

Agenda

Zoning Board of Appeals

City of Kalamazoo



Thursday, August 10, 2023

7:00 PM

City Commission Chambers – 241 West South Street

A. CALL TO ORDER/ROLL CALL

B. APPROVAL OF MINUTES

1. Approval of minutes from the Zoning Board of Appeals meeting on July 13, 2023

C. COMMUNICATIONS AND ANNOUNCEMENTS

D. PUBLIC HEARINGS

1. ZBA #23-07-11: 2121 Stadium Drive and 2100 Sheffield Drive. Kalamazoo Christian Schools is requesting the following:
 - 1) A dimensional variance from Appendix A, Chapter 7, 7.3 A 1, to allow a 45 square foot freestanding sign, where 32 square feet is the maximum sign size for a special use in a residential zone district.
 - 2) A dimensional variance from Appendix A, Chapter 7, 7.3 A 1, to allow a 9 foot tall freestanding sign, where 6 feet is the maximum height for a special use in a residential zone district.
 - 3) A dimensional variance from Appendix A, Chapter 7, 7.2 D, to allow a freestanding sign with 50% changeable copy area, where 25% is the maximum changeable copy area on a sign for a special use in a residential zone district.
2. ZBA #23-08-14: 1108 N. Church Street. Jacqueline Fullerton is requesting a dimensional variance from Appendix A, Chapter 4, 4.2 K 2 c), to allow a group daycare on a local street where the Zoning Ordinance requires a group daycare be located on a collector or arterial street.

E. DISCUSSION/ACTION ITEMS

F. REPORTS

G. ADJOURNMENT

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
July 13, 2023 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

Members Present: Remi Harrington, Joe Hohler III, Tony McReynolds, Jeremy Terpening and Gary Wark

Members Absent: Beth van den Hombergh

City Staff: Pete Eldridge, Zoning Administrator; Charles Bear, Assistant City Attorney; Shelby Donaldson, Recording Secretary

Vice Chair Wark called the meeting to order at 7:00 p.m.

Mr. Eldridge performed a roll call of board members present for the meeting.

Vice Chair Wark asked if there were any changes to the original agenda and Mr. Eldridge advised that the only change to the agenda is the first case that was to be heard for Kalamazoo Christian Schools for the freestanding signs has been held over for the August 10, 2023 meeting.

APPROVAL OF MINUTES:

Mr. Terpening moved to approve the minutes as submitted, seconded by Mr. McReynolds. The motion was approved by voice vote unanimously.

PUBLIC HEARINGS: Vice Chair Wark summarized the process and explained the Zoning Board of Appeals public hearing rules of procedures. For each request, the secretary will read the application into the public record. The applicant or their representative will have 10 minutes to present their comments, followed by public comments in favor of the application where they will state their name and address and speak for three minutes. Following that those in opposition will be invited to speak for four minutes and afterward. The public can call in to 888-382-9556 to enter a queue to comment live for any property on the agenda and will no longer be able to leave a recorded message, then the public hearing will be closed on that request. The Board would then conduct the finding of facts. The Board must approve the Finding of Fact. Therefore, the first vote you hear is not a ruling on the request, but the Finding of Fact, then the Board discusses the request in order to determine a ruling. The Board reserves the privilege to ask questions of persons who have already spoken even though the public comment portion is

closed. Once discussion has ended the Board moves onto a roll call vote. A full board consists of six members and four affirmative votes are required to grant a motion for a non-use or use variance.

Ms. Harrington read the application for 3003 N. Burdick Street into the record.

ZBA#23-07-12: 3003 N. Burdick Street: An application for a temporary use approval has been filed with the Zoning Board of Appeals by Jimmie Harvey for Harvey's BBQ trailer at 3003 S. Burdick Street from July 21, 2023 to November 30, 2023 (approximately four months).

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above.

Mr. Jimmie Harvey of J Harvey's Barbeque is requesting that he be able to move to the corner of Cork and Burdick to run his barbecue stand. He stated he has been in the Portage area for five to six years and wants to come to this location because the unit he has now is larger and he has outgrown the area. He added that the decision to come to Kalamazoo was to have a different hub and he will do his best to appease everyone in Kalamazoo and is hoping for the best today.

Vice Chair Wark asked for staff comments, and they are as follows: Mr. Eldridge stated that J Harvey Barbeque is currently operating under a temporary use permit, which is administratively approved for 28 days and tonight's discussion is to extend it through the end of November for an additional four months, approximately. He added this is similar to other temporary use requests they have requested time extensions and staff looks at the operation to make sure there haven't been any problems with it during the initial 28-day period and he also spoke with the manager of Kalamazoo Storage on the property and they said everything is going fine. Mr. Eldridge also stated he has driven past the site and it looks clean and orderly and added that the reason for this process is because the board has to approve any time beyond the 28-day period. He added what they are looking at is has the site been kept in compliance and is there any public reason why a time extension shouldn't be granted, which is where the public hearing comes in, and any other public matters that the board may have questions about. He said city staff is in support of the time extension provided there isn't any public feedback that provides comments that would warrant further review.

Vice Chair Wark asked that those in favor of the variance please step forward and Mrs. Erica Harvey, Jimmy Harvey's wife spoke. She reiterated what he said, that they have been in business for four to five years and they have a good rapport with the community not only in Portage but they are looking to expand the business here in Kalamazoo. She wanted to let the Board know that they are excited about being in this part of the community and they're hoping to make an impact in this area.

Vice Chair Wark asked that those opposed to the variance please step forward and there were none.

Vice Chair Wark asked if there were any calls and there were none.

Vice Chair Wark asked if there was any further discussion and there were none.

Vice Chair Wark closed the public hearing.

FINDING OF FACT

Mr. Hohler moved the Finding of Fact as follows:

- 1) The Finding of Fact for 3003 S. Burdick Street shall include all information included in the notice of public hearing dated June 28, 2023 and the agenda packet provided by staff.
- 2) 17 notices of public hearing were sent, and zero responses were received.
- 3) A public hearing was held before the board and public comments were accepted.
- 4) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following:

Mr. Terpening seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Mr. Hohler made a motion to approve the application for a temporary use approval to operate a BBQ trailer at this location from July 21, 2023 to November 30, 2023 (approximately four months), seconded by Mr. Terpening.

Discussion:

There was none but Mr. Eldridge pointed out that for the sake of the meeting minutes, there should be comments that the board doesn't have any concerns, that the hours of operation are during the day, that the site is well managed, and that the owner has a good track record with the city of Portage and Mr. Hohler said he would only echo what Mr. Eldridge said and Ms. Harrington added she was for the business. Mr. Harvey wanted to add that with all of the people that he has come into contact with, including the Health Department, he has had no issues and added that Portage is very strict and he started off with a tent, went to a concession trailer, and now they have a larger trailer and added he has a good rapport with everyone he comes into contact with.

Motion approved unanimously by a roll call vote.

Ms. Harrington read the application for 621 S. Park Street.

ZBA#23-07-13: 621 S. Park Street: An application for a use variance for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Steve

VandenBussche for 621 S. Park Street, which is situated in CN-1 District. The applicant is requesting a use variance from Appendix A, Chapter 4, Section 4.1, to allow for the conversion of the ground floor level office space to residential occupancy where in the CN-1 District, residential occupancy is only allowed on the upper floor of a building.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above.

Mr. Steve VandenBussche, the owner of the property, explained that he and his wife Jill are in the process of downsizing and four of his five children are in the process of leaving the home. He said they have two children that did their entire K-12 schooling in the Kalamazoo schools and three are his wife's who were in Portage. He said when they became a hybrid family they moved to Portage and now they are trying to downsize, they decided one of the things they wanted to do was be more active in the Kalamazoo community. He said he grew up in Parchment and Kalamazoo is near and dear to him and his wife and they saw a potential opportunity to take a property, Charlie Martel's old office that was built in 1979 and that he occupied until June 16th, and their hope is to turn the property into a single-family residence. He stated that, given that the financing will work, they have other plans for the property as well which includes developing and continuing the existing community garden that is on Walnut Street that Grant Parsons owns and is connected to their property. He stated he also intends to add another single-family dwelling for his mother sometime in the future as she ages, and they are excited about the opportunity.

Vice Chair Wark asked if the board had questions and Mr. Terpening asked if there will be a commercial element to the property or will it be all residential and Mr. VandenBussche stated it will be residential but added that he thinks the intent of Live-Work 1 is that, especially since Covid, is that a lot of people are spending hybrid time at work, so the idea that he would be living there and working there is the intent but having a business there is not the intent.

Ms. Harrington asked if there was a potential commercial aspect to the community garden that they could justify this move in that way and Mr. VandenBussche said he there are a lot of opportunities on the property because it's .77 acres, essentially three lots, and there's an opportunity for it to thrive and develop as a micro community but he doesn't see it as ever being a commercial property. She then asked how the property is zoned and Mr. Eldridge said it's zoned Commercial-Office and Vice Chair Wark stated he was actually going a step down as far as zoning and Mr. VandenBussche said yes. Vice Chair Wark asked if he was going to share the community garden and Mr. VandenBussche stated it's just an idea.

Vice Chair Wark asked for staff comments, and they are as follows: Mr. Eldridge stated there was a similar request last month and he spoke about the city taking the lead on rezoning and as the revisions are made to the ordinances, there will be some zoned districts eliminated that don't have the flexibility that the City of Kalamazoo needs going forward, and part of the fallout from Covid is what we're now experiencing where there is less demand for office space and the city is behind the ball as far as new housing units and this will be zoned Live-Work, which allows for mixed-use development and will allow for all residential, including single and multi-family, and it would also allow for low-intensity commercial use. He added that when the rezoning is complete, the applicant's property won't need the variance however, there is a tentative timeline of when the city thinks the rezoning will be in front of the City Commission but there is no way to know if this will be completely wrapped up by October and the applicant wants to move forward with site plan

approval so they can gain a change in use and renovations can begin, but special approvals have to be done first. He added that staff is in support because this is a good use of the site and there is the potential for growth whether it's a mix of commercial and residential or just residential, but it has the potential for more than just a single-family dwelling. He also wanted to mention that this is in a historic district but the renovations are modifications to the interior so the exterior will remain as is. He added that it was built in the 1980s so it doesn't have the historic value of other properties nearby but it still goes through the same historic review and other properties in the area are being used as residential so the change in use fits in with adjacent properties.

Vice Chair Wark asked that those in favor of the variance please step forward and there was none.

Vice Chair Wark asked that those opposed to the variance please step forward and there was none.

Vice Chair Wark asked if there were any calls and there were none.

Vice Chair Wark asked the board for further discussion and Mr. Hohler said it seems to be in line with what happened in June with the chiropractor's office and that the thinking that went into that approval should also be used here. He said it's a good use of the property.

Vice Chair Wark closed the public hearing.

FINDING OF FACT

Ms. Harrington moved the Finding of Fact as follows:

- 1) The Finding of Fact for 621 S. Park Street shall include all information included in the notice of public hearing dated June 28, 2023, and the agenda packet provided by staff.
- 2) 120 notices of public hearing were sent, and two responses of support were received from Steve Walsh, the Executive Director of the Vine Neighborhood Association and a letter of support from Norm Hammond, the President of Dickema-Hammond Architects and Engineers of 612 S Park Street.
- 3) A public hearing was held before the board and public comments were accepted and there were no call ins.
- 4) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following:

The facts presented that the literal interpretation and enforcement of the terms and provisions of this ordinance would deprive the applicant of all practical purposes from using the property for a permitted use are that it is currently zoned as a commercial use property and used as a law office and the city is working on amending, which will happen in October, will be prohibitive to the current renovations that this family would like to use to renovate the property now into a residential use. The property is unused

at this time and this would be a good use of the property and the current zoning is prohibitive of what they intend to use it for. The facts presented whether there are unnecessary hardships based on special circumstances or conditions that are peculiar to the land or structure for which the use variance is sought that is not applicable to other land or structures in the same zoned district are that this is zoned commercial and that city staff is planning to amend that so it can open up more opportunity for people in our community to do developments that we see before us all the time. The community is asking for those shifts to happen, and the city is going to accommodate. The facts presented regarding the cause of special circumstances are that they want to use the property as residential, which is prohibited at the moment. The facts presented regarding whether the action requested is the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of the ordinance are that the use variance can be granted right now. The facts presented regarding whether the granting of the variance will adversely affect adjacent land in a material way is that as presented, they can't see how this would affect adjacent land and people in the area are in support. The facts presented regarding whether the granting of the variance will be generally consistent with the intent of the ordinance are that Mr. VanderBussche mentioned that the intent of the ordinance is to encourage hybrid workspaces, and this would do that even though he doesn't plan to advertise a business on the property, this would align with the spirit of the ordinance.

Mr. Terpening seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Mr. Hohler made a motion to approve the application for a use variance from Appendix A, Chapter 4, Section 4.1 to allow for the conversion of the ground floor level office space to residential occupancy where in the CN-1 District residential occupancy is only allowed on the upper floors of a building, seconded by Mr. McReynolds.

Discussion:

Ms. Harrington expressed that she usually votes against projects like this when there are commercial spaces that are being used downstairs and they want to put in low-income housing because she doesn't feel that necessarily aligns with the spirit of the ordinance in the way she interprets it, but this feels different and she will be in support because she feels it is in line with the spirit of the ordinance, it's a good use, and this family has no material gain in their intended new use for the property. She felt she needed to say that because it is out of line with the way she normally votes.

Mr. Hohler asked if under the new ordinance, if they were to sell the property in the future, without a new use variance would it be able to be turned back into a law office and is that the intent of the ordinance, and Mr. Eldridge replied that the Live-Work 1 zoned district would allow for office use to return to the property in the future but at the same time, allows for it to be used as a single-family residence. Mr. Hohler clarified that the new zoning would allow for the use to not be stuck as one thing and Mr. Eldridge said yes, it just adds more flexibility. He added that the reason staff

is in support of this variance and the one from last month is because they can't, definitively, state when the rezoning will be approved and there are projects that are sidelined if variances aren't granted for them because they align with the proposed zoning, but not the current zoning but everything has to meet at the current time.

Motion approved unanimously by a roll call vote.

OTHER BUSINESS:

DISCUSSION/ACTION ITEMS:

Mr. Eldridge wanted to mention for the viewing office that the proposed amendments are available online at ImagineKalamazoo.com if anyone wants to see the most recent draft of the amendments and the city is still accepting comments.

REPORTS:

ADJOURNMENT:

The meeting was adjourned at 7:35 p.m.

Submitted By _____ **Date** _____
Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____
Chair



Zoning Board of Appeals Staff Report

Date: **8/10/2023**

Item: **D.1.**

City of Kalamazoo

TO: Zoning Board of Appeals

FROM: Reviewed by: Christina Anderson, AICP, City Planner
Prepared by: Pete Eldridge, AICP, Zoning Administrator

DATE: August 10, 2023

SUBJECT: ZBA #23-07-11: 2121 Stadium Drive and 2100 Sheffield Drive. Kalamazoo Christian Schools is requesting the following:

- 1) A dimensional variance from Appendix A, Chapter 7, 7.3 A 1, to allow a 45 square foot freestanding sign, where 32 square feet is the maximum sign size for a special use in a residential zone district.
- 2) A dimensional variance from Appendix A, Chapter 7, 7.3 A 1, to allow a 9 foot tall freestanding sign, where 6 feet is the maximum height for a special use in a residential zone district.
- 3) A dimensional variance from Appendix A, Chapter 7, 7.2 D, to allow a freestanding sign with 50% changeable copy area, where 25% is the maximum changeable copy area on a sign for a special use in a residential zone district.

BACKGROUND:

Kalamazoo Christian Schools has a long history in Kalamazoo. At the present time, there are two campuses. The 12th Street campus contains the Elementary School and Middle School facilities (K to 8th Grade). The Stadium Drive campus is the location of the High School. In the spring of this year, the freestanding sign for the Stadium Drive campus at the corner of Stadium Drive and Howard Street was hit by a vehicle. The sign will need to be completely replaced, which led to a discussion with city staff about improving the visibility of this sign from Stadium Drive. Kalamazoo Christian Schools worked with Sign Impressions to review the elevation change between the Stadium Drive roadway and the current sign location. The sign location is approximately three to four feet lower than Stadium Drive. The sign location is also setback approximately 40 feet from the front property lines. The new sign proposal crafted to replace the existing sign and improve visibility from the adjacent street has resulted in three dimensional variances.

The first dimensional variance is requesting a 45 square foot sign in place of the permitted sign size of 32 square feet. The applicant has indicated that this will improve visibility due to the traffic speed and traffic volume on Stadium Drive and Howard Street. There is a traffic signal control box near the corner and the sign is setback back behind it where the view of the sign is not blocked. It should also be noted that the proposed Sign Code changes, planned for adoption

this fall, indicate increasing the sign size to 36 square feet in the residential zone districts.

The second dimensional variance requested is to allow for a nine-foot high sign where freestanding signs are limited to six feet in height in the residential zone districts. This request is correlated with the grade difference between the sign location and the elevation of the road surface on Stadium Drive. It should also be noted that the proposed Sign Code changes, planned for adoption this fall, will increase the height of freestanding signs allowed in the residential zone districts for signs that front City Connector Streets to eight feet.

The third dimensional variance requested is to allow for 50% of the freestanding sign area to be changeable copy (LED). Currently, 25% of the sign face area can be changeable copy only. This additional size will allow for more lines of copy and larger fonts to be displayed on the LED screen. It should also be noted that the proposed Sign Code changes, planned for adoption this fall, will amend the allowance for the changeable copy portion of the freestanding signs and increase it to 50%, which aligns with the applicant's request.

STRATEGIC VISION ALIGNMENT:

Complete Neighborhoods - residential areas that support the full range of people's daily needs

Strategic Vision, Master Plan 2025 and Winchell Neighborhood Plan 2020 alignment:

This project touches on the Complete Neighborhood goal of the Strategic Vision as schools are part of the support services of a neighborhood. The school and/or future mixed-use development of this site is further supported by the Future Land Use Map, which designates these parcels as Neighborhood Edge. The Winchell Neighborhood Plan acknowledges the future mixed-use possibilities for the corner of Stadium and Howard and notes the heavy traffic volumes at this intersection that also serves as one of the gateways to WMU's campus.

COMMUNITY ENGAGEMENT:

Inform (one-way conversation) – the community will be made aware of the project.

Appropriate Depth of Engagement:

A public hearing notice was placed in the newspaper and notices were sent to property owners and occupants within 300 feet. The applicant has been asked to reach out to the Oakland Winchell Neighborhood Association and adjacent property owners.

Engagement/Communication Tools:

Newspaper, mailings, and applicant outreach.

FINDINGS:

The staff has made the following findings regarding this request:

1. That there are special circumstances or conditions (like exceptional topographic conditions, narrowness, shallowness, or the shape of property) that are peculiar to the land or structure for which the variance is sought, that is not applicable to other land or structures in the same zone district.

1. The special circumstances are related to the traffic control box in the front yard near the street corner and the speed and traffic volume on Stadium Drive. The sign is located further from the front property lines than required by the zoning code due to the traffic signal control box. The sign is setback 20 feet from the property lines.

2. The special circumstance related to the sign height is the topography of the site and the grade difference between the road and the sign location. It should also be noted that the sign code will be amended to allow for taller signs (up to eight feet) for special uses on corridors like Stadium Drive.

3. The special circumstance related to the changeable copy portion of the sign is that the proposed sign code amendments will allow for freestanding signs like the one proposed to have 50% changeable copy area.

2. That there are special circumstances which are not the result of the actions of the applicant or titleholder of the land.

1. The applicant did not cause the placement of the traffic signal control box near the street corner, which limits the visibility of the sign.

2. The applicant did not create the topography that limits the visibility of a freestanding sign in the front yard here.

3. Staff initiated the sign code changes which will allow for the 50% changeable copy area on freestanding signs. The applicant did not initiate these ordinance amendments.

3. That the literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zone district, and would cause practical difficulty.

1. The application of the terms and provisions of the ordinance would limit the size of the sign to 32 square feet, reducing the visibility of the sign, which is setback 20 feet from the frontage of the property.

- 2. The application of the terms and provisions of the ordinance would limit the height of the sign to six feet, which would result in limited visibility of the sign at this street corner given the topography.**
 - 3. The application of the terms and provisions of the ordinance would limit the changeable copy, which would result in only 25% of the sign area being changeable copy. This would be inconsistent with the proposed sign code amendments.**
4. That the granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.
- 1. The granting of the variance related to the slight increase in size is the minimum action that will allow better visibility of the sign. This is a difference of nine square feet in comparison with the sign code amendments that will allow up to 36 square foot signs for special uses.**
 - 2. The granting of the variance related to the height is the minimum action which will balance out the topographic difference of three to four feet.**
 - 3. The granting of the variance related to the changeable copy will be consistent with the proposed sign code amendments.**
5. That the granting of the variance will not adversely affect adjacent land in a material way.
- 1. The granting of the variance for the increase in sign size will not adversely affect adjacent properties. Kalamazoo Christian Schools own approximately 900 feet of frontage on Stadium Drive and approximately 800 feet of frontage on Howard Street. The proposed sign will be setback approximately 40 feet from each street frontage.**
 - 2. The granting of the variance for the sign height will not adversely affect adjacent properties for the same reasons stated above.**
 - 3. The granting of the variance for the changeable copy increase will not adversely affect adjacent properties for the same reasons stated above and it is consistent with the sign code amendments.**
6. That the granting of the variance will be generally consistent with the purposes and intent of this Ordinance.
- 1. The granting of the dimensional variance for the sign size will be generally consistent with the ordinance as proposed sign code amendments will result in a freestanding sign allowance of 36 square feet. The proposed sign for this site will be**

slightly larger in size (by 9 square feet). It is also along Stadium Drive, which is a City Connector Street.

2. The granting of the variance for the sign height is generally consistent with the ordinance given the topography of the site, placing the sign base three to four feet below Stadium Drive.

3. The grading of the variance relating to the changeable copy is consistent with the ordinance as it aligns with the proposed sign code amendments which will be adopted later this year.

7. Where the requested dimensional variance involves required landscaping, the Zoning Board of Appeals may grant a variance upon the following additional criteria: 1) existing landscaping, screening or wetlands intended to be preserved meets the intent of this section; 2) the landscape design proposed by the applicant meets the intent of this section; 3) there is a steep change in topography that would limit the benefits of required landscaping; 4) the proposed building and parking lot placement is setback well beyond the minimum required; 5) the abutting or adjacent land is developed or will be developed in the near future with a use other than residential; and 6) similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

This section is not applicable to the three dimensional variances being requested.

RECOMMENDATION:

Staff recommends approval of the three variances as these meet the above criteria.



Community Planning and Economic Development

245 N. Rose Street, Ste. 100

Kalamazoo, MI 49007

PH: (269) 337-8044

FAX (269) 337-8429

www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

July 26, 2023

**RE: ZBA #23-07-11
2121 Stadium Drive and 2100 Sheffield Drive
Parcel #06-29-208-001 and 06-29-226-001**

-Revised Meeting Date-

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Kalamazoo Christian Schools for 2121 Stadium Drive and 2100 Sheffield Drive in the Residential – Multi Family District (RM-15) and the Residential – Single Dwelling District.

The applicant is requesting the following to authorize a larger freestanding sign at the corner of Stadium Drive and Howard Street:

- 1) A dimensional variance from Appendix A, Chapter 7, 7.3 A 1, to allow a 45 square foot freestanding sign, where 32 square feet is the maximum size sign for a special use in a residential zone district.
- 2) A dimensional variance from Appendix A, Chapter 7, 7.3 A 1, to allow a 9 foot tall freestanding sign, where 6 feet is the maximum height for a special use in a residential zone district.
- 3) A dimensional variance from Appendix A, Chapter 7, 7.2 D, to allow a freestanding sign with 50% changeable copy area, where 25% is the maximum changeable copy area on a sign for a special use in a residential zone district.

Please note that this request will not change the zoning classification of the property. This is a request for variances only regarding the items described above.

The meeting will be held on Thursday, August 10, 2023, at 7 p.m. in the City Commission Chambers at City Hall, 241 W. South Street. This meeting will also be streamed live on the [City's Facebook page](#) and [YouTube Channel](#).

To examine documents related to this request or provide written comments, please contact Pete Eldridge at eldridgep@kalamazoocity.org or call (269) 337-8806. The agenda will be posted at <https://www.kalamazoocity.org/boards>

Sincerely,

Peter C. Eldridge, AICP
Zoning Administrator

Zoning Board of Appeals Application



Submitted on	1 June 2023, 9:06AM
Receipt number	22
Related form version	14

Introduction

Have you scheduled a pre-application meeting?	Yes
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Applicant Information

Name	Paul Havenaar
Organization (if applicable)	Sign Impressions Inc
Email Address	frontdesk@signimpressionsinc.com
Phone Number	269-382-5152
Address	3929 Ravine Rd, Kalamazoo, MI 49006, USA Map (42.31789089999999, -85.6380674)
Preferred Contact Method	Email
Are you the property owner?	No

Property Owner Information

Name	Kalamazoo Christian Schools
Mailing Address	2121 Stadium Dr, Kalamazoo, MI 49008, USA Map (42.2741266, -85.6157006)
Phone Number	2693812044
Email Address	dwilliams@kcsa.org
Preferred Contact Method	Email
Authorization from property owner:	doc00098220230523094127.pdf

Property and Application Details

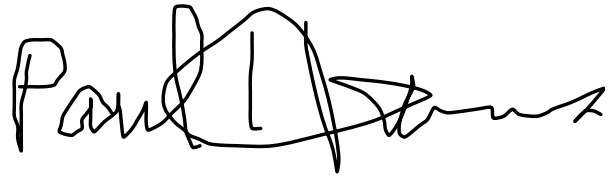
Property Address	2121 Stadium Dr, Kalamazoo, MI 49008, USA Map (42.2741266, -85.6157006)
Parcel Identification Number	06-29-208-001
Zone District	RS-5
Type of Request	Dimensional Variance
Application Fee	\$300.00
Project Description & Reason for Request	Replacing damaged sign with new sign.

Dimensional Variance Review Criteria

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?	Stadium Dr road height is 4' higher than the current sign height
Is there a hardship that is unique to the land or structure that is not applicable to other land or structures in the same zone district?	Yes most traffic comes from Stadium Dr and like the condition clause above the sign currently is hard to read because of height to ground & size of sign
Will the granting of the variance be the minimum action necessary for the use of the land or structure that will meet the spirit of this Ordinance?	There are many signs in the area that are taller than the current sign. Second Reformed Church next door is 11' tall
Will the granting of the variance negatively affect adjacent land?	No
Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?	Yes
Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?	Yes
Does the landscaping proposed by the applicant meet the intent of this section?	Yes
Are there steep changes in topography that would limit the benefits of landscaping?	No
Are the proposed building and parking lot locations setback beyond the required setback?	?
Are there abutting lands developed or could be developed in the near future with a use other than residential?	?
Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?	There currently is no landscaping around sign

Submit

Your Signature

A handwritten signature in black ink, appearing to read "Paul I. Stenz". The signature is fluid and cursive, with a large, stylized "P" and "I".

[Link to signature](#)



KALAMAZOO CHRISTIAN SCHOOLS

Undeniably Christian. Academically Excellent.

May 22, 2023

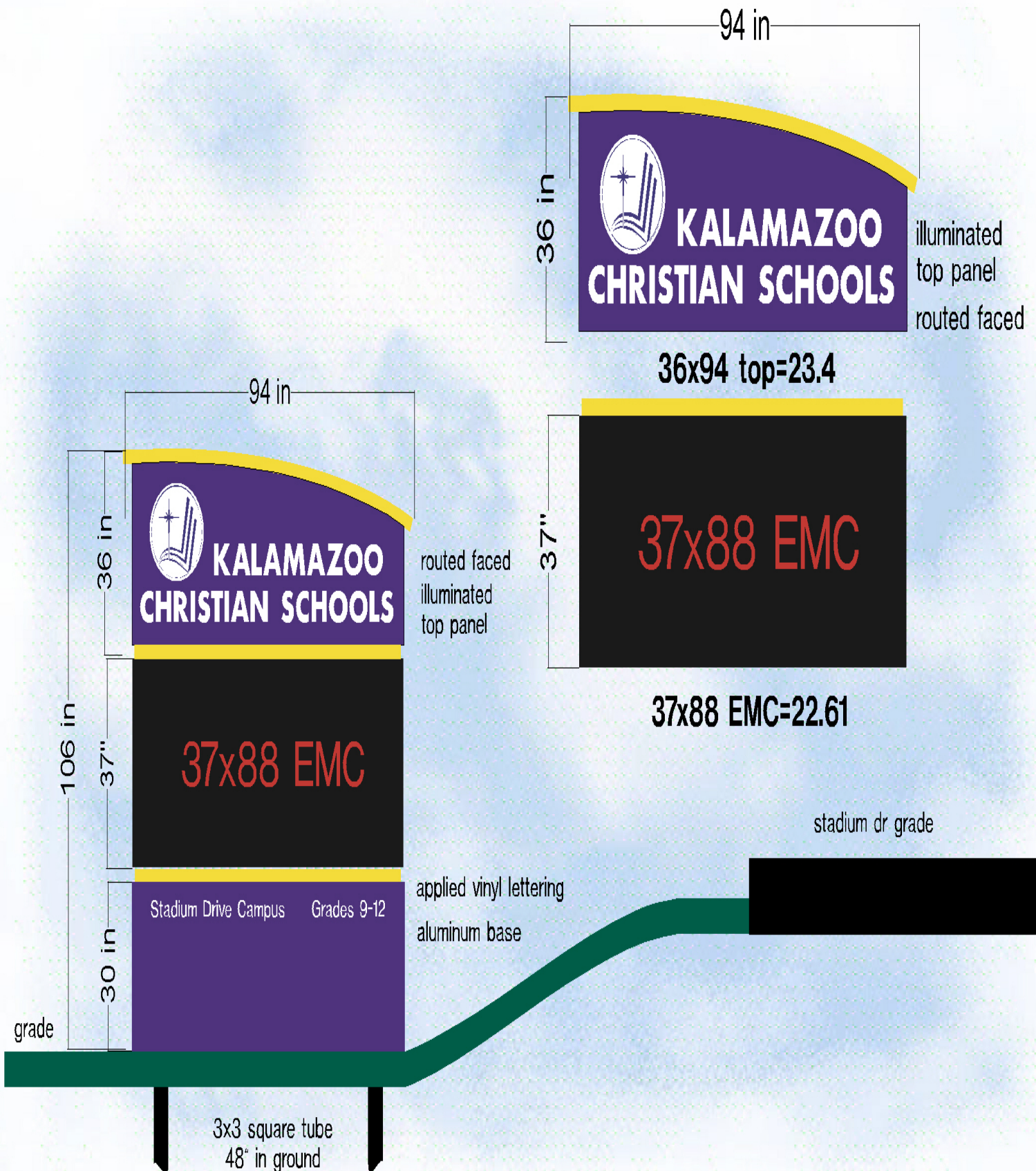
To Whom It May Concern,

Kalamazoo Christian Schools gives permission to have a sign variance done by Sign Impressions.

Sincerely,

Dave Williams

Maintenance Director



Creating Signs That Get Noticed.
Really noticed.

Lighted & Non-Lighted Signs
Sandblasted Wood
23k Gold Leaf
3-D Carved Lettering
Screen Printing & Embroidery
Digital Printing
Vehicle Lettering & Graphics

www.signimpressionsinc.com

JOB DESCRIPTION:

new main id sign

ALL THE IDEAS, DESIGNS, ARRANGEMENTS, DRAWINGS AND SPECIFICATIONS ARE OWNED BY AND THE PROPERTY OF SIGN IMPRESSIONS INC., KALAMAZOO, MI 49006 AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, DESIGNS, ARRANGEMENTS, DRAWINGS OR SPECIFICATIONS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF SIGN IMPRESSIONS INC., KALAMAZOO, MI 49006.

DRAWN BY: PH

APPROVED BY:

ph. 269-382-5152
3929 Ravine Road, Kalamazoo, MI

DATE: 06-19-25 Page 9 of 35



Elevation Contours



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

LEGEND



Override 1

Lines



Override 2

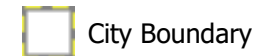
GENERAL INFORMATION

Contours - 10' Index

Contours - 2' Interval

SUBTYPE

INTERVAL



City Boundary



City of
Kalamazoo,
6/26/2023

From: [Dave Williams](#)
To: [Fridges, Peter](#); paul@signimpressioninc.com; [Peter Kushner](#)
Subject: [External Email] Kalamazoo Christian sign replacement
Date: Monday, July 24, 2023 11:00:05 AM
Attachments: [image.png](#)

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Undeniably Christian. Academically Excellent.



KALAMAZOO CHRISTIAN SCHOOLS

Undeniably Christian. Academically Excellent.

Chris Shook
President
Oakland, Winchell Neighborhood Association
P.O. Box 20061
Kalamazoo, MI 49019

July 20, 2023

Dear Chris,

My name is Dave Williams, the maintenance director of the Kalamazoo Christian High School, your neighbor to the north west of the neighborhood. The reason for this letter is to let you know we had an individual driver tragically went off the road and ran into the KCHS corner sign damaging it severely enough that we need to replace it. We are grateful no one was injured.

Working with our sign design organization and the City of Kalamazoo staff, we are proposing a quality sign to replace the damaged one. Pete Eldridge suggested we send a letter to notify you and your organization of our variance proposal to the Zoning Board of Appeals, August 10, 2023 which I was notified three days ago.

If you have any questions, please feel free to contact me, at dwilliams@kcsa.org or 269-330-0795 at your convenience. Also, feel free to contact Pete Eldridge for any additional information.

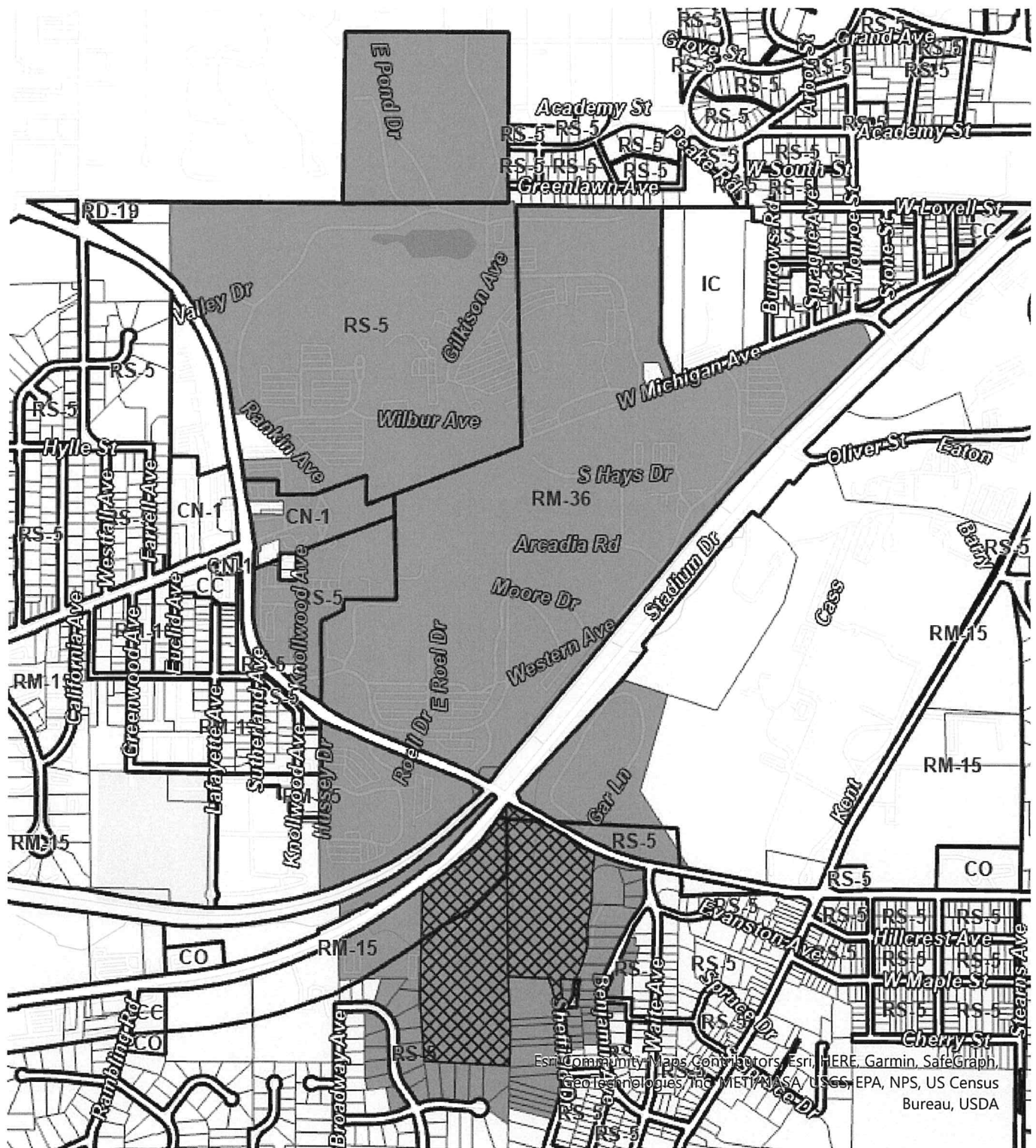
If you have any questions regarding the Kalamazoo Christian High School facilities, please contact me.

Thank you,

Dave Williams
Maintenance Director
Kalamazoo Christian High School

CC: Pete E
Paul H

2121 Stadium Drive • Kalamazoo, Michigan 49008 • phone 269-381-2044



Esri, Community Maps Contributors, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA/USGS, EPA, NPS, US Census Bureau, USDA

Parcels within 300' Mailing Radius

-  Subject Property
 -  Property within 300' Mailing Radius
 -  Other Property
 -  Zoning District Boundary
- 2121 Stadium Drive and 2100 Sheffield Drive



0 420 840 1,680 ft



Zoning Board of Appeals Staff Report

City of Kalamazoo

Date: **8/10/2023**

Item: **D.2.**

TO: Zoning Board of Appeals

FROM: Reviewed by: Christina Anderson, AICP, City Planner
Prepared by: Pete Eldridge, AICP, Zoning Administrator

DATE: August 10, 2023

SUBJECT: ZBA #23-08-14: 1108 N. Church Street. Jacqueline Fullerton is requesting a dimensional variance from Appendix A, Chapter 4, 4.2 K 2 c), to allow a group daycare on a local street where the Zoning Ordinance requires a group daycare be located on a collector or arterial street.

BACKGROUND:

Jacqueline Fullerton opened a home daycare for up to six (6) children at her residence in 2022. She is now seeking to expand the capacity of this to a group daycare, defined as having 7-12 children. The daycare is currently open from 6 a.m. to 6 p.m. Monday through Friday and there is no intention of changing or increasing the hours of operation. The home sits on a parcel that is approximately one third of an acre at the corner of N. Burdick Street and Norway Avenue in the Northside Neighborhood.

There is a driveway along the side of the house which extends the length of the home to the rear yard. The driveway and the two street frontages provide ample capacity for parents to drop off and pick up children. The house is a two-story home with a children's play area south of the house in the corner side yard. The rear yard of the home and driveway is separated by a fence from the outdoor play area and new fencing will be added around the play area extending the four-foot fence already in place along both street frontages. The added fencing will match the existing front yard fence and will meet the applicable front yard standards for fencing. There will not be any exterior changes made to the house itself because of this proposed change to a group daycare.

A group daycare requires approval of a special use permit. The Planning Commission reviewed the special use permit application from Ms. Fullerton on July 20, 2023. The Planning Commission approved the special use permit with the condition that a variance must be approved by the Zoning Board of Appeals to allow the group daycare to be located on a local street. City staff is proposing to remove this street requirement with the code update moving forward next month; however, it is currently in the Zoning Ordinance, requiring the applicant to request the variance.

STRATEGIC VISION ALIGNMENT:

Complete Neighborhoods - Residential areas that support the full range of people's daily needs.

Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.

Youth Development - A place with support where young people thrive.

Strategic Vision, Master Plan 2025 and Northside Neighborhood Plan Alignment:

This project touches on the following Strategic Vision goals: 1. Complete Neighborhood - there is a high demand for home daycare at this time. Home daycare is a valuable neighborhood service for residents. 2. Economic Vitality - the expansion of the home daycare supports the growth of a successful residential home business; and 3. Youth Development - available child care is limited, providing more capacity in a home setting within a neighborhood supports safe development for children.

This project also aligns with the Future Land Use Map which identifies this property at R-1, Residential - Low Density. This group daycare is a low intensity land use. Additionally, this project aligns with the Northside Neighborhood Plan adopted in 2018. One of the goals is support for resident-owned businesses, especially those by African Americans and low income residents. This is a minority-owned daycare.

COMMUNITY ENGAGEMENT:

Inform (one-way conversation) – the community will be made aware of the project.

Appropriate Depth of Engagement:

A public hearing notice was placed in the newspaper and notices were sent to property owners and occupants within 300 feet. The applicant has been asked to reach out to the Northside Association of Community Development (NACD) and adjacent property owners.

Engagement/Communication Tools:

Newspaper, mailings, and applicant outreach.

FINDINGS:

The staff has made the following findings regarding this request:

1. That there are special circumstances or conditions (like exceptional topographic conditions, narrowness, shallowness, or the shape of property) that are peculiar to the land or structure for

which the variance is sought, that is not applicable to other land or structures in the same zone district.

The special specific circumstances are the land area and street frontage. This property is one third of an acre in area with 99 feet of frontage on N. Burdick Street and 132 feet of frontage on Norway. There is ample frontage for pick up and drop off of children as well as space for the outdoor play area. Additionally, staff is proposing to remove the requirement that a group daycare must be located on an collector or arterial street from the Zoning Ordinance with the amendments proposed.

2. That there are special circumstances which are not the result of the actions of the applicant or titleholder of the land.

The applicant was unaware of the street type requirement for a group daycare. City staff has proposed eliminating this street type requirement for group daycare, but this requirement is currently in place.

3. That the literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zone district, and would cause practical difficulty.

Enforcement of the provisions of the Zoning Ordinance would require Ms. Fullerton to wait until the ordinance amendments are approved to proceed with expanding her daycare. This would be unfortunate as other properties within the same RS-5 District would be eligible to be a group daycare because of their location on a collector or arterial roadway, where this large property remains ineligible.

4. That the granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.

This is the minimum action necessary to allow for the increase from a home daycare (6 or fewer children) to a group daycare (7 to 12 children).

5. That the granting of the variance will not adversely affect adjacent land in a material way.

This proposed change will not adversely affect adjacent properties. Further, a public hearing was held before the Planning Commission on July 20th and there was no opposition to the approval of the special use permit.

6. That the granting of the variance will be generally consistent with the purposes and intent of this Ordinance.

The granting of the variance will be consistent with the draft ordinance amendments put forth by staff.

7. Where the requested dimensional variance involves required landscaping, the Zoning Board of Appeals may grant a variance upon the following additional criteria: 1) existing landscaping, screening or wetlands intended to be preserved meets the intent of this section; 2) the landscape design proposed by the applicant meets the intent of this section; 3) there is a steep change in topography that would limit the benefits of required landscaping; 4) the proposed building and parking lot placement is setback well beyond the minimum required; 5) the abutting or adjacent land is developed or will be developed in the near future with a use other than residential; and 6) similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

This section on landscaping is not applicable to the requested variance.

RECOMMENDATION:

Staff recommends approval of the variance as it meets the above criteria.



Community Planning and Economic Development

245 N. Rose Street, Ste. 100

Kalamazoo, MI 49007

PH: (269) 337-8044

FAX (269) 337-8429

www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

July 26, 2023

**RE: ZBA #23-08-14
1108 N. Church Street
Parcel #06-15-108-125**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Jacqueline Fullerton for 1108 N. Church Street in the Residential – Multi Family District (RM-36).

The applicant is requesting a dimensional variance from Appendix A, Chapter 4, 4.2 K 2 c), to allow a group daycare on a local street where the zoning ordinance requires that group daycares must be located on a collector or arterial street.

Please note that this request will not change the zoning classification of the property. This is a request for variance only regarding the item described above.

The meeting will be held on Thursday, August 10, 2023, at 7 p.m. in the City Commission Chambers at City Hall, 241 W. South Street. This meeting will also be streamed live on the [City's Facebook page](#) and [YouTube Channel](#).

To examine documents related to this request or provide written comments, please contact Pete Eldridge at eldridgep@kalamazoocity.org or call (269) 337-8806. The agenda will be posted at <https://www.kalamazoocity.org/boards>

Sincerely,

Peter C. Eldridge, AICP
Zoning Administrator



Community Planning & Economic Development

245 N. Rose Street, Suite 100 • Kalamazoo, MI 49007

(269) 337-8026 • www.kalamazoo.org

ZONING BOARD OF APPEALS APPLICATION



APPLICANT INFORMATION		
Name: <u>Jacqueline Fullerton</u>	Mailing Address: <u>1108 N. Church St.</u>	
City: <u>Kalamazoo</u>	State: <u>Michigan</u>	ZIP Code: <u>49007</u>
Phone: <u>269-568-5279</u>	Email: <u>mssackie@comcast.net</u>	Preferred Contact: ☒ Email ☐ Phone
PROPERTY OWNER INFORMATION		
If the applicant is not the property owner, owner must sign application or provide a letter stating that owner gives consent for the application to be filed.		
Name:	Mailing Address:	
City:	State:	ZIP Code:
Phone:	Email:	Preferred Contact: ☐ Email ☐ Phone
PROPERTY INFORMATION		
Property Address(s): <u>1108 N. Church St.</u>		
Parcel Identification Number(s): <u>0615-108-125</u>	Zone District (kalamazoo.org/maps):	
TYPE OF REQUEST		
☒ Dimensional Variance from Chapter(s) _____, Section(s) _____ ☐ Use Variance to allow _____ ☐ Natural Features Protection Variance		
☐ Appeal of an Administrative Decision ☐ Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____ ☐ Temporary Use Approval		
Reason for Request:		
ATTACHMENTS		
☒ \$ <u>300</u> Fee ☐ Type Plan detailing variance request, plat, site plan, sketch plan can all be used.		
☐ Review Sheet for Request Type	Optional: Photos of property, architecture plans, etc.	
Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support		
SIGNATURE		
Signature of Applicant: <u>Jacqueline Fullerton</u>		Date: <u>7/6/23</u>
Signature of Owner (if different than applicant):		Date:

ZONING BOARD OF APPEALS

DIMENSIONAL VARIANCE REVIEW SHEET

General Information

Specific Project Details (may also provide on a separate sheet):

I have plenty of space in my case, the area affected minimum size requirements, there are no changes to the exterior or interior of my home, and also there is plenty of space for drop-off... driveway & on street parking.

Review Criteria for Dimensional Variances

ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

I have a large lot, play area in side yard.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

It's a high demand for daycare services in my area.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

Yes. The street type limits this property to only 6 children in Daycare.

Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

There are no changes proposed to the interior or exterior of this home. There is already a day care

Will the granting of the variance negatively affect adjacent land?

No, there has been no problems with existing day care which has been @ this location for over 5 years.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

yes, it is consistent & it's understood city staff is looking @ future Ordinance amendments to this section.

Additional Criteria for Variance Requests for Required Landscaping

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

Does the landscaping proposed by the applicant meet the intent of this section?







Community Planning and Economic Development

245 N. Rose Street, Suite #100

Kalamazoo, MI 49007

PH: (269) 337-8044

FAX (269) 337-8429

www.kalamazoocity.org

Jacqueline Fullerton
1108 N Church St.
Kalamazoo, MI 49008

July 21, 2023

(Sent Via Email)

RE: Special Use Permit Approval – Group Daycare
1108 N Church St.
Parcels: #06-15-108-125

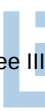
Dear Ms. Fullerton,

At a Planning Commission meeting held on July 20, 2023 the City of Kalamazoo Planning Commission approved a special use permit for a group daycare at 1108 N Church Street. The approval is conditioned on the Zoning Board of Appeals granting the variance to allow the group daycare on a local street (scheduled for the August 10, 2023).

If you have any questions, please contact me in the Community Planning and Economic Development Department at (269) 337-8172.

Sincerely,

Robert M Durkee III



Digitally signed by Robert M
Durkee III
DN: C=US,
E=durkeer@kalamazoocity.org,
O=City of Kalamazoo, CN=Robert
M Durkee III
Date: 2023.07.21 17:56:33-04'00'

Bobby Durkee, AICP
Assistant City Planner



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Parcels within 300' Mailing Radius 1108 N Church

-  Subject Property
-  Property within 300' Mailing Radius
-  Other Property
-  Zoning District Boundary



0 110 220 440 ft