

MINUTES OF THE COOPER TOWNSHIP ZONING BOARD MEETING ON FEBRUARY 3, 2022

A meeting of the Zoning Board of Appeals of Cooper Township was held on February 3, 2022 at 4:30 pm at the Cooper Charter Township Hall, 1590 West D. Avenue, Kalamazoo, Michigan.

Members Present: Stephen Magura, Stephanie Davis, Sheryl Gluchowski, Carol DeHaan, Dave Fooy.

Members Absent:

Also Present: Anne Seuryneck, Township Attorney; Julie Johnston, Township Planner; Applicants Lonnie and Peggie Sparks

Chairperson Gluchowski called the meeting to order at 4:30 p.m.

Review and Approval of Minutes

Chairperson Gluchowski asked that the draft minutes of the October 28, 2021 meeting be corrected to indicate that there was a unanimous vote to approve motion to un-table the Watts variance request. A motion to approve the October 28, 2021 minutes as amended was made by Comm. Davis and supported by Comm. DeHaan. Motion carried unanimously.

Lonnie and Peggie Sparks Distance Variance Request

Applicant: Lonnie and Peggy Sparks
Parcel: 02-22-101-012
Request: Consideration of a variance to reduce the 1,000-foot distance between two duplex developments in the R1 Rural District to 490 feet.

Chairperson Gluchowski asked the Board to introduce themselves to the Applicants.

Mr. Sparks explained that they would like to build a duplex. He plans on constructing the structure so that it does not look like a duplex. He does not see anyone building a single-family house on that property because of the location. He owns seven lots on North Westnedge Ave. and he plans to construct single family homes on those lots. So, he would like to utilize those properties and have nice housing in that location.

Mr. Sparks would like to build the duplex on the location specified in the application because he is trying to get as much separation as he can between duplexes. He is hoping more nice properties will be built around the duplex.

Chairperson Gluchowski asked why he carved out this piece on the property as he did in the application. Mr. Sparks noted that he wanted to provide as much separation as possible between the duplexes.

Mr. Sparks explained he is just changing the lot line and not creating a new parcel. Township Planner Johnston explained that they are proposing a lot line adjustment and not a lot split. They are proposing to make the property (Parcel G on their survey) smaller (150-foot-wide frontage) and adding the remainder to Parcel F. Comm. Fooy inquired why that is not creating a separate parcel. Township Planner Johnston explained that there will continue to be 7 parcels, but they will be configured differently. The Sparks cannot change the number of lots because they have no additional lot splits currently available.

Chairperson Gluchowski wanted to understand the logic regarding why the Applicants would want to build a duplex in that location. Mr. Sparks states that he hopes to build nice owner-occupied property on North Westnedge Ave. and does not think some would want a single family home adjacent to the trailer park.

Chairperson Gluchowski asked how many parcels backed up to the trailer park. Township Planner Johnston explained that Parcels D, E, F, and G are adjacent to the High-Density Residential District. Parcels A, B, and C back up to the R-1 District. Comm. Magura discussed whether the trailer park will back up to the property and whether it will be expanded. Comm. Magura raised the issue because the Applicant believes a future home on the property would not be desirable because of the location to the trailer park.

Mr. Sparks stated that the lots on North Westnedge are desirable and a beautiful place to live but does not think the proposed property for the duplex is desirable for a single-family home. He does not want to use a large lot for a duplex.

Chairperson Gluchowski opened the public hearing for public comment.

No member of the audience desired to comment. Further, there were no written comments for the record. There being no comment, Chairperson Gluchowski closed the public hearing.

Board Discussion

Comm. Magura questioned whether special consideration should be given to property that is on the boundary of another zoning district. For example, if a property requesting a variance next to property that is zoned a junk yard, he asked whether the ZBA can take that into consideration. Township Attorney Seurynck commented a variance runs with the land, and the use of the neighboring property may change. Township Planner Johnston indicated that he may be thinking more of zoning or rezoning where adjacent land uses come into play.

Comm. Magura addressed whether this was a self-created hardship and whether the high-density property was already there when they purchased the property. Mr. Sparks indicated it was there

when he bought the property. He was aware of the zoning. Mr. Sparks thought it helps the tax value in the Township because of the way the duplex will be built. Comm. Davis indicated there is a single-family home that is in the area occupied by the people who run the trailer park.

Chairperson Gluchowski wondered if the Applicants can comply with the zoning ordinances, and if it is something that is generated by the property itself, and not by what the Applicants want to do. The state regulates what the ZBA can consider.

Mr. Sparks indicated that they could comply with all Township ordinances. He has built in the Township before.

Chairperson Gluchowski stated that the problem is putting the properties too close together and not just the marketability of the house. Mr. Sparks states that he wants to put the duplex where it fits best and not between residential single-family homes.

Township Planner Johnston clarified that a duplex in the R-1 District is a special exception use. Even if the variance was approved, the Applicants would have to go to the Planning Commission to get approval of the special use.

Comm. DeHaan noted that the Applicants would have the ability to put the duplex on one of their properties and meet the 1000 feet distance requirement. Township Planner Johnston explained it would have to be at least Parcel E before they got to the 1000 feet distance.

Comm. Fooy asked when they can split the parcels again. Township Planner Johnston explained they could request new splits in 10 years.

Comm. DeHaan made a motion to deny the variance because the variance request does not meet the requirements of Section 120.90.E.3(a), (d), and (f) of the Zoning Ordinance for the following reasons, as stated more fully in the staff report dated January 23, 2022:

- (a) The request would be conflicting with the spirit of the ordinance, which is to provide some separation between multiple unit developments.
- (d) There are no specific conditions pertaining to this property that are unique to the parcel.
- (f) Could not find a unique physical condition or extenuating circumstance that is specific to the property, and it is a self-created hardship.

Chairperson Gluchowski supported. There was further discussion about the proximity of another single-family home.

Roll Call

Magura: Yes
Davis: Yes
Fooy: No
DeHaan: Yes
Gluchowski: Yes

Motion to deny variance passed 4-1.

Other Business

Township Planner Johnston introduced the process for approval of the Chairperson and Vice-Chairperson for 2022.

- a. *Chairperson:* Comm. Davis asked if Comm. Gluchowski is still interested in the position of Chairperson. Comm. Gluchowski was still interested in the position of Chairperson and accepted the nomination. No one else was interested in the position. Comm Magura moved to appoint Comm. Gluchowski as Chairperson. Comm. Davis supported. Motion carried unanimously.
- b. *Vice Chair.* Chairperson Gluchowski nominated Comm. Magura, noting that he had the most experience. Comm. Magura accepted the nomination. No one else was interested in the position. Chairperson Gluchowski moved to appoint Comm. Magura as Vice-Chairperson and Comm. DeHaan supported. Motion carried unanimously.

The Board had further discussion and feedback on the training. The Board Members acknowledged the issues are not cut and dry and it is good to express different opinions. Comm. Magura made some additional comments about consolidating the surveys for future variance requests.

Citizen Comments

No public comments.

Adjournment

Motion to adjourn by Chairperson Gluchowski and supported by Comm. Davis. Motion carried unanimously. Meeting adjourned at 5:15.