

## **AGENDA**

### **Parchment Zoning Board**

**Wednesday, April 9, 2020, 6:00 pm**

Dennis Collison	Mike Connor
Timothy Lasher	Kirk Strehlow
Nancy Stoddard, City Manager	
Rebecca Harvey, Zoning Administrator	

1. Call to Order
2. Roll Call
3. Approval of Minutes from March 27, 2019
4. Citizen Comments
5. Old Business
6. New Business
  - a. Variance Request from Solano for 643 N Riverview Drive
7. Board Member comments
8. Adjournment

**Parchment Zoning Board of Appeals Minutes**  
**March 27, 2019**

1. Call to Order – 7pm
2. Roll Call  
Present: Tim Lasher, Jason Headley, Kirk Strehlow, and Sandy Bliesener,  
Zoning Administrator Rebecca Harvey, City Manager Nancy Stoddard  
Absent: Mike Conner
3. Approval of Minutes from April 11, 2018 – Motion to approve by Bliesener and 2<sup>nd</sup> by Headley. Roll Call – Ayes: Bliesener, Strehlow, Headley, and Lasher. Nays: none
4. Citizen Comments – No comments
5. Old Business – None
6. New Business
  - a. Jake's Fireworks Permit – No public comment was received – Board member Headley stated that there has never been any trouble in the past six years and stated the business was legit.  
Motion to approve the selling of fireworks in Harding's parking lot was made by Headley and 2<sup>nd</sup> by Bliesener. Roll Call - Ayes: Bliesener, Strehlow, Headley, and Lasher. Nays: none
  - b. Public Hearing – Parchment United Methodist Church (PUMC) – Variance Request

Headley stated that he was in a business partnership with Sign Crafters. Zoning Administrator (Z.A.) Harvey stated that three votes would have to match in order for there to be a quorum vote; they could not be split. She went on to explain that a Board Member is still allowed to vote as long as they do not receive a financial gain from the variance.

Bliesener stated that she received a letter because her property is within 300 feet of the church. Zoning Administrator Harvey stated that there would be a conflict of interest for Bliesener and she would have to recuse herself from the conversation and the vote. Bliesener abstained from the conversation and the voting.

Pastor Davenport presented the variance request to the Board stating that the PUMC desired two electronic signs with community events, library news, and community meetings. In the past, the church has provided rooms for the Marijuana Forum, Day Care, Boy Scouts, Rummage Sales, Church Events, Special Dinners, Trunk or Treat, and Blood Drives. He stated that the church

would like an efficient sign for public use. PUMC selected a local sign company to do the work.

The intention of the church is to cause no harm. They would shut the sign off at night and turn it back on in the morning to announce non-political and non-partisan community events as well as church events. They want to make the sign appealing in the neighborhood, non-distracting. Their old sign was built in 1964. The new signs would be 8 ft X 7 ½ ft and would be placed 10 to 12 ft inside of the sidewalk in front of the flag. Pastor Davenport stated that PUMC wants to be a good neighbor.

Zoning Administrator Harvey stated that the size of the signs is within the ordinance guidelines. Two lighted signs are not within the ordinance structure.

Citizen Comments – 8 residents were present

Chris Mahalich from 2502 Brook read a letter from Michael Jefferies, 230 Glendale opposing the 2 lighted signs. He cited that the ordinance should be upheld because of the illumination issue, felt the sign was too big, property values would decrease, and the residential placement would go against the R-A zoning.

Kent DeBoer of 285 Glendale stated that an R-A District does provide for signage at a church with a bulb lit light. He said that PUMC already has 3 signs on the premises which would equal six with the two new ones and the name on the building. This is not consistent with the ordinance. No practical difficulties with the property have been displayed. He opposes any additional LED lit signs on the property.

Headley asked if the other signs were removed, would it allow for the other new signs to be placed. This would not include the removal of the lettering on the building.

Chairperson Lasher questioned as to whether wall signs are not considered free standing?

Zoning Administrator Harvey pointed out that the church was allowed one sign. The Planning Commission may want to look at the ordinance if any are in violation of the sign ordinance, they may want to address that concern. If any predate the ordinance then they will be grandfathered in and the ZBA can allow for it. The ZBA may not take an illegal situation and vote to allow more of the same.

Strehlow feels that the variance request should be taken on its own merit.

Zoning Administrator Harvey stated that if PUMC was willing to remove the two other free-standing signs then the new signs could be put into the decision.

Rob Britigan of 327 Glendale thanked the ZBA and PUMC for their work and presentation. Britigan stated that he has a real estate broker license. He cited Sec 15.10: The issue is type of signs not the number of signs. The applicant needs to demonstrate a practical difficulty with six factors that make up the criteria – 1) characteristics 2) deprives rights 3) special conditions did not result from PUMC 4) lend harmony 5) not injurious to neighborhood 6) spirit of ordinance secured. Britigan said that he did not see this as a practical difficulty but as a business issue. Not a land use matter. He feels that it would cause light pollution, compromise the lighting in the neighborhood, and would cause an adverse effect on real estate values.

Bob Cox of 317 Parchmont and Sign Crafters commented: PUMC is in a unique circumstance. The church has 3 roads and 2 entrances. Brightness has not been discussed yet. A business in a residential area is an unusual circumstance.

Strehlow asked, was there thought given to illumination by PUMC?

Headley stated that the light's programming could dim the brightness of the sign.

Chairperson Lasher inquired as to whether brightness of signs was in the ordinance?

Zoning Administrator Harvey said that the brightness of the signs could be a condition of the variance criteria vs a merit of standard. The Planning Commission needs to decide the criteria – when lit, how bright, etc.

Dan Clossen of 403 Espanola, member of PUMC Board of Trustees. The intent of the church signs is not to be a nuisance. We just want to announce events in a professional non-intrusive way. No Las Vegas garish intrusiveness by the signs. The church chose a local sign company to help with a more acceptable sign. Our target audience is the families. The top portion of the sign will be shut down at an appropriate time. Only the PUMC part would remain lit. The church would like to reach people on both sides of the building.

Strehlow asked if the sign would be static?

Clossen stated that the light on the PUMC part is low lit only the letters would be lit.

Chairperson Lasher asked if lit in a continuous manner is allowed. Harvey stated that it was allowed. Headley reiterated lit, but not digital would be acceptable.

Clossen said that they do not want to use some lighting that offends. Currently they put out static signs and banners. They have no intent to abuse opportunity.

Karen Martin-Holm of 286 Glendale asked who in the group would want to live across from a brightly lit sign. She also stated that she knows nothing about the ordinances.

Cheryl Baker of 6927 Springbrook and a church member stated that PUMC is a small church and they are struggling to grow their congregation and to keep it alive. She believes that property values will decrease more if the doors of PUMC close.

Public Hearing closed at 7:50 pm

Chairperson Lasher talked about the practical difficulty and property owners in the area. He reminded the Board that a ZBA decision sets a precedence and this is a precedence setting decision.

Zoning Administrator Harvey stated that variances are precedential. As the ZBA goes through the criteria their goal is to identify practical difficulty and make a finding on each criterion. A court may grant a variance. She reminded the Board to ask themselves if the intent of the ordinance was met? Number of signs and changeable wording. The ZBA does not have to find a favorable decision for all the criterion.

Chairperson Lasher stated that three letters were received from the public: John and Lynn Tecca and Mike Conner.

Chairperson Lasher started with the request for two signs.

Headley stated that he could see practical difficulty because of the two entrances at Parchmount and Glendale. He would like the stipulation added that if the small signs were removed they could be replaced by large ones.

Strehlow understands that both streets needed a sign.

Chairperson Lasher cited Sec. 15.6 Allows three-sided property to have two signs. Two would meet qualification of ordinance.

Motion by Headley to allow for two new signs with the stipulation that the 2 existing signs be removed. 2<sup>nd</sup> by Lasher. Zoning Administrator Harvey

stated that it could be a single proposal that fails to comply with two standards or request two different standards. Headley said that he made the motion on the 2<sup>nd</sup> part of the proposal. Z.A. Harvey stated that it can be asked in any fashion that is proposed.

Strehlow believes that the conversation should be reviewed.

Chairperson Lasher nullifies the motion by Jason.

Strehlow stated that he sees both sides of variance request. The more he hears from residents causes him to not be in favor of a variance request.

Headley cited that residents are not supportive of signs. Would not like it outside his home and he does not necessarily see it as a hardship for the church.

Chairperson Lasher noted as he read through the criteria that it is not showing substantial justice to PUMC and the surrounding neighborhood. He does not believe it is a unique circumstance but a self-created problem.

Headley motioned to deny the variance request for PUMC as it does not make for a hardship on the church. He also stated that he does not want to set a precedence. 2<sup>nd</sup> by Strehlow.

Chairperson Lasher stated that the illumination and the second sign does not meet the criteria.

Headley wanted to see where a church could be allowed two separate signs. He asked about tabling the matter?

Chairperson Lasher asked if this could be tabled so that PUMC could reissue another application?

Z.A. Harvey stated that a conclusion has been made. When a proposal comes before the ZBA they can respond to each element separately. Each item may be taken separately so that each decision is spelled out. It's a legislation action (Planning Commission) not a judicial action.

Motion to deny the variance request in its entirety was made by Lasher and 2<sup>nd</sup> by Strehlow. Supporting the denial with their Ayes: Strehlow, Headley  
Nays: Lasher. Motion Fails

Strehlow asked that Pastor Davenport address the possibility of non-illuminated signs.

Pastor Davenport reiterated that PUMC was not asking for static signs, just LED ones. They were just trying to get rid of their tacky portable signs.

Z.A. Harvey – The Applicant is asking for the ZBA to change the rule for them alone, no one else. Not the same as the Planning Commission. Here are reasons to change an ordinance. The Planning Commission looks decides what they want for the district. Applicant can argue for it but must apply to Planning Commission for changes.

Chairperson Lasher called for a motion.

Headley motioned to deny the variance request as a whole. Strehlow 2<sup>nd</sup>.  
Roll call vote Ayes: Strehlow, Headley, Lasher Nays: none

Chairperson Lasher appreciates the discussion with residents and the ZBA encourages PUMC to apply to the Planning Commission for a change.

No further comments from the Board.

Adjournment at 8:22pm.

Minutes typed by Nancy R Stoddard, Parchment City Manager



# Instructions and Information For Application for Variance

The Zoning Board of Appeals (ZBA) may grant variances to the City of Parchment's Zoning Ordinance (Ordinance No.155). Types of variances that may be considered by the ZBA are for relief from dimensional requirements such as lot area and width, building height and square foot regulations, yard width and depth, off-street parking and loading space and sign regulations.

To obtain a variance the applicant must show that a "practical difficulty" exists. In determining if a practical difficulty exists, The ZBA shall consider whether the following conditions exist:

1. That strict compliance with area setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity unnecessarily burdensome;
2. That a variance would do substantial justice to the applicant as well as to other property owners in the district;
3. That the plight of the owner is due to the unique circumstances of the property;
4. That the problem is in no way self-created.

These are the only legal reasons the ZBA can grant a variance. When completing your application please keep these in mind. Questions number 8 and 9 specifically address these items.

To request a variance complete the attached application. The meeting schedule and application deadlines are also attached. The typical filing fee for applying for a variance is \$150 and is due with the submission of the application. A public hearing is required. This involves public notice in the newspaper as well as letters sent to each property owner within 300 feet of the property for which the variance is being requested.

RECEIVED

FEB 10 2020

PAID





650 S. Riverview Drive • Parchment, Michigan 49004  
(616) 349-3785

## Application for Variance From Ordinance No. 155 (Zoning Ordinance)

NAME: MARY WHITTAKER DUNCAN, RA  
INFORM ARCHITECTURE, LLC  
ADDRESS: 401 E. MICHIGAN AVE  
KALAMAZOO, MI 49007  
PHONE: 269-270-3331

1. Street address, Legal description (plat & lot or metes & bounds) and tax id number of property  
643 N. RIVERVIEW DR.  
PARCHMENT ADDITION LOTS 10 AND 11, BLK 3  
TAX ID : 390602110280
2. Are there any restrictions which encumber the property –i.e. deed or plat restrictions, easements, contracts, etc.  
NO
3. Applicants interest in the property (titleholder, land contract holder etc.) If owner is other than the applicant please give owners name and address.

MAYRA MELCHOR - SOLANO  
2112 LUELLA ST  
KALAMAZOO, MI 49001

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4. If not the titleholder, does the titleholder approve the application?  
Title holder's signature must be on form.

YES

5. Present zoning classification

C2 - SERVICE & BUSINESS

6. A.) Present use of Property

PREVIOUS USE WAS AS A FOOD  
ESTABLISHMENT (BUILDING WAS VACANT  
FROM NOVEMBER 2018 - JUNE 2019)

- B.) Proposed use of Property if different then Present Use

CONTINUED USE AS A FOOD ESTABLISHMENT

7. Nature of the Variance Requested

- a. Section number(s) of Zoning Ordinance for which variance  
is being requested:

SECTION 17.1

(ENCROACHMENT OF REQUIRED SETBACK)

- b. Description of variance being requested. Please be specific.

PROJECT INCLUDES EXPANSION OF NON-  
CONFORMING BUILDING. THE ADDITION  
IS A 12' X 12' WALK-IN COOLER, RESULTING  
IN MINIMAL CHANGE TO THE EXTERIOR & EXISTING  
CONDITIONS.  
THE ADDITION DOES NOT ENCROACH FURTHER  
THAN THE EXISTING BUILDING INTO THE SETBACK,  
BUT DOES ENCROACH UPON THE REQUIRED SETBACK.

- c. Attach a detailed lot diagram which shows size, location, YARD DIM-  
present and/or proposed improvements. Include ENSION.  
dimensions for lot and all buildings, setbacks, etc.  
Minimum 8 1/2" x 11"

SEE ATTACHED.

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FEB 10 2020

PAID

8. Describe why you feel you cannot comply with the Ordinance as currently written. Be as specific as possible.

TO COMPLY WITH THE REQUIRED SETBACK  
WOULD PLACE THE WALK-IN COOLER  
ADDITION IN THE PARKING LOT, MAKING  
IT DIFFICULT TO MEET THE REQUIRED  
NUMBER OF PARKING SPACES.

9. Applicant must demonstrate practical difficulties or undue hardship that you feel justify the granting of the variance. Please review the instruction sheet for an explanation of practical difficulties or undue hardship. An inconvenience is not considered a practical difficulty.

THE PLIGHT OF THE OWNER IS DUE  
TO THESE FACTORS:

1. THE SITE IS ALREADY BUILT  
AND ALREADY NON-CONFORMING
2. PARKING IS TIGHT. IT WOULD BE EVEN  
MORE DIFFICULT TO MEET THE  
PARKING REQUIREMENT IF THE  
ADDITION LOCATION MET THE  
REQUIRED SETBACK.
3. THE WALK-IN COOLER NEEDS TO  
BE ATTACHED TO THE BUILDING  
AT THE KITCHEN AREA. THE KITCHEN  
AREA IS LOCATED IN THE  
PORTION OF THE <sup>EXISTING</sup> BUILDING THAT  
SITS IN THE REQUIRED SETBACK.

RECEIVED

FEB 10 2020

PAID



I hereby grant the Zoning Board of Appeals permission to conduct a site visit to the above-described property. I or my representative will be at the Zoning Board of Appeals meeting to answer any questions the Board might have.

Signature: Maya Whittaker Duncan Date: 2/6/20

Permission of Title Holder (if different than applicant)

I Mayra Melchor as titleholder of the property named above do hereby approve of this application for a variance. I hereby grant permission for a site visit to the property.

Signature: Mayra Melchor Date: 02/07/20

RECEIVED

FEB 10 2020

PAID

## Section 17.1. - Schedule limiting height, size, density, and area by zoning district.

The following regulations regarding lot sizes, yards, setbacks, building heights, and densities apply within the zoning districts as indicated, including the regulations contained in section 17.2, Notes to Schedule of Regulations. No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located. No portion of lot used in complying with the provisions of this Ordinance for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

Zoning District	Min. Size Per Zoning Lot (a)		Max. Building Height		Max. Building Lot Coverage (%)	Min. Yard Setback Requirements Per Zoning Lot in Ft. (b)(c)(d)(e)(k)			Min. Liveable Floor Area In Square Feet (e)(f)	Max. Gross Density in Units Per Acre
	Area in square feet	Width in Ft.	In Stories	In Feet		Front (g)(h)	Each Side	Rear		
R-C, Recreation Conservation District (t)	1 ac	150	1	15	30	25	25	50		
R-A, Single-Family Residential (i)	8,500	66	2.5	30	35	25	7.5	40	1,200	5.12
R-T, Residential Transitional District	8,500	66	2.5	30	35	25	7.5	40	1,200	5.12

R-M, Residential Multiple- Family (m)(n)	7,000 (j)	70	3	40	40	25	15 (l)	30		10
C-1, Central Business District			2	25	(o)		(r)	30 (q)		
C-2, Service Business District			1	20	(o)	25 (p)	15 (r)	30 (q)		
C-3, General Business District			3 above ground	40	(o)	25 (p)	15 (r)	30 (q)		
I-M, Industrial Manufacturing District	1 ac	150	1	30	(o)	25 (p)	25 (r)	50(q)(s)		

(Ord. No. 179, § 1, 2-4-02)



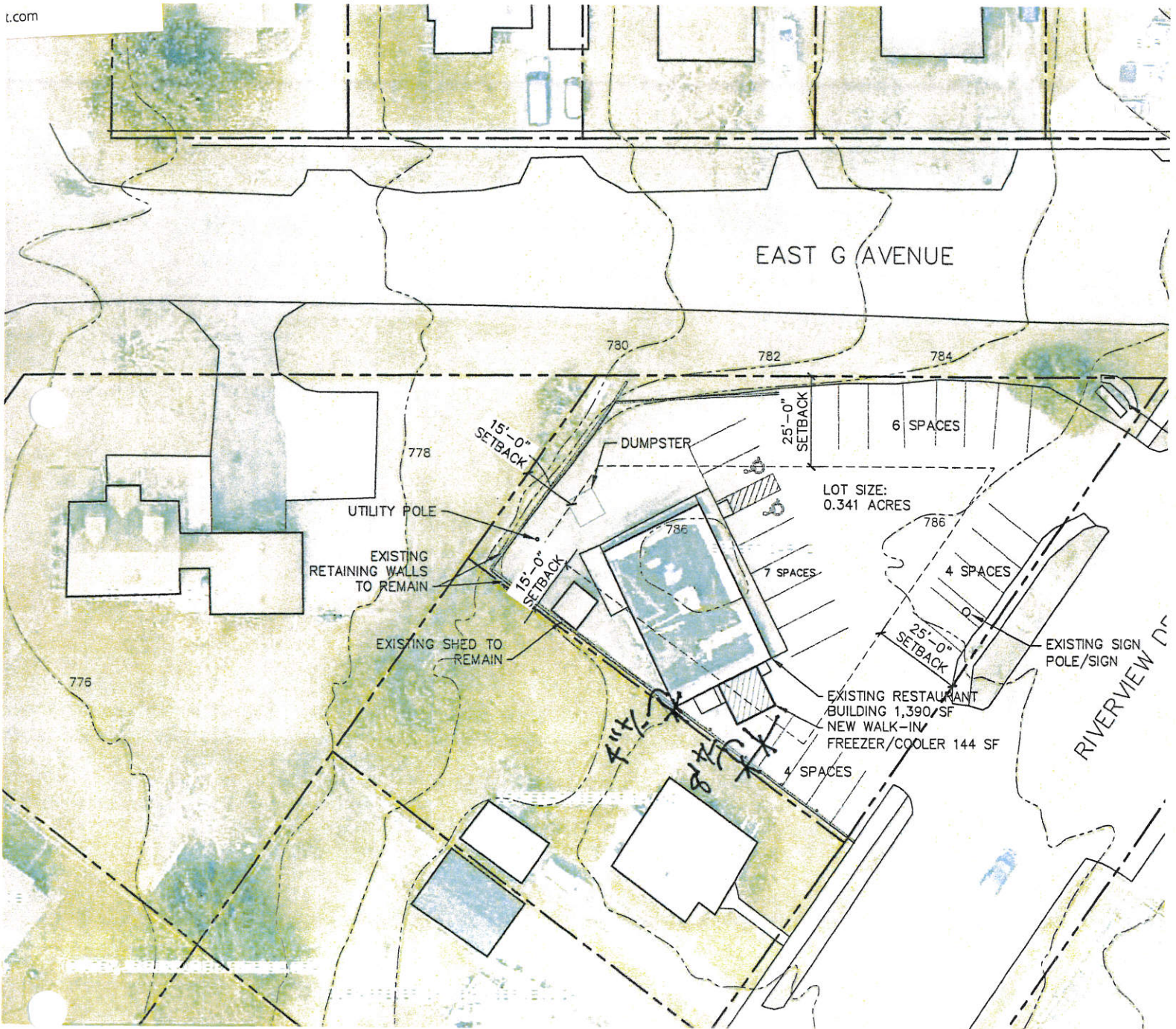
er Duncan, RA

con

ecture

venue, suite 100  
49007

t.com



SITE PLAN

SCALE: 1" = 20'-0"

ZON  
C-2

PAR  
CITY  
PARK  
TWO



STATE OF MICHIGAN )  
County of Kalamazoo

ss Shannon Stutz

Being duly sworn deposes and say he/she is Principal Clerk of



## THE KALAMAZOO GAZETTE DAILY EDITION

a newspaper published and circulated in the County of Kalamazoo and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(days) \_\_\_\_\_

March 10 A.D. 20 19

Sworn to and subscribed before me this 11 day of March 2019

Janice M. Degraaf  
JANICE M. DEGRAAF  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF KENT  
MY COMMISSION EXPIRES Oct 3, 2020  
ACTING IN COUNTY OF Kent

March 1, 2020

Submitted  
to legals -  
will forward  
when they send  
us a proof

SS

39-06-02-  
110-280

CITY OF PARCHMENT  
COUNTY OF KALAMAZOO,  
STATE OF MICHIGAN

### NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING  
FOR THE PURPOSE OF RE-  
CEIVING PUBLIC INPUT FOR  
A VARIANCE FOR PARCEL  
NUMBER 06-02-165-481 RE-  
GARDING SIGN INSTALLA-  
TION PER THE REQUEST OF  
PARCHMENT UNITED  
METHODIST CHURCH.

It is hereby noticed that the  
City Commission of the City  
of Parchment, County of Ka-  
lamazoo, State of Michigan,  
shall conduct a Public Hear-  
ing on Wednesday, March  
27, 2019 at 7:00 p.m. in the  
City Commission Chambers  
located at 650 S. Riverview  
Drive, Parchment, Michigan.  
The purpose of the public  
hearing will be to receive  
public input and comments  
regarding the proposed var-  
iance of parcel 06-02-165-  
481.

The proposed variance in-  
cludes a description of the  
eligible property and why  
the change has been re-  
quested.

Copies of the proposed var-  
iance will be available for  
public review at the Parch-  
ment City Hall. For further  
information please contact  
City Hall at (269) 349-3785.

Shannon Stutz, City Clerk  
City of Parchment

39-06-02-  
110-280  
Re: Expansion of  
Non-conforming building  
Per the request of  
Mayra Melchor-Solano  
Thursday, April 9, 2020  
@ 6pm