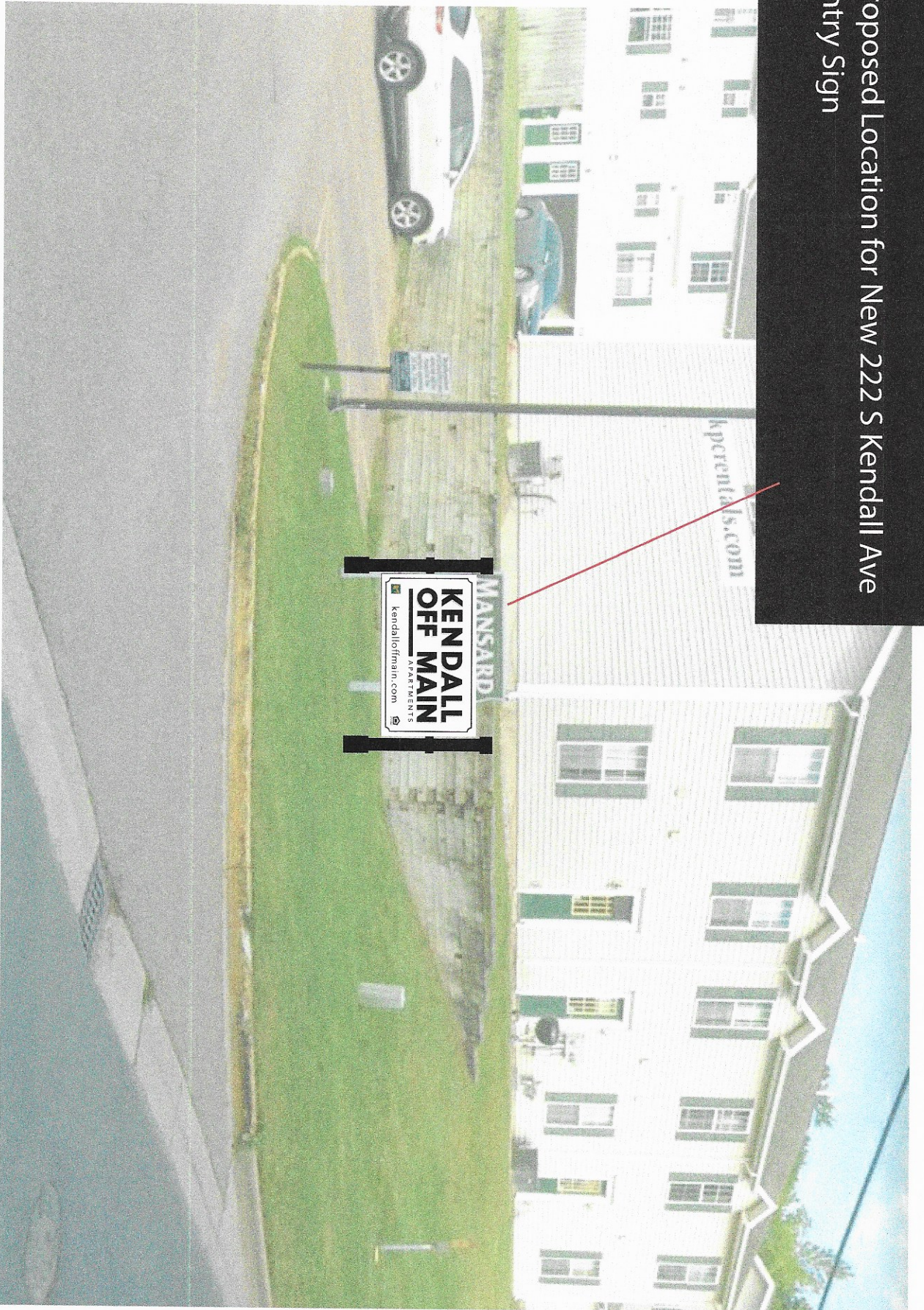
0.00 Acres

- Cancel
- Finish measurement

N Kendall Ave

N Kendall Ave

Proposed Location for New 222 S Kendall Ave
Entry Sign



Kendall Off Main Poast and Panel Sign Location

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SCALE: NTS

PAGE: 1 OF 1

REV: 1

Existing Sign Samples on Kendall Ave



Kendall Ave Existing Sign Photo Samples

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45 SHEET 1 OF 1
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