

**MINUTES
CITY OF KALAMAZOO
SPECIAL ZONING BOARD OF
APPEALS*
MAY 5, 2020 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

* A special meeting of the Zoning Board of Appeals was held on Tuesday, May 5, 2020 at 7:00 p.m. This meeting was held as an electronic meeting under the authority of Executive Order 2020-15 issued by Governor Gretchen Whitmer.

Members Present: Matt Lager, Dick Skalski, Chris Flach, Christina Doane, Beth van den Hombergh

Members Absent: Jeff Carroll

City Staff: Pete Eldridge, Assistant City Planner; Clyde Robinson, City Attorney; Deanna Benthin, Recording Secretary

Chair Lager called the meeting to order at 7:21 p.m.

NEW BUSINESS:

Mr. Eldridge stated the meeting was being streamed for viewing, the ability to call in for audio and the public could call in to 269-226-6573 to leave comments for the two hearings and clarified to leave the address of either 1401 Harrison Street or 2117 Benton Ave.

PUBLIC HEARINGS: Chair Lager 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 received via phone will be aired for the panelist and audience. Then the public hearing would be closed on the request. The Board would then conduct the finding of facts. The Board then would state the finding of facts of the request and approve them the first vote is not a ruling on the request, but on the finding of fact, The Board must approve the Finding of Fact the Board. Therefore, the first vote you here 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 now 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 grant a motion for a non-use or use variance.

Ms. Doane read the application for 1401 Harrison Street, Parcel #06-10-485-002:

ZBA# 20-03-04: 1401 Harrison Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Graphic

Packaging International, LLC owner of 1401 Harrison Street, which is situated in Zone M-2, Manufacturing – General District. The applicant is requesting a dimensional variance from Chapter 9, Section 9.3B, to increase the height of an existing nonconforming building which encroaches approximately 20 feet into the required 25-foot building setback from the Harrison Street right-of-way. The footprint of the building along Harrison Street will not be altered and the building will not be located any closer to the front property line. However, the height will be increased from 30 feet to 80 feet which increases the extent of the nonconformity.

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. There were five notices of public hearing sent and zero responses were received.

Rusty Miller, Senior Vice President of Engineering for Graphics Packaging International stated the property at 1401 Harrison Street they want to raise the roof of the building as part of their \$600 million-dollar expansion plan. The footprint will not change, but because the building is non-conforming, they require a variance to raise the roof on that existing building, but they will not change the footprint.

Chair Lager asked Mr. Miller to clarify for the members not familiar with the expansion to give a brief overview. Mr. Miller stated Graphics Packaging is one of the largest manufacturing employers in the City, with around 700 employees in Kalamazoo. They have the recycled paper boards facility at 1501 N. Pitcher Street which houses two paper machines and makes essential food packaging, primarily for dry foods, paper boards for cereal. They've made paper board for over 100 years. Across the street they have the printing operations that prints onto the cereal carton then sends it to Kellogg's in Battle Creek. The expansion is a third paper machine doubling their capacity allowing them another 100 years of success in Kalamazoo. A few months ago, they received a variance for a new building on Pitcher Street. In the Harrison Street facility, they'll be processing the old corrugated boxes into pulp and then pump them into the new paper machine building, they've been making paper board since the turn of the century.

Mr. Eldridge questioned the connection between the new paper press on Pitcher Street and the new building they are talking about tonight, what that process entailed. Mr. Miller stated it takes the old corrugated boxes from stores like Meijer's, those are then slushed, pulped, water is added to slur them down, then that product is pumped over to the new paper machine and made into new paper product. It takes the bales of paper adding them into water to slurry them basically.

Mr. Skalski stated it's an excellent opportunity in the core of an industrial area.

Chair Lager closed the public hearing.
There were no comments from the public that came in.

Mr. Eldridge commented the building is deemed non-conforming; the building is approximately five feet from the front property line where the perimeter setback in a General Manufacturing M-2 Zone district is 25 feet. A portion of the building was built in the 1950's and another portion was built in 1966, built under a different zoning ordinance. It's been in

place since the early 80's or 90's, the intent for the 25' setback in the M-2 Zone District is the most intensive manufacturing zone district allowing for low/medium/high impact. The intent was to allow for a land buffer for odor, vibration, dust, noise from an industrial use from residential use. What's before them tonight is expensive machinery that needs to be enclosed within the building, they need to raise the roof from 30' to 80' in part of the building. Part of the building that is non-conforming must be re-constructed and enlarged to house the equipment. Harrison Street is a public street but functions like a private street, The block from Patterson Street to the Waste Water Facility there's only two owners, the City of Kalamazoo and Graphics, Packaging owns the property on the east and west side of Harrison Street, there is no impacted property owners that would be affected by this or need to be protected from this.

FINDING OF FACT

Ms. Doane moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 1401 Harrison Street shall include all information included in the notice of public hearing dated April 21, 2020.
- 2.) Five 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 Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) 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: Rusty Miller, a representative from Graphics Packaging spoke to the request to raise the height of the existing building. The footprint will not change but will change the height from 30' to 80'. They are adding a third paper machine to double capacity. They estimate additional capacity will enable a 100 more years of production. The new space will be in support of that machine. Mr. Eldridge commented the building existing is deemed a non-conforming older structure built under a different ordinance than the 25' setback. Purpose of setback was to provide a buffer of its use to protect other areas. Purpose of variance is to protect the machine and support its operation. Harrison Street functions as a private street with few owners, all governmental or business. Impact would be minimal.

Mr. Skalski seconded the Finding of Fact.

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

Ms. Doane moved to approve the application, seconded by Mr. Skalski.

Chair Lager stated he would be voting in favor the applicant meets the variance requirements, the use and nature of the street will be positive and there won't be any negative impact on the street.

Motion approved by roll call vote unanimously.

Mr. Miller thanked the Board for using today's technology to move this meeting forward.

Ms. Doane read the application for 2117 Benton Avenue, Parcel #06-32-224-001:

ZBA #20-03-05: 2117 Benton Avenue: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Todd DeLooff owner of 2117 Benton Avenue, which is situated in Zone RS-5, Residential – Single Dwelling District. The applicant is requesting a dimensional variance from Chapter 5, Section 5.1, for a 14-foot variance from the required 25-foot rear yard setback to construct a 128 square foot (8-ft. x 16 ft.) covered porch on the rear of the dwelling.

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. There were thirty notices of public hearing sent and one response was received.

Todd DeLooff, owner of the property stated he wanted to build a screened in porch on the back of his house.

Chair Lager asked for clarification on the estimate sheet enclosed and asked him to visually describe the porch.

Mr. DeLooff clarified the contractor, Patrick McNally stated he'd be using 4' x 4' posts with concrete and then attach 2' x 6' rafters onto the house, with soundproofing, then metal. He has a flat roof currently and the new roof will be slanted, to allow the snow fall to withstand the weight.

Mr. Eldridge stated in the aerial photograph the existing the porch needs to be re-built, it was built without a permit, the contractor tried to obtain a permit, and it was determined a variance was required.

Ms. Doane questioned when the old porch was built. Mr. DeLooff stated it was on the house when he purchased it in 2007.

Chair Lager clarified that the new porch is replacing the existing one. Mr. DeLooff replied correct.

Mr. Skalski asked what the rear distance was. Mr. DeLooff stated the lot is 80' x 50', the house is 20' x 24' the current porch was 9' x 8' the new one will be 8' x 16'.

Mr. Eldridge stated the lot is non-conforming at 50' in depth and 82' wide, 4100 sq. ft overall, in the RS-5 zoning district the minimum is 4500' and this is a substandard lot, the house was built in 1952 at 480 sq. ft. the house still doesn't comply with front or rear setbacks. Any project triggers a variance, so over the year's efforts have been made to make this house functional. August 14, 2003 the previous owner went to the ZBA to build a single stall garage on the east side of the house, which was granted, and this porch requires a variance also. There are practical difficulties with this lot size.

There were no comments from the public.
Chair Lager closed the public hearing.

FINDING OF FACT

Mr. Flach moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 2117 Benton Avenue shall include all information included in the notice of public hearing dated April 21, 2020.
- 2.) Thirty notices of public hearing were sent, and one response was received from the owner at 2141 Benton Avenue in support.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Mr. DeLooff stated he wanted to build an attached screened in porch to the house. He has hired a contractor to do the work to code. The existing porch will be torn down. The existing porch was attached when Mr. DeLooff purchased the house. The new porch will be an 8' x 16', larger than the existing one. Mr. Eldridge mentioned the lot is sub-standard and the house has been there since the 1952. The house doesn't comply to setback requirements and any owner wanting to make any additions to the property will automatically require a variance. The porch he's putting up makes the house more functional.

Mr. Skalski seconded the Finding of Fact.

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

Ms. Doane moved to approve the application, seconded by Mr. Skalski.

Ms. Doane commented on the sub-standard size of the house, and he'll be replacing a substandard porch she was in favor. Mr. Flach and Mr. Skalski both agreed to her comment.

Motion approved by roll call vote unanimously.

Mr. Eldridge commented on the ZBA meeting on May 14, 2020

ADJOURNMENT:

The meeting was adjourned at 7:58 p.m.

Submitted By _____ **Date** _____
Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____
Chair