

Agenda

Zoning Board of Appeals

City of Kalamazoo



Thursday, October 14, 2021

7:00 PM

Electronic Meeting

A. CALL TO ORDER/ROLL CALL

B. APPROVAL OF MINUTES

1. Approval of minutes from the Zoning Board of Appeals meeting on September 9, 2021

C. COMMUNICATIONS AND ANNOUNCEMENTS

D. PUBLIC HEARINGS

1. ZBA #21-10-13: 3105 Winchell Avenue. Emily Agnello is requesting a variance from Appendix A, Chapter 4, Section 4.2, K 2. c), to authorize a group daycare on a local street where group daycares are required to be located on collector or arterial streets with more traffic volume.

E. DISCUSSION/ACTION ITEMS

F. REPORTS

G. ADJOURNMENT

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
September 9, 2021 - 7:00 p.m.**

This meeting is being conducted electronically pursuant to the Open Meetings Act MCL 15.263 (2) and MCL 15.263a 1(b).

Members Present: Matt Lager, City of Kalamazoo, MI; Chris Flach, City of Portage, MI; Christina Doane, City of Kalamazoo, MI; Jeremy Terpening, City of Kalamazoo, MI; Beth van den Hombergh, City of Kalamazoo, MI; Remi Harrington, City of Kalamazoo, MI;

Members Absent: Jeff Carroll

City Staff: Pete Eldridge, Assistant City Planner; Clyde Robinson, City Attorney; Shelby Donaldson, Recording Secretary

Chair Lager called the meeting to order at 7:02 p.m.

Chair Lager noted the meeting was being streamed live on Facebook and the City's You Tube channel.

Mr. Eldridge did a roll call of the members present for the meeting.

Chair Lager if the staff had any announcements or changes to the original agenda and there were none.

MINUTES:

Ms. van den Hombergh, moved to approve the minutes of August 12, 2021 as submitted, seconded by Mr. Terpening.

Motion approved by voice vote unanimously.

NEW BUSINESS:

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 which will be aired for the panelist and audience. The public can call in to 269-226-6573 to leave comments for any of the properties on the agenda then the public hearing will be closed on the request. The

Board will then conduct the finding of fact. The Board must approve the Finding of Fact therefore the first vote you hear 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 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 to grant a motion for a non-use or use variance.

Ms. Doane read the application for 3301 S. Burdick St., Parcel # 06-34-201-001:

ZBA#21-09-10: 3301 S. Burdick St.: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Moiles Properties, LLC (Kalamazoo Animal Hospital) for 3301 S. Burdick Street, which is situated in the Manufacturing – Limited District (M-1). The applicant is requesting a dimensional variance from Chapter 50, 50-7.2 A, to authorize a variance of fifteen (15) off-street parking spaces to allow for 30 off-street parking spaces where 15 is the maximum number of off-street parking spaces permitted for the 3,986 square foot Kalamazoo Animal Hospital.

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 18 notices of public hearing sent, and zero responses were received.

Moiles Properties, LLC (Kalamazoo Animal Hospital) was the applicant for the variance and Nick Loeks and Dr. Ron Moiles spoke for Moiles Properties LLC.

Mr. Loeks stated there are currently 13 spaces on site for the animal hospital, but they are allowed to have 15. The hospital currently has eleven to twelve employees on site and are seeking to add more to bring it to a total of 17 employees. There are four exam rooms in the hospital and if all the rooms are full and one is waiting, that would bring the number needed to roughly 25-26 spaces between the employees and clients. They also need to account for animals that need to be dropped off and picked up. They are currently leasing six spaces from Boonzayer's Bakery for employee parking, so they are seeking a variance to add more than the fifteen parking spaces that are allowed, to their site.

Dr. Moiles stated has been there since 1989 and had a large increase in clients in the past two yrs. Since the pandemic they added curbside service and stated that during the pandemic, his is the only area clinic that accepted new clients because curbside service takes more time. His business grew by about 42% because he accepted new clients and sees a need to add two doctors and six support staff. He wants to add the parking closer to the building for his staff and reserve the front parking lot for clients.

Chair Lager asked if the new parking would be behind the building and Dr. Moiles said yes. He also stated that the back appears to be a wooded area. Mr. Loeks said it is and there's also wetlands back there. They wouldn't dig there but only about 60 feet behind the building. Chair Lager said he doesn't think the lot would be visible from the street and Mr. Loeks agreed. Mr. Loeks also stated they haven't submitted this for site plan yet because they wanted to get through the zoning board first to see if they could get the variance passed. Dr. Moiles stated

there is a drive to the right side of the building and that would be the access to the back of the building.

Chair Lager asked if there were questions from the board and Ms. Harrington asked what Mr. Loeks role is at the hospital and he stated he is the engineer that prepared the drawing. Mr. Flach asked if the parking worked prior to the increase and Dr. Moiles said it was always tight but the last couple of years have been really difficult and they have been turning clients away. Mr. Flach then asked if he expected a decrease in clientele and Dr. Moiles said no, he is adding more staff because this year alone they have seen a 40% increase and adding two more doctors would allow them to double that number. Mr. Flach asked how many spaces they would need to add to operate according to their expected growth because he wanted to know if the board should anticipate them coming back for another variance. Dr. Moiles said they only have room for the spaces he's requesting. Mr. Flach asked about current parking options and Dr. Moiles said they lease spaces from Boonzayer's Bakery for employees, but they are placed at the far end of the parking lot and in the winter his employees have to walk through the snow and sometimes leave after dark. Mr. Flach asked if he agreed that is only a temporary solution and Dr. Moiles replied yes. It is a gentlemen's agreement that can end at any time.

Staff comments from Mr. Eldridge, stated that addition of staff will generate a need for at least twelve parking spaces. He noted that although there is an ordinance category for office space for calculating off street parking there isn't one for medical clinics, hospitals or veterinary clinics. It's one parking space for every 300 square feet of gross floor area. He recalled a parking variance granted for a marihuana retailer on Drake Road due to the high number of employees. He stated if staff were added they would be over the allowed number for off street parking and the current parking would leave no room for clients, which isn't practical in the long run. The property is in the Natural Features Protections overlay and Mr. Loeks is aware of this, but this will be looked at during site plan review.

Ms. Harrington asked if coming to the Zoning Board may have been premature and should they have gone to site plan before coming to them. Mr. Eldridge stated that any property that touches on any of the protected features is included in the overlay but the property itself isn't protected, and the issues will be taken up in site plan. Ms. Harrington then asked if the building and business needs will take priority over nature and will Mr. Loeks be accommodating to the natural features in his design. Mr. Eldridge said where the natural features are located will be looked at in site plan because it's not known at this time exactly what portion is protected. Mr. Flach asked for clarity that this will still need to go to site plan and through the Natural Features Protection Board and they will make sure that the environment is protected. Dr. Moiles said he has a large property, and they are only taking out a few trees and not going into the wetlands.

Public comment: Mr. John Hilliard, the president of the Milwood Neighborhood Watch, gave his support.

Chair Lager closed the public hearing.

FINDING OF FACT

Ms. Harrington moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 3301 S. Burdick Street shall include all information included in the notice of public hearing dated August 25, 2021.
- 2.) Eighteen 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 did not receive documents, but one phone call was received from Mr. John Hilliard, president of the Milwood Neighborhood Watch, in support of the variance.
- 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:

Dr. Moiles requested fifteen additional parking spaces for his animal hospital located at 3301 S Burdick Street. There has been a 43% increase in clients since the Covid 19 pandemic has started and wants to hire two new doctors and at least six new support staff. He also indicated he needs more parking to accommodate curbside service and to help with current and future increases. He wants to clear the back of his property to create additional parking for his staff and Nick Loeks prepared engineered plans to assist with this.

Mr. Flach had concerns about additional variances being applied for in the future and Dr. Moiles has stated he will not need to make an additional request.

Staff comment spoke to hardship regarding the six leased parking spaces from Boonzayer's Bakery, which creates a hardship for employees, they are paying a \$20 fee per space to park there and his mostly female staff must walk at night to get to their cars. They haven't submitted a site plan yet and the natural features protection also raises a concern for them.

Mr. Terpening seconded the Finding of Fact.

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

Ms. van den Hombergh moved to approve the application for approval of the variance, Moiles Properties, LLC (Kalamazoo Animal Hospital) for 3301 S. Burdick Street. The applicant is requesting a dimensional variance from Chapter 50, 50-7.2 A, to authorize a variance of fifteen (15) off-street parking spaces to allow for 30 off-street parking spaces where 15 is the maximum number of off-street parking spaces, seconded by Mr. Terpening

Discussion:

Mr. Flach stated his support of the variance based on the ordinance for off street parking not taking clinical use into consideration and being only concerned about the office use. He stated, according to Google maps, he can imagine other businesses in the area having the same issue. He also feels they will do their best not to disrupt the natural features. Chair Lager also gave his support for the reasons Mr. Flach stated but added that he didn't feel it would negatively impact any of the adjoining landowners. Mr. Terpening also showed his support stating that he knows the hospital has helped some of the less fortunate people in the area and has a neighbor who has personal experience with the clinic in his time of need.

Motion approved by roll call vote unanimously.

Chair Lager has recused himself from voting in this hearing due to conflict of interest. He will not vote but will still chair this portion of the meeting.

Ms. Doane read the application for 738 Harrison Street, Parcel # 06-15-275-008:

ZBA#21-09-11: 738 Harrison Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by KNHS Home Ownership Services for 738 Harrison Street, which is situated in the Residential – Mixed Use District, Sub Area 2, of the Riverfront Overlay. The applicant is requesting the following: 1) A dimensional variance from Appendix A, Chapter 5, 5.1, of 6.5 feet to authorize a 37.5 foot wide lot to be buildable where the required lot width is 44 feet in the RMU District; and 2) A dimensional variance from Appendix A, Chapter 5, 5.1, of 1,169 square feet to authorize a 4,331 square foot lot to be buildable where the required lot area is 5,500 square feet in the RMU District.

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 25 notices of public hearing sent, and zero responses were received.

KNHS Home Ownership Services was the applicant for the variance.

Matt Milcarek, of KNHS, gave a brief background of the partnerships with the City of Kalamazoo, LISC, and the Western Michigan Home Builders Association for the past several years building infill housing in the city's core neighborhoods. Eight homes have been built and sold to area residents and they purchased the lot from the City of Kalamazoo with the intent to build a single-family home on it and realized there were some zoning issues that needed to be addressed. He said the house works for the lot and is about the same size as homes in the area but the zoning for the lot makes it unbuildable for the home. He said the lot size is approximately the same size as other lots with homes on them in that area. He said approving the variance will allow the infill to happen and is in line with the city and the Northside Neighborhood Strategic Plans of infill on vacant lots where there was once a home. These infills have helped combat the displacement and housing shortage for families and area residents looking to become homeowners.

Ms. Doane asked the percentage of homes in the area that on lots the same size and Mr. Milcarek said there are seven houses on that side of the street.

Chair Lager asked for staff comments and Mr. Eldridge reiterated some of what Mr. Milcarek said and added there have been more vacant lots in the last ten years for various reasons. He added some of the houses on that block are on lots that are smaller than this one and being able to build the housing units falls in line with the city's infill housing initiative and touches on the city's strategic and master plan as far as complete neighborhoods. He added that there are a lot of things going on in that area of the northside such as new businesses and apartment buildings, but this area's classification allows for lower-medium residential development as well as low intensity commercial, and this would be another good addition. He stated in 2018 there was an update to dimensional standards for residential lots, as far as minimum lot width and minimum lot area and it's not clear why the residential mixed use zone district isn't updated as well and in any other residential zone district this would have been a buildable lot. He stated the zoning board of appeals was the only way to address the shortcomings of the size of this lot.

Ms. Harrington asked Mr. Eldridge what the definition of infill housing is, and Mr. Eldridge explained that it is the individual construction projects on blocks that have buildable vacant lots. She then asked if it was specific to vacant buildable lots in neighborhoods that these spaces are being identified for the purposes that Mr. Milcarek is bringing to the board, since there is also an abundance of unbuildable lots and Mr. Eldridge replied yes because some of the lots are too narrow to build on so those are sold to neighboring properties to give them more green space.

Chair Lager asked for comments from the public and there were two.

Pamela Jenkins, of 1206 Egleston Avenue in Kalamazoo Michigan. She stated her support saying that KNHS was instrumental in helping her purchase her home and there is a need for more affordable housing in Kalamazoo.

Stephanie Hoffman, a Kalamazoo Northside resident, called in and voiced her support of the variance. She said home ownership has been a need in our community and that there is a housing crisis and spoke to what it would look like to give people the opportunity to experience homeownership, specifically families of color and indigenous people.

Chair Lager closed the public hearing.

FINDING OF FACT

Mr. Flach moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 738 Harrison Street shall include all information included in the notice of public hearing dated August 25, 2021.
- 2.) Twenty-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 provided in the agenda packet provided by staff,
- 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:

Noting that Chair Lager has a vested interest in this proceeding, Chair Lager said he would run the meeting but would withhold any comments and abstain from the vote. The applicant, KNHS represented by Matt Milcarek, purchased the property with the intent of building a single-family home on Harrison Street and after purchasing the lot they realized the lot was unbuildable not only for their house but for any house, given the current zoning code. Most, if not all the lots on the street are the same size and staff noted that the city has partnered with KNHS to provide infill housing. Staff also noted that many of the lots on Harrison Street are currently unbuildable and are, in fact, smaller than the one that has been purchased by the applicant and that this lot would be buildable if it was in any other zoning district than the one it is currently in.

Two comments were made, one by Pam Jenkins and one by Stephanie Hoffman, both in support of the variance.

Mr. Terpening seconded the Finding of Fact.

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

Ms. Doane moved to approve the application for 1) A dimensional variance from Appendix A, Chapter 5, 5.1, of 6.5 feet to authorize a 37.5 foot wide lot to be buildable where the required lot width is 44 feet in the RMU District and 2) A dimensional variance from Appendix A, Chapter 5, 5.1, of 1,169 square feet to authorize a 4,331 square foot lot to be buildable where the required lot area is 5,500 square feet in the RMU District and was seconded by Mr. Terpening

Discussion:

Ms. Harrington and Mr. Terpening voiced their approval of the work being done by KNHS. Ms. Doane also gave her approval because if this lot were in any other district, it would be buildable. Ms. Harrington asked if there is a way to do a blanket pre-approval for all of the infill properties and Mr. Eldridge replied that there aren't many lots under the RMU zoning and some of them don't need a variance and others already have homes on them. He also said if there was an RMU area that had a lot of these parcels it might make sense to rezone the area. Mr. Robinson added that by Michigan law, you can't grant a blanket variance and would have to do it by individual property but what could be done is, as mentioned by Mr. Eldridge, rezone an area.

Motion approved by roll call vote unanimously, with Chair Lager abstaining.

Ms. Doane read the application for 3928 Portage Street, Parcel #06-35-329-001:

ZBA#21-09-12 3928 Portage St.: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Organic Guyz, LLC for 3928 Portage Street, which is situated in the Commercial – Community District (CC). The applicant is requesting a dimensional variance from Chapter 50, 50-4.4 E (1)(b), to authorize a variance of 350 feet from the required 500-foot separation distance between a marihuana retailer and a licensed childcare center. There is a Kalamazoo Regional Education Services Agency (KRESA) preschool on Portage Street which operates during the calendar school year which is licensed as a childcare center.

Please note that this request will not change the zoning classification of the property. This is a request for a use variance only regarding the items described above. There were 33 notices of public hearing sent, and five responses were received. Three were against and two were for the variance.

Organic Guyz, LLC was the applicant for the variance.

Sean Myers, the attorney for Organic Guyz, stated the owner, Ray Foumia, purchased the property with the intent to add an adult use retailer at this location and Mr. Foumia signed a purchasing agreement that was contingent on this being zoned properly for a marihuana retailer. Mr. Myers stated Mr. Foumia received provisional approval from the zoning department sometime last year and after receiving the approval Mr. Foumia decided to rent the space to Organic Guyz, who also did a zoning application and they received provisional approval as well. He said both the owner and his client have put a lot of money into the property and Mr. Foumia closed on the property because it was contingent on the proper zoning. They later found out the childcare center, located inside the Milwood United Methodist Church, wasn't identified in either reviews for Mr. Foumia or Organic Guyz. He added that he realizes the variance is for 350 feet and the entrance into the childcare center is located on the opposite side of the building and there is no view of the property from the childcare center or its playground. He also noted that Mr. Foumia's property is in a strip mall with other businesses and not stand alone. They are asking for the variance based on them being placed in this position and so they can use the building for this purpose. He also pointed out they did not create the circumstance they now find themselves in and the building wouldn't have been purchased had they known the area wasn't properly zoned for this type of facility. He also said he believes this business would help to improve the area and there have been studies that have shown that areas that have small dispensaries have shown an increase in property values and that because this is a highly regulated industry, no one under the age of 21 is allowed access to the property and there will be security on the premises for this reason.

Concetta Mazzetti, the project manager, gave some background about Organic Guyz and their partnership with STEM Holdings for branding purposes. She stated they are very careful to not use anything that would give the appearance of what their business is as far as children are concerned and the logo, they chose is very discreet. She stated that a large portion of their business will be delivery, but any foot traffic would probably be less than a five-minute transaction. She also stated they hired WLP Security, and they have also modified their standard operating procedures to be conscious of community concerns. She said she has spent some time in Kalamazoo and because the state requires them to have a reciprocity program,

they have chosen Blue Star Dog Service, who matches veterans with trained service animals. She said she understands safety is a concern and they will do what they can, within state regulations, to ensure the community they have their best interest at heart.

Chair Lager asked of all the businesses in the strip mall, would this one be located closest to the church, and Ms. Mazzetti replied yes.

Chair Lager asked if there were any questions from the board and Ms. Harrington wanted to know since there is a variance why the Board is imposing the 500 feet variance upon the childcare center. Mr. Myers said they just found out in the last 30 days that they were out of compliance and had they known there was a childcare center near, his clients would not have chosen that building for leasing and the owner wouldn't have purchased the property. He stated they were granted all the approvals prior to the agreement turning into a closing and the mistake is on the city side and the approval has been for more than a year. He said he understands the objections aren't coming from the church, but from others. Ms. Harrington stated it seems the board has been put in a position to do a moral values assessment on this business and it seems out of touch with the due diligence surrounding the nuance of our community because that is what she is reading in the comments provided by those opposed to the variance. Mr. Myers offered that as far as due diligence, it was his understanding the childcare facility wasn't operating last year, and the intent is for them to start operating again this fall.

Mr. Flach asked Mr. Robinson about the timeframe for opening a dispensary, and Mr. Myers said several months then directed him to Mr. Eldridge. Mr. Eldridge stated it is about a two-to-four-week process depending on the volume of applications. Mr. Flach wanted to know what would happen if the situation were reversed. What if a childcare facility decided to locate near this type of business and Mr. Eldridge stated that if the situation were reversed, the childcare facility would be able to locate in the area and the marijuana would be able to stay if it's already in place. Mr. Flach asked what constitutes "in place" and Mr. Eldridge replied after having an operating license, after site plan review, and after building is completed and they've gotten their operating licenses from the city and state. Mr. Flach asked if they had these and Mr. Myers said they did not because of how the process works and he went through those steps, one being the zoning approval from the municipality. Mr. Flach asked if they had zoning approval and Mr. Myers said they received zoning approval from the city twice. The next step is to get permits to do the build out and once the build out is complete the state comes in and does its inspection. After everything is complete the state issues the license. Mr. Myers said they got zoning approval and zoning approval again with a new applicant, then permits were issued so the build out could start. They found out most of the way through the build out that zoning was an issue so without final city approval, the state will not issue the license. Mr. Flach then asked Mr. Eldridge about the multiple zoning layers, the last being after all of the investment is done to the building, then they get a final zoning approval, to which Mr. Myers stated they have to get zoning approval first, then, building approval. Mr. Eldridge inserted that there is also a site plan review step where building permits are issued and there was some confusion because this isn't a new build, but a renovation of one of the tenant spaces. He stated permits were applied for before the site plan was taken care of but to answer Mr. Flach's question, permits are issued and also have to be finalized out, then the state comes in and looks at the facility for state licensing approval, once given the city also takes the provisional license and turns it into a local operator license. Mr. Flach asked if after all of that, would they be grandfathered in, even if someone wants to come in and open a childcare facility and Mr.

Eldridge said that is correct. Mr. Flach asked that if anytime before that if anyone decided to open a childcare, would it immediately cut the throat of anyone investing their money and Mr. Myers said he believes when the application is initiated is when that occurs. Chair Lager said that this may or may not be relevant in the granting of the variance. Mr. Flach said he was trying to understand the process because Organic Guyz had already started the process and the childcare facility wasn't there, and now that they have completed a portion of the project and now a facility is there, it seems problematic. Chair Lager said this question seems hypothetical and isn't really an issue right now, and Mr. Flach said that is what they are dealing with right now.

Ms. Harrington wanted to know where Organic Guyz LLC was located. Mr. Myers is in Detroit and Ms. Mazzetti is from the state of Washington and stated Organic Guyz LLC is based in Florida, but Stem Holdings is primarily in Colorado but operates in different states Ms. Harrington said that they have now placed the city staff in a position of having to navigate the nuances of this process for them and because of the Covid 19 pandemic, the community now has to contend with trying to figure out how everything happened and all they had to do was find someplace that wasn't within 500 feet of a childcare facility and she feels that was a failure of the company to do their due diligence. Chair Lager said that even though that all may be true, they must stick with the fact that there was a mistake made and the city gave a provisional approval, the applicant relied on that information. Mr. Flach said the fact is initially there wasn't a facility, and now there is he asked is the facility up and running. Chair Lager said it is his understanding that they had their licensing at the time all of this began but it wasn't in use because of the pandemic. Mr. Eldridge added that the childcare license is in effect even though the facility isn't active. Mr. Flach said he just wanted to be clear that there was a licensed childcare facility in the church before Organic Guyz started their process.

Chair Lager asked of Mr. Robinson exactly how the 500 feet is measured, and Mr. Robinson wanted to make clear that the location origins of the company isn't relevant to the proceeding but to answer Chair Lager, he explained how it would be measured if this were a liquor establishment but said he would have to look up the ordinance but believes it's from the closest two edges of the buildings. Mr. Eldridge explained the ordinance measurements.

Mr. Terpening asked if anyone from the business has spoken directly with any of the parties involved, including the pastor of the church and other members of the community and Ms. Mazzetti said no He then asked if anyone has spoken with Mr. Hilliard, the president of the community watch. Ms. Mazzetti said she has reached out but has heard nothing back from him. She has also spoken with three of the four tenants in the building and has not spoken with the pastor. Chair Lager spoke of relevance and Mr. Terpening said it was a matter of due diligence on the part of the business. Ms. Harrington added that for the purposes of democratizing the conversation that the origins of the company is relevant and that's why they're in the position they're in because no one from the company did their due diligence in involving the community. She said she doesn't have a problem with the facility itself but just the fact that the board is now in this position. Ms. Mazzetti responded that she made efforts to contact people in the community and that she made her contact information available and would have welcomed any feedback from the community, negative or positive and is hoping for feedback tonight.

Chair Lager stated it's probably impermissible to base the outcome on the origins of the business and that can't come into play regarding the ordinance and the board must stick to the

issue, which is the ordinance variance on the table, and then he asked for comments from the staff.

Mr. Eldridge commented on the ordinances passed for medical marihuana and for adult use voted upon by the citizens of Kalamazoo, commended Attorney Myers for his due diligence for his client. He said that no variances of this kind have been granted but now this has happened and it's unclear how also said the city not only does drive-bys of these facilities but they also check the state website for childcare centers in the areas of these facilities, the ball was dropped possibly by the city and also with the Covid issue, there was no childcare in the church, or signs stating such, at the time and that may have played a role in the mistake. He wanted to state for the record that this particular tenant wanted to use approximately 33% of the building. He also said the owner of the building was also making provisions for extra parking with other properties in the area because of the small parking lot and is taking other steps to ensure the other tenants of the property can still function. He added that none of the access points to the church are on Portage but are on side streets that lead to the back of the church and that essentially the properties are only about 150 feet from each other. He said they want to preserve the 500-foot distance, which is there for a reason, but in this circumstance it's difficult because there is an applicant who has acquired the property and signed leases.

Ms. Doane asked what the significance of 500 feet is and Mr. Eldridge said for visual separation, and it was intended to limit traffic flows driving by the marihuana facilities and Ms. Mazzetti added that were she in the boards position that the 500 feet would also apply to smoking lounges and consumption places because she can see that being very different visually than a business that wasn't going to be seen, and Mr. Eldridge agreed since the product can be acquired on the property, but not used on the property, which is why they are considered a retailer.

Ms. Doane asked if it's the city's view that those circumstances mitigate the need for the 500 feet rule and Mr. Eldridge said that there were extenuating circumstances that cushioned the blow of this being only 150 feet but he can't say it mitigates the circumstance altogether.

Mr. Flach asked if the licensing was checked or was there only a drive-by. Mr. Eldridge stated doing both of those things is part of the process and he explained the map that is used. He said the state website is also checked for any childcare in the area.

Ms. Harrington stated her displeasure at being told some of her statements are impermissible or irrelevant and as a representative of the populace, especially those who are opposed. She then asked city staff what is relevant as it relates to granting the variance. Mr. Eldridge listed the items that would be deemed relevant, such as distance and being visible to the childcare but most of all that the city staff missed the childcare license, and that lead to the purchase of and the leasing of the property. Ms. Harrington then addressed Mr. Flach and asked if that was what he was getting at and Mr. Flach said no, he just wanted to investigate how the city could have made this mistake that cost a potential community investor a lot of money and wanted to be clear about the licensing.

There were 5 public comments:

Mr. John Hilliard, President of the Milwood Neighborhood Watch, is opposed to the variance and to allow it would set a dangerous precedence. He said even though the daycare isn't

functioning now, that doesn't mean it won't. He said there are eight facilities in the Milwood area now with a ninth one coming. He also said that Milwood has experienced a 40% increase in part one crime since these facilities have been allowed there and approval would come down to money over kids.

Scott Schneider, 1938 Golfview opposed stating that there are 22 currently open within the city limits of Kalamazoo and close to 70 within Kalamazoo County, and there are almost 150 within ½ hour drive of Kalamazoo. He said the state asked for 1000 feet and the city reduced it to 500 feet. He said he's sorry the city failed to do their due diligence in finding the license but there has been a license since the educational wing was brought online, he also stated there is a playground going in where it will be visible, and this type of business brings an element of crime to the area. He also said he understands this organization has other properties in Kalamazoo.

Mr. Schneider called a second time to say that he would like to know who the representatives for Organic Guyz spoke to at the church because he knows that they have said no to the marihuana facility. He also spoke to the licensing that has been there for a long approximately 15-20 years. He said the notices were not sent out to all of the residences within 300 feet because he owns two properties within that distance and neither one received the notices and he knows other properties that didn't receive the notice from the city as well, which he feels was done on purpose. He stated the consensus is that no one wants them there.

Karly Prinz, who is a tenant at 3928 Portage Street, is opposed to the variance. She owns the tanning salon and believes the business would be detrimental to the other tenants for the following reasons: the parking lot is too small, it shouldn't be that close to a childcare center, from a business standpoint, being in a different location would be more beneficial to the marihuana facility.

Ashley Russell of 3113 Cameron Street, she stated that all of this should be predated to the license of the childcare and that the tenants of the strip mall are concerned they will lose business due to the parking lot being so small so they are opposed.

Mr. Hilliard called in again and stated he wanted to respond to Ms. Mazzetti's comment that she attempted to reach out to him. He said that he received no calls from her and wanted to make clear the neighborhood watch is not housed in the church.

Ray Foumia, the property owner, wanted to comment that there were things relied on but didn't want to be repetitive. He wanted to touch on the parking lot and stated there are currently four tenants and 36 parking spaces and he doesn't see an issue with it but he was also in talks to rent additional parking spaces from another property if necessary. He also asked if there are statistics showing that the crime increase was directly related to cannibus. He also said he is local being born and raised in Michigan and the applicant has teamed up with organizations in the community prior to going operational. He stated as a parent he understands the concerns of a childcare being across the street but again, they relied on information and approval given by the city and because of this, they have consequences as the landlord and the tenant that they have already done and now have to deal with.

Chair Lager closed the public hearing.

FINDING OF FACT:

Ms. van den Hombergh moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 3928 Portage Street shall include all information included in the notice of public hearing dated August 25, 2021.
- 2.) Thirty-three notices of public hearing were sent, and five responses, three against and two for the variance, were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents in the agenda packet and in addition to those items the board received additional documents or voicemails at the hearing and are as follows: John Hilliard called twice, mentioning granting the variance would set a dangerous precedent and expressed a concern about the rise in crime, Scott Schneider also called twice in opposition citing facts about marihuana facilities in Kalamazoo and the state and was wondering if anyone had talked to anyone from the church or KRESA. He also stated he has a property located within 300 feet of the property that didn't receive a notice, Karly Prinz, the owner of the tanning salon stated her opposition citing parking issues, the closeness of the childcare center, and said they would be better off elsewhere, and Ashley Russell stated her opposition citing the childcare licensing as opposed to whether it was operational or not.
- 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:

Due to the nature of this request, the emotion involved in it, some of the questions and comments were hypothetical and sometimes Mr. Robinson asked that those related to the location of the applicant be struck from consideration. Due to this, Ms. van den Hombergh deferred to the recording of this meeting and the professional recording of the minutes on those issues.

Mr. Sean Myers, the attorney for Organic Guyz of 3928 Portage Street, is requesting a dimensional variance of 350 feet from the required 500 feet separation distance from a marihuana retailer and a licensed childcare center.

There are some issues with the property being able to go ahead with the buildout and the purchase and leasing of the property is contingent of the certificate being issued for the adult use marihuana facility. The building can't be used without the variance passing. Project manager, Ms. Mazzetti, spoke to the discretion of the branding images and security of the site and are supporting the community and

would be sharing some revenue with the Blue Star Dog Service. Staff comments were that this is all relatively new, starting in 2018 medical ordinances for marihuana being passed and in 2020 adult use ordinances were put into effect and up until this point no variances have been granted. 33% of the strip mall is dedicated to this business and there is some concern about visual separation and traffic flow and pick up and drop off at the childcare center. Ray Foumia mentioned there are 36 parking spaces in the parking lot and should present no issues but will rent 18 other spaces if needed. He is a resident of Michigan and is the property owner.

Mr. Terpening seconded the Finding of Fact with taping of this process being used as primary minutes.

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

There were two additional recorded comments:

Kenny called in to oppose the granting of the variance and commented that the parking lot of the church does face the property. He added that speaking with the pastor of the church is irrelevant and the variance is there to protect the children and not necessarily the people who own the business. He also stated it's regrettable there was money invested and the granting of the zoning approvals however those are also irrelevant to the ordinance. He also said that although there are other tenants, this would be the most prominent business there.

James Russell of 3113 Cameron Street called in to say he doesn't think the Milwood community should have to pay for the mistake made by the governing body, as far as zoning goes and feels it should be taken up with the person who made the mistake. He said the lack of due diligence and lack of research done on the neighborhood the fact that the license is listed on the state website, someone dropped the ball.

Ms. Doane moved to approve the dimensional variance from Chapter 50, 50-4.4 E (1)(b), to authorize a variance of 350 feet from the required 500-foot separation distance between a marihuana retailer and a licensed childcare center. There is a Kalamazoo Regional Education Services Agency (KRESA) preschool on Portage Street which operates during the calendar school year which is licensed as a childcare center. This seconded by Mr. Terpening.

Discussion:

Mr. Terpening stated he would not vote in favor because another marihuana retailer is not needed.

Chair Lager stated it's a difficult case because he feels there is a sense of a fairness issue and things were going smoothly in favor of this business until the discovery that a mistake was made. He said there was reasonable reliance and that the business acted in good faith, but he is basing his decision off of the seven elements that they must look at to determine if a

dimensional variance must be granted and he listed them. He stated at least three of the seven elements were not met he could not vote in favor of the variance.

Motion denied by roll call vote unanimously.

ADJOURNMENT:

The meeting was adjourned at 9:23 p.m.

Submitted By _____ **Date** _____
Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____
Chair



Zoning Board of Appeals Staff Report

Date: **10/14/2021**

Item: **D.1.**

City of Kalamazoo

TO: Zoning Board of Appeals

FROM: Reviewed by: Christina Anderson, AICP, City Planner
Prepared by: Pete Eldridge, AICP, Assistant City Planner

DATE: October 14, 2021

SUBJECT: ZBA #21-10-13: 3105 Winchell Avenue. Emily Agnello is requesting a variance from Appendix A, Chapter 4, Section 4.2, K 2. c), to authorize a group daycare on a local street where group daycares are required to be located on collector or arterial streets with more traffic volume.

BACKGROUND:

Emily Agnello opened a home daycare at her residence earlier this year. She would like to now expand this daycare operation to a group daycare. The Agnello Family Childcare business is only open during the school year from August to June. The hours of operation are 7 to 5 pm, Monday to Friday. This residential property where the daycare is located is 13,000 square feet (.3 acres). The house is 1,935 square feet with a two-stall attached garage. The driveway is 18 feet wide and approximately 50 feet in length, allowing for vehicle stacking in the driveway.

Per the Zoning Ordinance, the structure being used for the group daycare must remain similar in appearance and character to the neighborhood and maintain an outdoor play area equal to 100 square feet per child in the average daily attendance. Both of these requirements are met.

Group daycares are also required to be located along more heavily trafficked streets. The street must be classified as a collector or arterial street. Winchell Avenue is classified as a collector street from Oakland Drive to Rambling Road. Winchell Avenue to the west of Rambling Road is classified as a local street. The Agnello residence is located approximately 800 feet to the west of the intersection of Rambling Road and Winchell Avenue where the classification changes from collector to local street. The Agnellos have filed the variance request for relief from this standard given that their residence is eight properties away from the change in the street classification.

Emily Agnello has indicated that some of the families she serves are located in the neighborhood and are within walking distance of her house. For those who do need to drive, all pick ups and drop offs will occur in the driveway. The children will not be visible as the rear yard is fenced and there are also trees and shrubs that obscure the view. Additionally, this portion of Winchell

Avenue also serves as a bus route for Winchell Elementary, Maple Street School and Loy Norrix High School.

The Zoning Ordinance also requires that group daycare in the Residential - Single Dwelling District (RS-5) to have a special use permit. This application received approval for the special use permit at the October 7, 2021 Planning Commission meeting. This approval was conditioned on the Zoning Board of Appeals approving this variance.

STRATEGIC VISION ALIGNMENT:



Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.

Strategic Plan & Master Plan 2025 Alignment:

This application aligns with the Complete Neighborhood Strategy of the Strategic Vision by providing a needed neighborhood service. This request also touches on Economic Vitality as this daycare business represents a new business in Kalamazoo.

COMMUNITY ENGAGEMENT:

Inform (one-way conversation) – the community will be made aware of the project.

Public Hearing Notices:

Notice of the public hearing was published in the Kalamazoo Gazette and notices sent to all property owners within 300 feet of the subject property on September 29, 2021.

Additional Outreach:

The applicant has reached out to surrounding residents and to Oakland Drive/Winchell Neighborhood Association. A total of five letters and emails have been received in support. These letters of support include the neighbors on both the east and west sides of the subject property and the residence directly across the street to the north.

Engagement/Communication Tools:

Letters were mailed to adjacent property owners and contact made with Oakland Winchell Neighborhood Association. A notice was placed in the Kalamazoo Gazette.

FINDINGS:

The staff has made the following finds regarding this request:

1. That there are special circumstances or conditions (like exceptional topographic conditions, narrowness, shallowness, or the shape of property) that are peculiar to the land or structure for which the variance is sought, that is not applicable to other land or structures in the same zone district.

The proposed location for the group daycare is approximately 800 feet west of where the road classification of Winchell Avenue changes from collector street to local street.

2. That there are special circumstances which are not the result of the actions of the applicant or titleholder of the land.

The special circumstances cited by the applicant are that this portion of Winchell Avenue functions the same as the remaining portion of Winchell Avenue extending to Oakland Drive. Buses for three different schools travel this stretch of road each morning from Monday to Friday. The applicant's residence is approximately 800 feet or eight properties west of the change in street classification.

3. That the literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zone district, and would cause practical difficulty.

The enforcement of the terms of the ordinance will limit this daycare operation to no more than six children. This is a right provided to all property owners along Winchell Avenue from Rambling Road to Oakland Drive.

4. That the granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.

This variance is the minimum action that would make the group daycare possible. Letters of support have been received from the immediate neighbors to the east and west as well as the residence directly across the street.

5. That the granting of the variance will not adversely affect adjacent land in a material way.

The staff do not believe this use will adversely impact adjacent properties.

6. That the granting of the variance will be generally consistent with the purposes and intent of this Ordinance.

The grant of the variance will be generally consistent with the ordinance. The site meets all other requirements to operate a group daycare except the street classification. The intent of this street classification requirement is to make sure group daycare are in accessible locations on roadways designed to handle additional

traffic volume. Winchell Avenue, west of Rambling Road, carries a considerable amount of residential traffic from the subdivision to the west and, as the applicant has pointed out, is utilized as a bus route for three KPS school buildings.

7. Where the requested dimensional variance involves required landscaping, the Zoning Board of Appeals may grant a variance upon the following additional criteria: 1) existing landscaping, screening or wetlands intended to be preserved meets the intent of this section; 2) the landscape design proposed by the applicant meets the intent of this section; 3) there is a steep change in topography that would limit the benefits of required landscaping; 4) the proposed building and parking lot placement is setback well beyond the minimum required; 5) the abutting or adjacent land is developed or will be developed in the near future with a use other than residential; and 6) similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

No change in existing landscaping is proposed.

RECOMMENDATION:

Staff recommends approval of the variance to allow a group daycare at this location on Winchell Avenue, which is classified as a local street, due to the location of the residence approximately 800 feet from the intersection where the street classification changes, the level of vehicle usage for this portion of Winchell Avenue and the large driveway to accommodate pick ups and drop offs of additional children.



Community Planning and Economic Development

245 N. Rose Street, Ste. 100

Kalamazoo, MI 49007

PH: (269) 337-8044

FAX (269) 337-8429

www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

September 29, 2021

**RE: ZBA #21-10-13
3105 Winchell Avenue
Parcel #06-29-300-002**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Emily Agnello for 3105 Winchell Avenue, which is situated in the Residential – Single Dwelling District.

The applicant is requesting a variance from Appendix A, Chapter 4, Section 4.2, K 2. c), to authorize a group daycare on a local street where group daycares are required to be located on collector or arterial streets with more traffic volume.

Please note that this request will not change the zoning classification of the property. This is a request for variance only regarding the item described above.

The meeting will be held on Thursday, October 14, 2021 at 7 p.m. Due to COVID-19 this public meeting will be held electronically and streamed live on the [City's Facebook page](#) and [YouTube Channel](#). Check www.kalamazoocity.org for details on providing public comments.

To examine documents related to this request or provide written comments, please contact Pete Eldridge at eldridgep@kalamazoocity.org or call (269) 337-8806. The agenda will be posted at <https://www.kalamazoocity.org/boards>

Sincerely,

Peter C. Eldridge, AICP

Assistant City Planner



Community Planning & Economic Development

245 N. Rose Street, Suite 100 • Kalamazoo, MI 49007

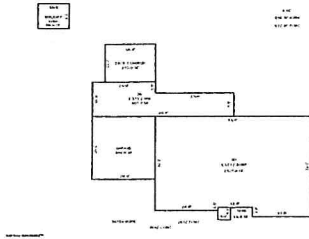
(269) 337-8026 • www.kalamazoo.org

ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION			
Name: <u>Emily Agnello</u>		Mailing Address: <u>3105 Winchell Ave</u>	
City: <u>Kalamazoo</u>	State: <u>MI</u>	ZIP Code: <u>49008</u>	
Phone: <u>269 305-8808</u>	Email: <u>emilyagnello@yahoo.com</u>	Preferred Contact: ☒ Email ☐ Phone	
PROPERTY OWNER INFORMATION			
If the applicant is not the property owner, owner must sign application or provide a letter stating that owner gives consent for the application to be filed.			
Name:		Mailing Address:	
City:	State:	ZIP Code:	
Phone:	Email:	Preferred Contact: ☐ Email ☐ Phone	
PROPERTY INFORMATION			
Property Address(s): <u>3105 Winchell Ave.</u>			
Parcel Identification Number(s): <u>00-29-300⁰⁰²</u>		Zone District (kalamazoo.org/maps): <u>RS-5</u>	
TYPE OF REQUEST			
☐ Dimensional Variance from Chapter(s) _____, Section(s) _____ ☒ Use Variance to allow <u>Group Childcare Home</u>		☐ Appeal of an Administrative Decision ☐ Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____ ☐ Temporary Use Approval	
Reason for Request: <u>To expand my childcare home (6 children) to a Group Childcare Home (7-12) children.</u>			
ATTACHMENTS			
☒ \$ <u>300</u> Fee		☒ Type Plan detailing variance request, plat, site plan, sketch plan can all be used.	
☐ Review Sheet for Request Type		☒ Optional: Photos of property, architecture plans, etc.	
Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support			
SIGNATURE			
Signature of Applicant: <u>[Signature]</u>		Date: <u>8/16/21</u>	
Signature of Owner (if different than applicant):		Date:	

3105 WINCHELL AVE KALAMAZOO, MI 49008 (Property Address)

Parcel Number: 06-29-300-002 Account Number: WDC00310503

Property Owner: AGNELLO, STEVEN J

Item 3 of 3

2 Images / 1 Sketch

Summary Information

- > Residential Building Summary
 - Year Built: 1953
 - Full Baths: 1
 - Sq. Feet: 1,935
 - Bedrooms: 3
 - Half Baths: 0
 - Acres: 0.303
- > Assessed Value: \$103,000 | Taxable Value: \$88,905
- > Property Tax information found
- > 2 Building Department records found
- > Utility Billing information found

Owner Information

AGNELLO, STEVEN J
 3105 WINCHELL AVE
 KALAMAZOO, MI 49008-2177

Amount Due

Property Total **\$0.00**

Permits

To pay on a record, click View

Permit Type	Permit Number	Associated Project	Status	Date Issued	Last Inspection	Amount Due	
Building	PB02-0029		Finaled	1/18/2002	8/13/2003	\$0.00	View
Building	PB14-0684		Finaled	10/17/2014	10/21/2014	\$0.00	View

« 1 »

Displaying items 1 - 2 of 2

[Apply for a Permit](#)**Attachments**

Date Created	Title	Record
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No records to display.

« »

Displaying items 0 - 0 of 0

****Disclaimer:** BS&A Software provides BS&A Online as a way for municipalities to display information online and is not responsible for the content or accuracy of the data herein. This data is provided for reference only and WITHOUT



ZONING BOARD OF APPEALS

DIMENSIONAL VARIANCE REVIEW SHEET

General Information

Specific Project Details (may also provide on a separate sheet):

Review Criteria for Dimensional Variances

ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?



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Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

Will the granting of the variance negatively affect adjacent land?

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

Additional Criteria for Variance Requests for Required Landscaping

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

Does the landscaping proposed by the applicant meet the intent of this section?



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Are there steep changes in topography that would limit the benefits of landscaping?

Are the proposed building and parking lot locations setback beyond the required setback?

Are there abutting lands developed or could be developed in the near future with a use other than residential?

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?

Agnello Family Childcare

- Located at 3105 Winchell Avenue, Kalamazoo, 48008.
- I am a graduate of WMU with a major in Elementary Education, include a ZA (Early Childhood) endorsement.
- I have over 20 years of experience with both children and families. This experience includes teaching preschool and being director of a childcare center.
- Currently Licensed by the State of Michigan for up to 6 children (DF 390408853) and seeking a dimensional variance to allow for a Group Childcare Home (7-12 children).
- Childcare hours are 7:00am to 5:00pm.
- Children will range in age from 8 weeks to 4 years old.
- Childcare will run on a school schedule, from August to June.

One of the sad side effects of the Covid pandemic has been the closure of many local quality childcare facilities. Many families in Kalamazoo are being forced to make incredibly difficult decisions because they cannot find high quality, affordable, trustworthy childcare. I can provide all of those things and would very much appreciate the opportunity to serve local families and their children.

3105 Winchell Ave.



Childcare Playroom Space



Outside Play Area (in fenced backyard)



Ken Brightwell

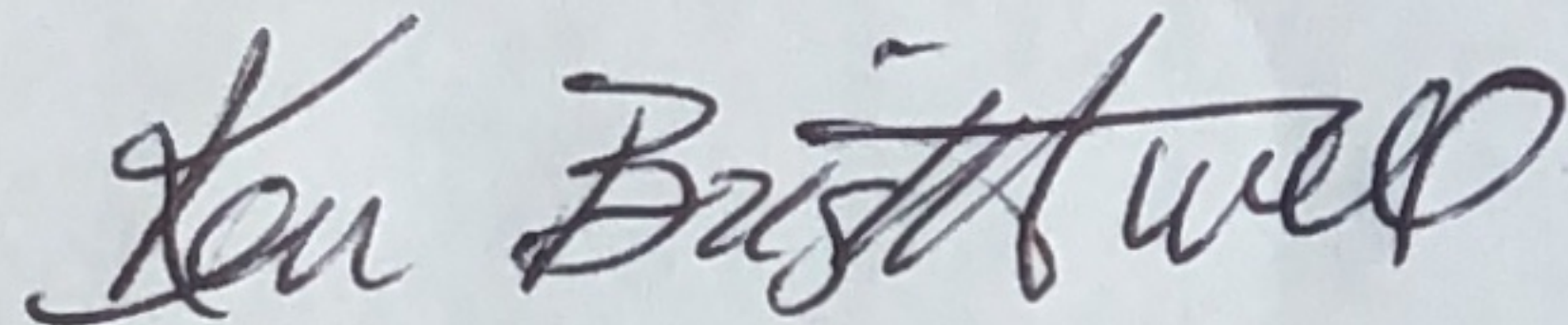
3027 Winchell Ave
Kalamazoo, MI 49008

29th August 2021

To whom it may concern,

I am writing this letter in support of my neighbor Emily Agnello, 3105 Winchell Ave. I am aware that she is applying for a Group Childcare License at her home. She is currently licensed, and at no time has this created any type of disturbance or issue in regards to noise, traffic or degradation of the property.

Mrs. Agnello is a respectful and conscientious neighbor and her family enjoys being an active part of our neighborhood. I am happy that she can provide this much needed service to families in our neighborhood and community.

A handwritten signature in black ink that reads "Ken Brightwell". The signature is written in a cursive, flowing style.

Ken Brightwell

April E. Holm-Kutsche
3121 Winchell Ave.
Kalamazoo, MI 49008
269.998.5461 (cell)
aholmkutsche@suntitle.com

September 3, 2021

To Whom It May Concern:

I am writing this letter to offer my support and recommendation for my next door neighbor, Emily Corstange Agnello, to obtain her in-home day care license. I do not find her daycare to be disruptive in any way. Her daycare brings a much needed service to our community and neighborhood. I fully support her in gaining her license approval.

Thank you.

Sincerely,



April E. Holm-Kutsche

From: [Emily Agnello](#)
To: [Eldridge, Peter](#)
Subject: [External Email] Fw: Letter of Support for the expansion of Agnello Family Childcare
Date: Thursday, September 2, 2021 5:11:18 PM

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Thursday, September 2, 2021, 5:10 PM, Amanda Coleman <abcoleman@gmail.com> wrote:

Our names are Amanda Coleman and Brian Gogan. We are Winchell neighborhood residents. We live on Aberdeen Drive, behind Winchell School. We are so thrilled that Emily Agnello is establishing her childcare business, Agnello Family Childcare, in our neighborhood. Emily is conscientious and safety-oriented. She puts kids first and does everything with love.

Emily is the most caring, most organized, and best teacher and caregiver for young children. We were so incredibly lucky to have had Emily as a preschool teacher for our older two girls, Linnea and Natalie. She prepared them so well for kindergarten and cared for them and loved them with her whole heart. Her lesson planning went far beyond learning the basics: she made each activity exciting and each day fun and creative. The girls loved Emily and are thriving from her excellent teaching. I know that she is putting this same care and effort into her childcare and early learning business, Agnello Family Childcare.

We hope that with the city's approval, we will be able to send our two-year-old, Aidan, to Agnello Family Childcare full time. It is very difficult to find loving and trustworthy childcare right now, and I know that it would be a godsend to so many families in our community to have such a wonderful option so close.

Emily Agnello's business, Agnello Family Childcare, has our full support and its expansion would help many families with young children in our

community. Please approve her expansion. She's an amazing Winchell neighbor, teacher, and mom.

Sincerely,

Amanda Coleman and Brian Gogan

From: [Emily Agnello](#)
To: [Eldridge, Peter](#)
Subject: [External Email] Fw: Expansion of daycare
Date: Thursday, September 2, 2021 4:55:00 PM

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Thursday, September 2, 2021, 3:46 PM, Sarah Hlatko <shlatko@yahoo.com> wrote:

To Whom It May Concern,

I live directly across the road from Emily at 3028 Winchell Ave. My husband and I have absolutely no objections to her expanding her childcare services and are not worried about the traffic flow. There is plenty of driveway and road parking available.

In addition, I am excited that she is able to extend her services to so many families. There is such a huge need for quality caregivers and the fact that she provides such great care to our local teachers is an added bonus. Please feel free to contact me directly if you have any further questions.

Regards,
Sarah & Evan Wilson
(248) 515-9182

Stephanie Hampton

Middle School ELA Teacher

Stephanie Hampton

922 West Maple Street

Kalamazoo, MI 49008

hamptonsp@

kalamazoopublicschools.net

September 6, 2021

Dear Zoning Board Appeals Board Members:

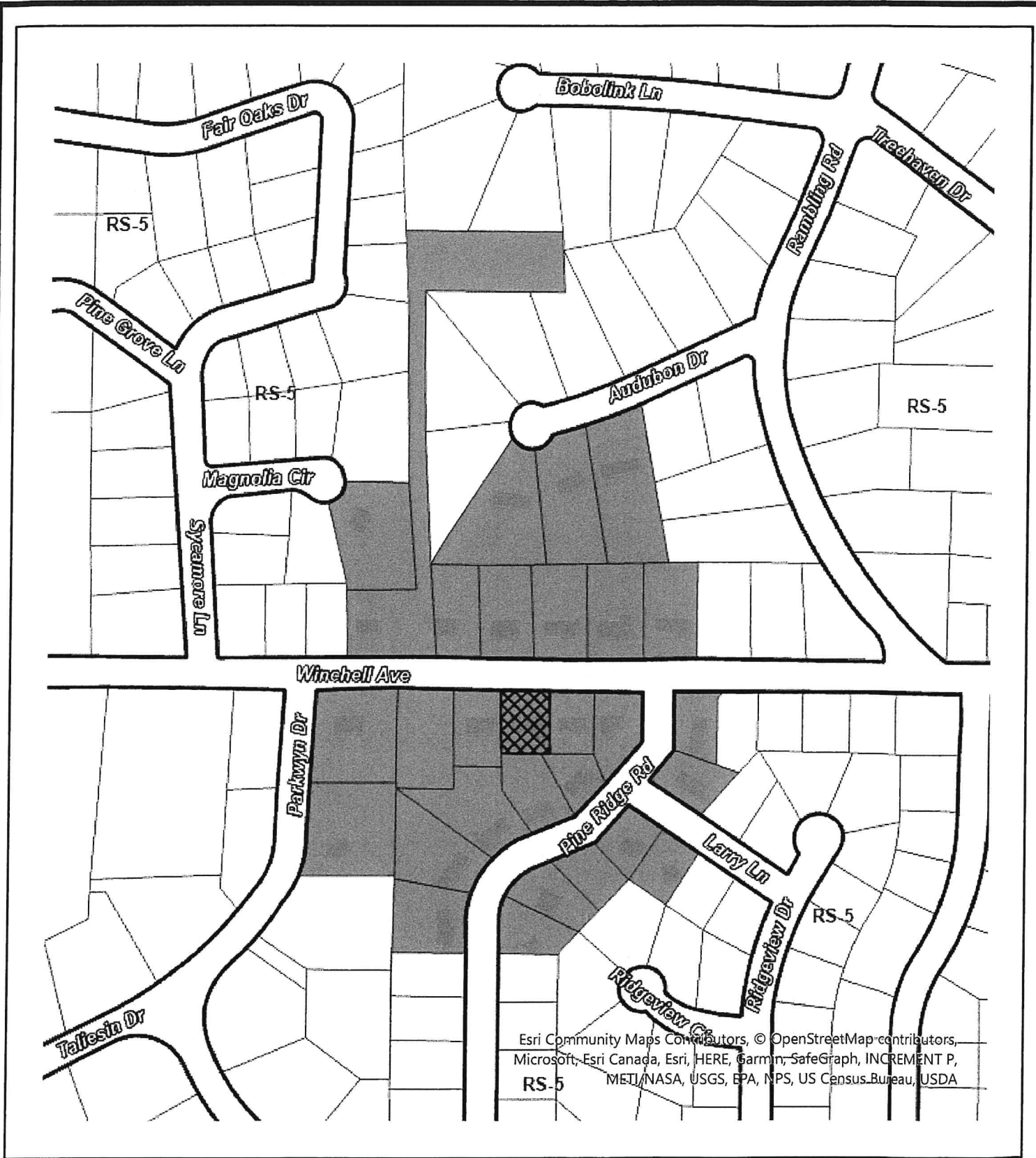
This letter is in support of the approval of Mrs. Emily Agnello to move from a Family Child Care Home license to a Group Child Care Home license. As a prospective parent looking for childcare placement, I cannot convey how invaluable it is to a new parent to find reliable childcare. I fully understand this decision because I am seeking the same parameters and credentials for care that you are looking for in Mrs. Agnello's application. I am considering size, suitability, and record of outstanding moral character. Mrs. Agnello passes all of these benchmarks. I am thoroughly impressed upon visiting Mrs. Agnello's home, and I know that my daughter would receive immaculate care. Mrs. Agnello conducts each part of her daycare with the highest level of professionalism and candor.

Childcare placements are at a deficit in our community and surrounding area. This places many parents, like myself, into a frenzy finding reliable care that can provide peace of mind. Being a teacher in the Kalamazoo community, it is my job to take care of those middle school students assigned to me on my rosters. The job of daycare providers is the same. Mrs. Agnello far surpasses these expectations of standard of care due to her vast experience working with children, familiarity with pre-school and teaching pre-school, and her knowledge of early childhood education best practices. She has completed all required prerequisites and is more than ready to move from a smaller license to a larger license in her home.

Please do not hesitate to reach out to me with questions or additional information.

Sincerely,

Stephanie P. Hampton



Parcels within 300' Mailing Radius 3105 WINCHELL AVENUE

-  Subject Property
-  Property within 300' Mailing Radius
-  Other Property
-  Zoning District Boundary



0 110 220 440 ft