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**Charter Township of Kalamazoo  
Minutes of a Zoning Board of Appeals Meeting  
Held on April 20, 2016**

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A meeting of the Kalamazoo Charter Township Zoning Board of Appeals was conducted on April 20, 2016 commencing at 7:00 p.m. at the Township Hall.

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**PRESENT WERE:**

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Chairman Jim Short  
Robert VanderKlok  
Mark Miller  
Jim Cripps  
Alternate Member Fred Nagler

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**ABSENT WAS:**

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Ann Simmons.

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VanderKlok moved, supported by Miller to excuse Simmons and allow Nagler to serve in her place. The motion passed unanimously.

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Also present were Township Zoning Administrator Nathan Mehmed, Township Attorney Roxanne Seeber; and 1 additional interested person.

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**CALL TO ORDER.**

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

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**APPROVAL OF MEETING AGENDA.**

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VanderKlok moved, supported by Cripps to approve the agenda as submitted. The motion passed unanimously.

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**APPROVAL OF MEETING MINUTES.**

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The Chairman noted that the minutes of the March 31, 2016 had been previously distributed in the members' packets. There were no additions or corrections offered. VanderKlok moved, supported by Cripps to approve the minutes as submitted. Upon voice vote, the minutes were unanimously approved.

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**PUBLIC HEARINGS.**

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The next item on the agenda was the request of James Cross for a 3-foot variance from the 14-foot height limitation for a proposed accessory building located at 929 Warren Place within

1 the Township. The applicant explained that he has a classic lawn tractor collection. He also  
2 converts lawn mowers and riding mowers for novelty use, such as for go-carts and low-powered  
3 wagons, as a hobby. VanderKlok explained that the applicant had requested and received special  
4 exception use approval for the accessory building, with conditions, at the recent planning  
5 commission meeting. The applicant provided photographs of his collection and hobby vehicles.  
6 He indicated that the height variance was necessary because he wished to place a two-post lift  
7 into the structure, in order to permit him to work on the lawn tractors and novelty vehicles while  
8 they were suspended, rather than on the floor. He explained that he had some physical  
9 limitations which made it difficult to get off the ground once he was there. Additionally, the  
10 applicant explained that he had a handicap van that would need a higher roof level in the  
11 accessory building if he needed to work on that.

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13 In response to an inquiry from the Chairman, the applicant indicated that his property is bordered  
14 by Hillside Middle School, "Ferris" woods, and a City of Kalamazoo park. He has one acre of  
15 property. The Chairman noted that that the property contains a significant drop. The applicant  
16 indicated that he would bring in some fill to level it off, then taper it down and put eaves troughs  
17 on the building to divert water away from it.

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19 The planning consultant had prepared a report indicating that the applicant wishes to demolish  
20 and replace the existing garage for the storage of personal items accessory to the primary home  
21 currently existing on the site. VanderKlok read the special use approval conditions from the pre-  
22 draft Planning Commission meeting minutes, which he had acquired just prior to the meeting.  
23 The approval, he said was for a 30' x 50' pole barn. One of the conditions was the reduction of  
24 the proposed building's height to 14 feet measured from the midpoint between the roof ridge  
25 and eaves, or a height variance could be sought. Additional conditions included that no business  
26 could be conducted within the structure, its outward appearance would be similar to that of the  
27 house, the existing garage would be demolished, the property would be maintained at its current  
28 one-acre size and would not be further split or divided; all water would be retained on the  
29 property; the building would be equipped with gutters, eaves troughs or other means so as to  
30 assure that water does not run onto adjoining property; and the building would be constructed  
31 so as to securely locate it in relationship to the topography of the parcel.

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33 Short indicated that the property was fairly well secluded. He did not know that the road went  
34 up that far. The applicant stated that there was a through-street there many years ago, which  
35 was no longer in use. In response to an inquiry from Cripps, the applicant indicated that the  
36 house size was 28' x 56' and the current accessory building design showed 14-foot side walls (14  
37 feet to the bottom of the joists). Nagler inquired as to whether storage trusses or an alternative  
38 roof design could provide the height that was needed. In response to an inquiry from Miller,  
39 the applicant indicated that the 20' height contained on the plan was the correct number. The  
40 24' elevation was in error, he said. In response to an inquiry from Nagler, the applicant  
41 confirmed that the proposal was to have a 20-foot peak height. VanderKlok noted that the  
42 house is a single story. The applicant indicated that some of the neighboring houses were a store  
43 and a half in height.

1 Mehmed read his report into the record. VanderKlok remarked that an accessory building height  
2 variance had been permitted on a residential accessory building within the last couple of years.  
3 He also outlined the planning commission's history regarding height limitations for accessory  
4 buildings, surmising that it was unlikely that an ordinance amendment in that regard would be  
5 recommended. Cripps felt that a variance situation would be extreme, such as the case of an  
6 abnormally steep roof pitch to match a house. He recalled the prior accessory building height  
7 variance was permitted on a site that contained 35 acres and a 2800 square-foot house. This  
8 situation, he felt, was not comparable to that one. Cripps opined that the trusses could be  
9 adjusted so as to allow the required height, if necessary. VanderKlok considered that such  
10 adjustment may only be required for a portion of the building. Cripps was unable to find a  
11 difficulty that was created by the ordinance or the topography of the site. VanderKlok reported  
12 that he had done some internet research and was able to find several variations of truss that may  
13 work. Further, he was of the opinion that the desired type of lift could also be adjusted. His  
14 main concern, as was Short's, was the commercial look and potential in a residential  
15 neighborhood.

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17 Short was concerned about the parking of the handicapped van. VanderKlok stated that parking  
18 was possible, but that lifting it to work on it would not necessarily be. There were no additional  
19 comments or questions.

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21 Whereupon VanderKlok moved, supported by Cripps to deny the request for a 3-foot variance  
22 from the required 14-foot height limitation for the reason that there is no practical difficulty  
23 which is not self-created and because conforming alternatives exist regarding hoist sizes and  
24 alternative truss configurations. In response to an inquiry from Miller, the applicant indicated  
25 that he had not investigated alternative truss configurations. Short voiced a concern that the  
26 structure was more commercial than residential in nature and, while he wasn't concerned about  
27 the current owner, a future owner may be tempted to operate a car repair or other business from  
28 the property. Cripps noted a commercial activity across the street. VanderKlok stated that the  
29 Planning Commission had requested investigation on that matter. Cripps and VanderKlok  
30 indicated that a ten-foot high door was still possible. Upon voice vote, the motion to deny passed  
31 unanimously.

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33 **OLD BUSINESS.**

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35 None.

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37 **NEW BUSINESS.**

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39 None.

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41 **OTHER MATTERS TO BE REVIEWED BY THE ZBA.**

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43 None.

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1 **PUBLIC COMMENTS.**

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5 **ZONING BOARD OF APPEALS MEMBERS COMMENTS.**

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7 Cripps noted that he would have liked the copies of the Planning Commission meeting draft  
8 minutes and appreciated that VanderKlok had brought a copy of the pre-draft with him. Short  
9 appreciated Mehmed’s report. Short reiterated that he was trusting that the applicant that  
10 evening intended to do exactly what he said; however, all properties would eventually change  
11 hands and he was not convinced that a new owner wouldn’t start up a commercial activity.  
12 VanderKlok had spoken personally with the property owner and concurred with Short’s  
13 comments.

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15 In response to an inquiry from Nagler, VanderKlok indicated that most of the provisions of the  
16 zoning ordinance had been retained and that none of the basics, size and height limitations had  
17 changed. The biggest change, he said, was the combining of and renaming some of the zoning  
18 district classifications. Lot coverage as a percentage will now be addressed where in the past it  
19 had not been limited except in relation to accessory buildings.

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21 **REPORT OF PC MEMBER.**

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23 VanderKlok outlined the actions taken by the Planning Commission at its March meeting. He  
24 updated the group of the special use granted to allow R & K Pizza to move into the former Chicken  
25 Coop on Sprinkle Road. That approval, he said, had been forwarded to the fire marshal at this  
26 time. VanderKlok reported on a potential development for the former Davenport College  
27 property. He also indicated that Kalsec had applied for a change to its development and that its  
28 driveway was now proposed to be alighted with Cherokee. Mehmed reported that a group day  
29 care home special use application was also on the agenda in May.

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31 **ADJOURNMENT.**

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33 Cripps moved supported by Miller to adjourn the meeting at 8:00 p.m. The motion passed  
34 unanimously.

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36 Respectfully submitted,

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40 Jim Short, Chairman  
41 Kalamazoo Township ZBA  
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## SYNOPSIS OF ACTIONS

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The Kalamazoo Township ZBA took the following actions at its meeting of April 20, 2016:

- Denied application for 3-ft height variance for an accessory building at 929 Warren Place.