

1 **KALAMAZOO CHARTER TOWNSHIP ZONING BOARD OF APPEALS**

2
3 **MINUTES OF MEETING HELD JULY 20, 2016**

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5 A regular meeting of the Kalamazoo Charter Township Zoning Board of Appeals was
6 held on June 21, 2016, at the Kalamazoo Township Hall commencing at 7:00 p.m.

7
8 Members Present: Mark Miller
9 Ann Simmons
10 Jim Short
11 Jim Cripps
12 Robert VanderKlok
13 Frederick Nagler (alternate)

14
15 Also present was Roxanne Seeber and Seth Koches, Township Attorney, and 3 other
16 interested persons. Pat Hudson, the Township Planner was absent.

17
18 **ITEM 1 CALL TO ORDER**

19
20 Chairman Short called the meeting to order at 7:00 p.m.

21
22 **ITEM 2 ROLL CALL**

23
24 Chairman Short called the roll.

25
26 **ITEM 3 APPROVAL OF AGENDA FOR July 20, 2016 MEETING**

27
28 Chairman Short indicated that the next item was the approval of the meeting
29 agenda. Motion was made by Mr. VanderKlok, seconded by Mr. Cripps to accept the
30 agenda as presented. The motion passed unanimously.

31
32 **ITEM 4 APPROVAL OF MEETING MINUTES FOR June 6, 2016**

33
34 Chairman Short asked for the Board's review of the minutes of June 6, 2016.
35 Motion was made by Mr. VanderKlok, seconded by Mr. Cripps to approve the minutes of
36 the June 6, 2016 meeting as presented. The motion passed unanimously.

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38 **ITEM 5 PUBLIC HEARINGS**

39
40 a. The next item on the agenda was a public hearing on request by John Jager for
41 site plan approval to convert a 544-square foot portion of an existing prototype and
42 design building to an online sales with minor manufacturing use. The property is zoned
43 C, Local Business Zoning District. The parcel number is 3906-24-306-701. The property
44 is located at 2909 Lake Street, Kalamazoo, MI.

45
46 Chairman Short asked the applicant to present his request. John Jager, the
47 applicant, appeared on behalf of his business, JagerWerks Engineering LLC. Mr.

1 Jager said that he uses space inside the building for his business and the owner of the
2 building, Richard Hathaway, was present at tonight's ZBA meeting. Mr. Jager said that
3 his business is online sales and small manufacturing that produces low volume
4 prototypes. Mr. Jager wants to create jobs in Kalamazoo Township. Mr. Jager said his
5 business is an online business located on the northeast portion of the building. Mr.
6 Jager said that 99% of his business is online sales, but that may change in the future.
7 There are no walk-in customers. Mr. Jager said he makes customized parts for the
8 automotive industry and firearms.

9
10 Mr. VanderKlok asked Mr. Jager if he builds guns from scratch. Mr. Jager said no and
11 that he does not have permits to sell or manufacture firearms. Mr. Jager said that he
12 only customizes parts, such as a carbon fiber spring retainer. Mr. Jager said that he
13 cannot fabricate any parts that have a serial number from the firearm stamped thereon,
14 such as a trigger. Mr. Jager indicated that his products are for aesthetics only.

15
16 Mr. Miller asked about what process goes into the manufacturing of the parts. Mr. Jager
17 said that he uses a machine and a mill to make the parts. Mr. VanderKlok asked if any
18 bullets or gunpowder would be stored in the building. Mr. Jager said no, and there
19 would be no explosives, either.

20
21 Chairman Short asked what type of chemicals are used. Mr. Jager said that only
22 machine oils are used. Mr. Miller asked about how much noise this business operation
23 creates and how much noise could you hear at the property line. Mr. Jager said the
24 machines create a small hum, but the building is well insulated. Chairman Short asked
25 about the hours of business operation and how many employees exist. Mr. Jager said
26 that he works a separate full time job and that the hours he is working in the building
27 are typically from 4:00 – 9:00 p.m. Mr. Jager said that he employs one person to
28 handle sales and marketing. Mr. Hathaway said that the building is brick and has four
29 inches of insulation where the machines are located. Mr. Hathaway said that noise has
30 never been an issue with any neighbors and that the neighbors are happy to see the
31 business there.

32
33 Mr. VanderKlok asked Mr. Hathaway if he ever came to the Township for a site plan
34 review. Mr. Hathaway said that he was not sure why he had to do that. Mr. VanderKlok
35 said that Kalamazoo Township is a zoning community and noted that Mr. Hathaway's
36 parking lot was illegal because it is located in the public right of way. Mr. VanderKlok
37 told Mr. Hathaway that the parking lot needed to be moved behind the building and that
38 it needs to be asphalt. Mr. VanderKlok said that the Township ordinances are clear and
39 that Mr. Hathaway needed to fix any issues so the property can be used as a commercial
40 building.

41
42 Mr. Cripps said that he stopped by the property and looked at the machines. Mr. Cripps
43 said that there is a small drill press, a mill and a band saw. Mr. Cripps noted that all of
44 these machines are very quiet and that there was no potential for noise. Mr. Cripps said
45 that he was informed that the building was used to manufacture caskets and vaults by
46 the previous owner. Mr. Cripps said that the casket and vault manufacturing was a
47 manufacturing use of the property.

1
2 Mr. VanderKlok said that he is familiar with buying a building and the buyer should
3 determine whether the business can fit the building. Mr. VanderKlok said that he would
4 call the Township to confirm he could use the building for its intended use.

5
6 Mr. Miller said that the manufacturing of caskets is different from the proposed used.
7 Mr. Miller asked when the casketing manufacturing stopped its operation.

8
9 Ms. Seeber read from the site plan review section of the Zoning Ordinance and indicated
10 that the trigger for site plan review is first, does the owner need a building permit for
11 alterations; and second, is there a change in use that triggers a site plan review. Mr.
12 VanderKlok said that the property was vacant for over one year. Ms. Seeber said to look
13 at whether the prior owner intended to give up the use and see whether that use was
14 abandoned. Ms. Seeber said that the Zoning Administrator should look at the historical
15 use and the proposed use and see if it is in compliance. Ms. Seeber said that it is a
16 question for the ZBA to determine whether there was a change in use when the new
17 owner brought the property.

18
19 Mr. VanderKlok said that the current zoning ordinance allows light manufacturing in
20 District C, but the new zoning ordinance that will be adopted sometime in August or
21 September prohibits it. Mr. Cripps said that there are many properties on Lake Street
22 are not in conformance with the Zoning Ordinance. Mr. VanderKlok said that he takes
23 issue with the parking in the setback area. Mr. VanderKlok said that Mr. Hathaway
24 owns property behind the building and that the parking needs to be fixed for safety
25 reasons. Mr. VanderKlok stated that the sidewalk is blocked.

26
27 Mr. Cripps agreed with moving the parking because there is not enough space, but was
28 concerned about making the parking lot asphalt. Mr. Cripps said that the parking lot is
29 in a flood plain, and the parking area gets a lot of water. Mr. Cripps said that the zoning
30 ordinance requires that all storm water be maintained on site and Mr. Hathaway needs
31 to be aware of where the water is running off the property. Mr. Cripps said that crushed
32 aggregate should be considered because it is free draining in areas that have problems
33 with water. Mr. Cripps said that crushed aggregate is one-third the cost of asphalt. Mr.
34 Cripps said that crushed concrete is not as good as crushed aggregate. Mr. VanderKlok
35 said that he used crushed concrete and it worked well. Chairman Short said that the
36 crushed aggregate could replace pavement. Mr. Cripps agreed.

37
38 Mr. Nagler said that Mr. Jager's use is similar to that of the current owner and the
39 previous owner. Mr. Miller asked if the ZBA has evidence before it to decide that issue.
40 Ms. Seeber asked if there was any evidence to show a change in use. Mr. Miller said that
41 absent any evidence, the ZBA presumes the use has not changed such as marketing the
42 building for a different purpose or interior renovations. Mr. VanderKlok said that he has
43 no problem with manufacturing on the property. Ms. Seeber said that the ZBA should
44 make a finding of fact as to whether the previous use of the property has changed.

45
46 Mr. VanderKlok said that there needs to be seven parking spaces. Mr. VanderKlok asked
47 Mr. Hathaway if he could put crushed stone in back of the building for the parking lot.

1 Mr. Hathaway said that he wanted to be a good neighbor and it is reasonable to create
2 seven parking spaces. Mr. VanderKlok told Mr. Jager to put a bench in the front of the
3 building to discourage parking along the street. Mr. Hathaway said that his business and
4 Mr. Jager's business are almost the same and that the operations are consistent.

5
6 Chairman Short closed the public hearing and the Zoning Board of Appeals entered into
7 discussion. Mr. VanderKlok said that lot 184 and 186 could be combined so a parking
8 lot could be put on lot 184. Mr. VanderKlok said that crushed stone or concrete could be
9 used to create seven parking spaces and there also needs to be a curb cut. Mr. Miller
10 agreed, saying that this insures that there is a place to park. Chairman Short asked if the
11 County needs to approve the drive off of Roy Street. Mr. VanderKlok said that the
12 County Road Commission needs to approve it. Mr. VanderKlok asked about the sign on
13 the building is new. Mr. Jager said that the sign was revamped. Mr. VanderKlok said
14 that Mr. Jager needs to get permit for the sign.

15
16 There being no further ZBA discussion, motion was made by Mr. VanderKlok,
17 seconded by Mr. Miller, to approve the site plan for the Mr. Jager, subject to the
18 following conditions:

- 19
- 20 1. Lot 184 and 186 shall be under one ownership and not be divided.
- 21 2. The owner shall obtain a curb cut permit for Roy Street
- 22 3. The owner shall eliminate the street side parking and shall place a 7-space
23 parking area on lot 184.
- 24 4. The parking lot can be crushed stone, aggregate, or crushed concrete.
- 25 5. Parking on Lake St. is discontinued.
- 26 6. Something needs to be put in the front to discourage parking.
- 27 7. The site plan needs Fire Chief Approval.
- 28 8. Obtain a permit for the new sign on the building.
- 29 9. Obtain all required permits from local and state governments.
- 30

31 Mr. Miller says that approval of a motion is made because there is no change in use in
32 the existing use. Mr. VanderKlok said that the building is being used as a consistent use.
33 Mr. Miller said that there is no evidence before the ZBA of an intent by the previous
34 owner of the subject property to abandon the existing non-conforming manufacturing
35 use, hence we find that the proposed activity does not constitute a change in use. Mr.
36 VanderKlok said that using something other than pavement to help better drain the
37 water such as aggregate or stone or crushed concrete is appropriate. Mr. Cripps
38 seconded the motion. The motion carried unanimously.

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40 **ITEM 6 OLD BUSINESS**

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42 None.

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44 **ITEM 7 NEW BUSINESS**

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46 None.

1 **ITEM 8 OTHER BUSINESS TO BE REVIEWED BY THE ZBA**

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3 8a. Comments from the public on matters not already addressed.

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5 None.

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7 8b. Correspondence received.

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9 None.

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11 8c. Zoning Board of Appeals member comments.

12
13 Mr. Miller reported that there will be a joint meeting coming up discussing the
14 new zoning ordinance. Chairman Short said that the meeting will be at 6:00 p.m. at
15 Northwood.

16
17 8. Report of the Planning Commission member.

18
19 Mr. VanderKlok reported that the Planning Commission approved the Zoning
20 Ordinance and the Township Supervisor, Ron Reid, was very involved throughout the
21 process. Mr. VanderKlok said that Mr. Reid attended 90% of the Planning Commission's
22 meetings and did a fair amount of discussion with the Township Board.

23
24
25 **ITEM 9 ADJOURNMENT**

26
27 There being no further business, Mr. Miller made a motion to adjourn, seconded
28 by Chairman Short. The motion carried unanimously and the meeting was adjourned at
29 8:10 p.m.

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31
32
33 **KALAMAZOO TOWNSHIP**
34 **ZONING BOARD OF APPEALS**

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36
37 _____
38 Ann Simmons, Secretary
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40 Kalamazoo, MI 49004
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