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**Charter Township of Kalamazoo
Minutes of the Zoning Board of Appeals
Held on October 17, 2018**

A regular meeting of the Kalamazoo Charter Township Zoning Board of Appeals was held on Wednesday, October 17, 2018.

Call to Order.

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

Present Were:

Chairman Jim Short

Warren Cook

Steve Leuty

Chris Mihelich, Alternate

Absent were: Ann Simmons, Fred Nagler

Also present were: Township Attorney Roxanne Seeber and five members of the audience.

Roll Call.

Ann Simmons and Fred Nagler had notified the township that they were unable to attend. Cook moved, supported by Leuty, to excuse Nagler and Simmons. The motion passed unanimously.

Set Agenda.

Leuty moved, supported by Cook, to approve the agenda as submitted. The motion passed unanimously.

Approval of the Minutes of the June 20, 2018 ZBA Meeting.

The first item on the agenda was approval of the minutes of the June 20, 2018 Zoning Board of Appeals meeting. Cook moved, supported by Leuty, to approve the minutes as provided. The motion passed unanimously.

Public Hearings.

Ewert – 2206 Woodward – Variance Request

The first item on the agenda was the request of Clarence and Candice Ewert, 2206 Woodward Avenue, for a 224-square foot variance from the maximum 768-square foot detached accessory building size limitation in order to permit construction of a 992-square foot (31' x 32') accessory building on an existing foundation. Attorney Keith Turpel introduced the applicants and their

1 request. He stated that Mr. Ewert is a contractor. They provided several photographs to the ZBA
2 members. Mr. Ewert pointed out the existing foundation/retaining wall which had never been
3 built on and which hooks onto the existing garage. The applicants wished to demolish the existing
4 garage and rebuild it larger, to match the size of the foundation. Mr. Ewert stated that he wished
5 to use the foundation as part of the new building. Turpel had him draw the location of the current
6 foundation on a photograph. In response to an inquiry from Short, Mr. Ewert stated that the
7 foundation was in place when they had purchased the property 11½ years ago. They recently
8 had the property appraised at \$74,000 and it was condemned when they had purchased it. All
9 agreed that the old garage needed to be removed.

10

11 In response to an inquiry from Cook, Ewert stated that the foundation also functioned as a
12 retaining wall, as it was about 2.5 feet high. He presumed that it was there to allow for backfilling
13 of the area behind the wall for parking. In response to an inquiry from Short, Ewert stated that
14 he would build the garage himself. He was a third generation builder.

15

16 Ewert showed photographs of the siding that he had recently completed on the property across
17 the street from theirs. In response to an inquiry from Cook, Ewert stated that he wished to put
18 his work truck and tools into the garage. He had several tools stolen over the years and he was
19 tired of purchasing the same ones over and over again. Mrs. Ewert stated that they had been
20 paying for a storage unit for 4 years. Mr. Ewert stated that he had purchased some duplicate
21 tools because he cannot find what he needs in the storage unit. They had installed security
22 cameras to deter theft. The current garage is failing, he said. In response to an inquiry from
23 Short, Ewert stated that the house is 25 feet from the center of the road. The new garage would
24 be located 35 feet from the center of road.

25

26 Ewert stated that the original garage size was 20.5 feet wide and 30.5 feet deep. According to
27 the zoning, he thought that he would go to 24 x 32. Hudson was unconcerned about the setbacks.
28 The only issue, he said, was the 768-square foot maximum for detached accessory buildings. In
29 response to an inquiry from Short, Hudson stated that the lot measures 132' x 114' for 15000-
30 square feet in area. Even with the added square footage, they were well under the 25% lot
31 coverage limitation. Hudson stated that they can have two accessory buildings. The size
32 limitation applied to each accessory building. Cook inquired as to the lot's topography. Ewert
33 stated that it drops slightly to the back. In response to an inquiry from Cook, Ewert stated that
34 the run-off goes mostly into the street. The Kalamazoo and Parchment school buses go around
35 the puddles in the road and onto his property. There is a big drain by his mailbox as well.

36

37 Ewert stated that he was not intending to run a business on the property. He had an old Suburban
38 that he uses for work. He has to load and unload it every morning, depending on what he needs.
39 The existing garage has concrete on a portion of the floor. Short provided Ewert's photographs
40 to the rest of the members.

41

42 Leuty appreciated the photographs and the explanation. Ewert stated that the trees had been
43 trimmed since the photographs were taken. Short opened a public hearing on the request. No
44 one spoke for or against it. Short closed the public hearing.

1
2 The group discussed the parameters of the request. It was determined that they really only
3 needed a 284-square foot variance from the maximum 768-square foot per accessory building
4 size limitation. In response to an inquiry from Short, Ewert stated that he would likely not get
5 started until the spring as it was getting too late to pour quality concrete.

6
7 In response to an inquiry from Leuty, Mitchell stated that the change to the accessory building
8 size which was about to be adopted by the township board would not affect this property
9 because it only pertained to parcels that were 2 acres in size or larger. In response to an inquiry
10 from Short, Hudson stated that notices had been sent to all property owners within 300 feet.
11 Leuty considered the standards and was afraid that they were insurmountable in light of this
12 request, which made common sense but may not rise to the level of practical difficulty. Short
13 stated that tools are being stolen. Cook reminded the group that there is an existing foundation.
14 Hudson read a paragraph from the zoning ordinance indicating that if a work was in progress, it
15 could be continued. The “work in progress” unfortunately would have been several years old,
16 with the laying of the foundation. Short suggested that conditions could be made to ensure that
17 the building would not be used for commercial activities and that it comply with height limitations
18 and setbacks. Mihelich inquired as to the depth of the foundation. Ewert indicated that he was
19 still hitting concrete 16 inches below the surface. He knew that it would have to be inspected
20 before construction was commenced. Leuty stated that the planning commission has a lot more
21 leeway than the zoning board of appeals. He noted that there are aspects of the existing
22 infrastructure that are not the fault of the property owner.

23
24 Cook noted that the point was that he could have the square footage on two buildings, just not
25 on one. The two would fit within the size allowance, he reasoned. He was in favor of granting
26 the variance so long as the existing concrete footings were inspected for stability.

27
28 Leuty moved, supported by Mihelich, to grant a 268-square foot variance from the maximum
29 permitted 768-square foot accessory building size in order to permit the construction of a
30 992-square foot garage in the place of the existing garage, which was to be removed, contingent
31 upon the confirmation by the building department that the existing concrete foundation was
32 suitable for use to support the building and on the condition that there is no commercial activity
33 on site and that the district’s height and setback limitations be met. The motion passed
34 unanimously.

35
36 **Borgess Hospital Signage – Variance Request.**

37
38 Nick White, director of facilities for Borgess spoke on behalf of the applicant. Tom Moshett, Vice
39 President of Operations was also present. White stated that Borgess had been on Gull Road
40 since 1917. The campus has changed a bit, he said. It is in a residential zoning district. Borgess
41 was now owned by Ascension Health. When the new zoning ordinance was adopted, all of the
42 existing signs on the Borgess campus became lawfully nonconforming. Part of their goal was to
43 rebrand with the “Ascension” name. A bigger goal, he stated, was to make the signs more visible
44 and to direct patients in a more efficient manner. None of the sign structures would be changed

1 in size; however, they would need to be replaced in their current size and locations. He explained
2 the planned changes to the signs and pointed out the safety aspects of the white background and
3 the movement of emergency room directions to a central portion of the sign. Their biggest
4 concern was to increase wayfinding for patients. He stressed that none of the signs would be
5 changing in size. He went through the various sign faces, pointing out the changes and the
6 changeability of the new structures if a tenant moved out or an area changed. In response to an
7 inquiry from Cook, White stated that none of the signs would be electronic. All illumination
8 would be maintained and not exceeded. There would be no digital signs. Leuty spoke favorably
9 on the request, stating that the sign revisions were an improvement.

10
11 Cook inquired about an emblem on a sign that was proposed. White stated that it was a
12 marketing piece. Ascension wanted it to be located at the main entrance, but he had convinced
13 them to move it to an interior sign about 250 feet off of Gull Road and they had agreed. The ZBA
14 found that this was a unique situation with the Borgess Hospital campus being located in a
15 residential zoning district.

16
17 Cook moved, supported by Leuty, to grant the necessary variances in order to permit
18 Borgess/Ascension to replace the sign structures on the Borgess campus with structures of the
19 same size and in the same locations with the addition of an emblem on the interior campus sign
20 denoting "Ascension" for the reason that the existing ordinance did not allow for the
21 replacement of these signs; the importance of improving the wayfinding on the Borgess campus;
22 and because the accommodation is reasonable. The variance is contingent upon no additional
23 illumination beyond that which is on the existing signs and no electronic signs. Mihelich, an
24 employee of Ascension Health, abstained from voting. The motion passed unanimously.

25
26 **Citizen Comments.**

27
28 None.

29
30 **Board Member Comments.**

31
32 Leuty indicated that the board was working on a proposed budget. The money for training would
33 be retained. Cook spoke favorably on an MTA presentation he attended several months ago.

34
35 **Correspondence.**

36
37 Hudson had provided three issues of the Planning and Zoning News.

38
39 **Report of the Planning Commission Member.**

40
41 Nagler was not present. Leuty appreciated the work of the ZBA and its recommendation to
42 change the ordinance on the accessory buildings on larger parcel sizes.

1 There being no additional business before the Zoning Board of Appeals, upon motion of Cook,
2 supported by Leuty, and unanimous approval, the meeting was adjourned at 8:06 p.m.

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4 Respectfully Submitted,

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8 _____
Ann Simmons, Secretary

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10 Synopsis of Actions
11 Aba Meeting of October 17, 2018

- 12
13 1. A 224-square foot variance from the required maximum 768-square foot accessory
14 building size limitation for 2206 Woodward, with conditions.
15
16 2. Variances to permit Borgess Hospital to change the sign structures retaining the same
17 sizes, shapes and locations, with conditions.