

Agenda

Zoning Board of Appeals

City of Kalamazoo



Thursday, February 10, 2022

7:00 PM

City Commission Chambers – 241 West South Street

A. CALL TO ORDER/ROLL CALL

B. APPROVAL OF MINUTES

1. Approval of minutes from the Zoning Board of Appeals meeting on January 13, 2022

C. COMMUNICATIONS AND ANNOUNCEMENTS

D. PUBLIC HEARINGS

1. ZBA #22-01-01: 114 and 120 Burr Oak Street. Kalamazoo Neighborhood Housing Services (KNHS) is requesting a dimensional variance from Appendix A, Chapter 5, Section 5.1-1, to authorize a variance of 2,635 square feet of lot area to allow for the division of two lots into three lots, which total 9,365 square feet whereas the Zoning Ordinance requires 12,000 square feet for three buildable lots.
2. ZBA #22-02-04: 1000 W. Kilgore Road. Hackett Catholic Prep School is requesting a dimensional variance from Appendix A, Chapter 7, Section 7.3 A 1, to authorize the installation of a new 62 square foot freestanding sign for the school where the maximum size is limited to 46 square feet per the Zoning Board of Appeals variance granted in 2005.
3. ZBA #22-02-05: 121 Fellows Avenue. A use variance from Appendix A, Chapter 12, Section 12.3 is requested to allow a Bed and Breakfast in the second floor unit of a duplex where the principal residence of the operator is in the ground floor unit. The Zoning Ordinance states the owner or operator is to reside in the same dwelling unit as the Bed and Breakfast.
4. ZBA #22-02-06: 210, 216, 220, 302, 302(Rear), 308, 308 (Rear) and 316 Lake Street / 205 and 209 E. Stockbridge Avenue. Kalamazoo County Housing Choices is requesting a use variance from Chapter 4, Section 4.2 Q.3, to allow residential dwelling units on the ground floor level of each of the proposed apartment buildings (60 residential units total), where retail or other commercial

floor space is required on the ground floor. Please note that this is a renewal of the same variance granted on December 10, 2020 which has expired.

E. DISCUSSION/ACTION ITEMS

1.

F. REPORTS

1.

G. ADJOURNMENT

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
January 13, 2022 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

Members Present: Matt Lager, Jeff Carroll, Beth van den Hombergh, Remi Harrington, Jeremy Terpening

Members Absent: Christina Doane

City Staff: Pete Eldridge, Assistant City Planner; Charles Bear, Assistant City Attorney; Shelby Donaldson, Recording Secretary

Chair Lager called the meeting to order at 7:27 p.m. Meeting start was delayed due to technical difficulties with sound equipment in the Commission Chambers.

Chair Lager noted due to technical difficulties the meeting would not be streamed live on Facebook and the City's You Tube channel.

Chair Lager asked Mr. Eldridge if there were any announcements or changes to the agenda and Mr. Eldridge stated the agenda item one, 114 and 120 Burr Oak Street would be moved to the February 10, 2022 meeting so the first item will be item two.

Chair Lager asked if there were any changes to the minutes of December 9, 2021 and there were none.

Mr. Terpening moved to approve the minutes of December 9, 2021 as submitted, seconded by Mr. Carroll.

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 will be aired for the panelist and audience. Then the public hearing would be closed on the request. The Board would then conduct the finding of facts. The Board must approve the Finding of Fact. Therefore, the first vote you hear here is not a ruling on the request, but the Finding of Fact, then the Board discusses the request in order to determine a ruling. The Board reserves the privilege to ask questions of persons who have already spoken even though the public comment portion is now closed. Once discussion

has ended the Board moves onto a roll call vote. A full board consists of six members and four affirmative votes are required to grant a motion for a non-use or use variance.

Mr. Carroll read the application for 3406 Stadium Drive, Parcel # 06-30-241-012:

ZBA#22-01-03: 3406 Stadium Dr.: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by TestHere.com, a mobile COVID-19 testing site and is seeking: 1) a variance from Appendix A, Chapter 4, Section 4.3 J7, to allow for the outdoor temporary service use to operate on the west side of the building in the parking lot for a period of six months (until July 16, 2022), and 2) A dimensional variance from Chapter 4, Section 4.3 J15, to authorize 90 square feet of signage on the trailer, where temporary uses are limited to an eight square foot sign.

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.

TestHere.com, represented by LaShawnda Abimbowa, is the applicant for the variance. She stated they set up a mobile facility and saw an increase in testing during the holidays. They have been open since December 16, 2021 and were performing 100-200 tests per day prior to the increase. She stated the site was only approved to be open for 30 days with a temporary use permit but they are seeking a variance that will allow them to remain open for a period of six months. They are also seeking a variance for the sign. She explained the signage is significant in size and set back so far because the speed limit is 45 miles per hour on Stadium Drive and it allows people to see the site as they drive by. She also spoke to the convenience of the facility being a drive thru and the average testing time is, in and out, five minutes with results given within fifteen minutes via email. She stated they also offer a 30-minute test.

Chair Lager asked for questions and Ms. Harrington asked the applicant how they were able to do all they have done before coming to the Zoning Board and Mr. Eldridge answered that because it was a temporary use, the city staff is allowed to approve it for 30 days. He stated they came back and said that given the rise in cases in the area they were going to come to the Board and ask for an extension and thought the best course of action would be to also handle the existing signage issue.

Chair Lager asked about the positioning of the signage and Ms. Abimbowa advised it is on the testing trailer and the trailer is set back so people can see it as they drive past.

Chair Lager asked for questions and comments from the Board and audience attendees and there were none.

Mr. Eldridge had comments from the city staff and advised their support in light of the fact that we are in need of more testing facilities in the area and this one is set up in an area where it is more accessible to the community. He stated when the trailer was set up it already had the graphics on it identifying it as a rapid testing site and it was known it would need to come to the Zoning Board of Appeals within 30 days because of the temporary use. He said there was a push to get this on

the agenda as soon as possible because of the increase in Covid cases. He noted that there were 18 notices sent out with no responses received and that the city staff is in full support of the usage and sign variances.

Chair Lager closed the public hearing.

FINDING OF FACT

Mr. Carroll moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 3406 Stadium Drive shall include all information included in the notice of public hearing dated December 23, 2021.
- 2.) 18 notices of public hearing were sent, and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents in the agenda packet and also those facts and comments made during the public hearing, which are summarized to include without limitation, the following:

Ms. LaShawnda Abimbowo, representing TestHere.com, said they are running 100-200 tests per day since obtaining the one month permit in December 2021. The advertisement that they are using that exceeds the ordinance is the same they used in other areas they serve and the speed limit on Stadium Drive of 45 miles per hour makes the larger sign desirable in order for it to be visible.

Mr. Terpening seconded the Finding of Fact.

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

Chair Lager then stated the motion on the request would be broken down into two parts, the one for the time variance and the one for the dimensional variance.

Mr. Carroll stated he will be in support because he has been teaching his child to drive in the parking lot and he has seen the signage and the demand.

Mr. Carroll made a motion to approve the application for a variance for 3406 Stadium Drive for TestHere.com from Appendix A, Chapter 4, Section 4.3 J7, to allow the outdoor temporary testing site to be extended for a period of six months, ending on July 16, 2022, seconded by Ms. Harrington.

Discussion:

Ms. Harrington asked if they would be able to perform these services in another part of the city, without coming before the Board. Mr. Eldridge stated they can do it for a period of 30 days in one commercial parking lot and then move to another for 30 days. This particular location is desirable by the applicant for more than 30 days so it triggered the need for the variance.

Chair Lager also said he would vote in favor because they have granted a number of requests like this in the past and for obvious health reasons this one is important.

Motion approved by roll call vote unanimously.

Mr. Carroll moved to approve the dimensional variance from Chapter 4, Section 4.3 J15, to authorize 90 square feet of signage where only 8 square feet is allowed, seconded by Mr. Terpening.

Discussion:

Ms. Harrington stated she would be in favor because people need to be able to see the sign.

Chair Lager also stated he was in favor because it would be logical to grant the signage variance since they have granted the time extension variance.

Motion approved by roll call vote unanimously.

Mr. Carroll read the application for 1616 E. Main Street/629 and 637 Edwin Avenue, Parcels # 06-14-261-003, 06-14-261-006, and 06-14-261-004:

ZBA#22-01-02; 1616 E. Main St/629 and 637 Edwin Ave.: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Kalamazoo County Land Bank, owners of 1616 E. Main St. and 629 and 637 Edwin Avenue, is requesting a dimensional variance from Chapter 50, Article 50-5.6, of 12% from the maximum impervious cover to allow the development project to have 87% impervious cover for the proposed mixed use development project, where 75% is the maximum for this lot type.

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 89 notices of public hearing sent, and zero responses were received. There was a note that the owner of the East Main Food and Beverage called in to make sure nothing would go in at 600 Phelps.

Kalamazoo County Land Bank, represented by Rachel Hughes-Nilsson and Thomas Whitener, is requesting a dimensional variance for the open space requirement in the live-work zone properties they have.

Kalamazoo County Land Bank has been acquiring vacant lots on the east side. In 2019, O'Boyle, Cowell, Blalock & Associates Inc. and Inform Architects paired up with Kalamazoo County Land Bank and Eastside Neighborhood Association to create design needs for the neighborhood. They talked to the community and in 2019 came up with a master plan that provided that the land bank

and others develop these properties. In 2021 they started up the projects again O'Boyle, Cowell, Blalock & Associates Inc. and Inform Architects partnered and created the Eastside Sunrise Plaza project, a small pocket park located on East Main and Edwin. During the time the pocket park was going in there was other things happening behind the scenes including a graphics survey and title work for the properties and the title work uncovered several easements on the properties. Some of the easements have been taken care of but there was a problem with one of the properties. Ms. Nilsson then produced a rendering of the properties, which were all highlighted in different colors. The one in red contained two parcels. The one to the north has a blanket property easement that is held by the convenience store. A blanket easement would stop anyone from doing construction or making any improvements to said property because it could potentially block their access to their own property. The blanket easement required them to come up with other options. She said in doing so they realized they also lose another small piece of property because it isn't physically attached to their property. That leaves them to look at three other parcels, one of which is landlocked. The land bank owns a parcel that it was agreed upon to leave as a parcel for a future single-family home. There is also a parcel across the street that will be developed commercially so that leaves one parcel. They looked at multiple options to create the buildings, and the parking that would need to be required with them. Ms. Hughes-Nilsson stated back in 2019 they were zoned CC-Commercial Community and in 2020 or 2021 they were changed to Live-Work 1 and now they are trying to meet the new standards. There was a portion of a parcel they were going to include for parking to give them more green space but now they have lost the ability to develop that space, so now they have to put things within the remaining three parcels. For Live-Work 1 they are required twenty parking spaces for their commercial and residential units. They have twelve residential units, four in the two-story structure and eight in the three-story structure, which also has commercial development on the first floor. Since they are required twenty spaces, they can fit fifteen on the site and through the zoning ordinance they are allowed 20% so four of the twenty can be on-street parking. She stated that they can handle the parking but they're crunched for an area for the open space. They also looked at putting a green roof on some of the structures but due to zoning and stormwater standards they can only count the roofs as 25% of the roofs as part of the open space and when you look at the open space for any mechanical units, or anything else that needs to go up there, there will only be a few square feet left over for open space. She said going through pre-site plan review they were looking at narrowing one of the drives for more green space but the fire marshal needs the space for access. She said that one of the properties will be a condominium type of property but in a Live-Work 1, there can't be an unoccupied corner.

Chair Lager wanted to know if the property in question that has the easement, since they can't develop on it, can be used as part of the footprint to help with the impervious coverage and Ms. Hughes Nilsson said it's all asphalt and concrete and it can't be turned into grass because that is how the delivery trucks for the convenience store comes in.

The question was asked why they weren't able to use the small park as part of their plan and Ms. Hughes-Nilsson said because in a Live-Work 1 zone there can't be an unoccupied corner and they would have to rip out the small park and put some type of building there.

Mr. Carroll asked about the square footage and/or bedroom count of the condos and Ms. Hughes-Nilsson stated there would be a variety of one- and two-bedroom units featuring a variety of square footage. Mr. Whitener who stated he doesn't know the exact square feet in the paperwork he brought with him. Mr. Carroll questioned their request and said why not a parking variance instead of a green space request. Ms. Hughes-Nilsson said that she talked to Bobby and Christina in the planning department and said they questioned the push for a parking variance as well but were told

they need to go for a green space variance. Mr. Eldridge added that from the planning standpoint if there were less parking than needed, especially for the two-bedroom units, there may be circumstances where there may be two cars for the occupants of a two-bedroom unit and also the workers in the commercial spaces would need parking as well for at least eight hours. He said it just made more sense to keep as many of those situations on the property instead of pushing it onto the side streets. Mr. Carroll then asked if they considered building ten units and then they would meet the requirements of the ordinance. Ms. Hughes-Nilsson said it's her understanding that if having a commercial structure like the one shown, there has to be enough residential units to cover for the commercial tenant if they leave. He then asked what the businesses would be and she said they have looked at a variety of businesses but will leave it as flexible as possible. Mr. Carroll questioned that up to five tenants would make the difference to the profitability of the businesses in the building and Ms. Hughes-Nilsson stated not profitability but support of the structure. Mr. Whitener added it's for the upkeep of the property and to give it the best chance of economic impact, it will have to have all of the units. Mr. Carroll said while he can appreciate the economic impact, the ordinance is concerned with the environmental impact. Mr. Whitener added that they have tried to stay within the spirit of the ordinance but can't as it is written now.

Chair Lager questioned how many square feet would the 12% add and Ms. Hughes-Nilsson didn't have that information but said it's a few hundred square feet. She added that they looked at not making the parcel residential.

Ms. Harrington wanted to hear more about the green roof and Ms. Hughes-Nilsson said per the ordinance only 25% of the green roof can be counted as open space for stormwater management, so even if the entire space was empty only 25% could be counted as open space. If you add in all of the mechanical units and air handlers that would whittle down the green space area. Also per OSHA requirements a distance between the edge of the roof and where the green roof starts. Ms. Harrington asked if there was a goal to make these energy efficient and Ms. Hughes-Nilsson said they are. Mr. Whitener added that one of the goals was to make them as energy efficient as possible for current and future owners.

Chair Lager asked for staff comments and Mr. Eldridge said he wanted to note a few things and one was the zoning change from the CC-Commercial Community to the Live-Work 1 the CC allows for 80% impervious cover and it's reduced to 75% with the change. He added Plaza Park had to be developed separately from this project in part because of the Live-Work standards. He added it looks like it's part of the development even though it's not and so the green space can't be included with this project. He added that the irregular shape of the lot is what is causing them to have a lot of asphalt whereas if it were square or rectangular, it would be different with a center drive lane coming in and parking on both sides of it but in this case, per the fire marshal, this has to be 24 feet wide so a fire truck can have access, which will only accommodate a single row of parking. He noted the irregular shape is causing the parking issues. He also wanted to mention the code allows for 20% reduction in the required number of spaces if there is adjacent on street parking so the site is already at 20% less than what is required so staff felt asking for the parking variance wouldn't make sense and would push more cars out onto the street for parking for extended amounts of time. He said the large parcel at 600 Phelps was intended to be a part of the easement all along but it had to be pulled from the project and that would have eliminated the green space issue. He went on to say the project aligns with the master plan and strategic goals by increasing commercial space and creating economic opportunities and the mixed-use project touches on that. He added that looking at the Imagine Eastside neighborhood plan that talks about the desire for more housing and more commercial spaces on East Main. He said there were no emails or letters

from anyone from the notices but he did receive a phone call from the owner of East Main Food and Beverage inquiring about 600 East Phelps but that was only to confirm nothing was being built there. The staff is in support of the variance.

Chair Lager asked for comments for the variance.

There was one comment from the public: Pat Taylor, Executive Director for the Eastside Neighborhood Association, noted that the association was in favor of and very supportive of the project because they have been trying to revitalize the area for over 20 years.

Chair Lager asked for comments against and there were none.

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 1616 E Main/629 and 637 Edwin Avenue shall include all information included in the notice of public hearing dated December 23, 2021.
- 2.) 89 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. There was one comment from Pat Taylor, who is a member of the East Side Neighborhood Association.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following:

The Kalamazoo County Land Bank has been purchasing property on the eastside for the past few years with the support of the Eastside Neighborhood Association. Rachel Hughes-Nilsson and Thomas Whitener spoke regarding the Master Plan for development of mixed-use properties. One of the adjacent properties has a convenience store which has a blanket easement over 600 Phelps, which means they don't have to go along with the development. The owner was contacted and has refused to lift the easement. The infill development project will include approximately 2,500 square feet of commercial space facing East Main and a total of 12 apartments. They are trying to figure out how to move forward with the three properties, one of which is land locked. In 2021 the zoning ordinance was changed from CC-Commercial Community to Live-Work. They looked into developing green space on top of the structure but that wasn't feasible and also the adjacent park

can't be included in this development as green space, which would eliminate the green space problem since the parcel with the easement is completely asphalt. There was discussion regarding asking for a parking variance but that was determined to not be feasible. There was also the question raised about making these ten units instead of twelve, which would align with the current ordinance. There are no plans for what types of businesses will go in the building. As far as the impervious coverage increase, it will be a 12% increase. The staffing comments were noted that when the ordinance was changed, it reduced the impervious coverage and also noted the special circumstances with the unusual shape of the property. There was one phone call from the owner of East Main Food and Beverage calling to confirm there would be no competing business on the property. In favor, Pat Taylor of the Eastside Neighborhood Association, spoke to the balancing act between economic growth and sustainability. This project is supported by the Kalamazoo Eastside Neighborhood Association and it aligns with the Imagine East Side neighborhood plan as it creates additional housing, new commercial spaces and a neighborhood space that will bring people together.

Mr. Carroll seconded the Finding of Fact.

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

Mr. Carroll moved to approve the application for a variance for 1616 E. Main Street/629 and 637 Edwin Avenue for Kalamazoo County Land Bank from Chapter 50, Article 50-5.6, of 12% from the maximum impervious cover to allow the development project to have 87% impervious cover for the proposed mixed use development project, where 75% is the maximum for this lot type, seconded by Mr. Terpening.

Discussion:

Ms. Harrington wanted to know why the area was rezoned. Mr. Eldridge said this was a coordinated effort throughout the city, north of downtown as well as south and east. The CC zoning district was a more intensive commercial zoning district allowing for auto repair, gas stations and a variety of other things that aren't necessarily desirable in a neighborhood setting. He added it's different in an area like Stadium Drive than it is on a street like East Main and areas on the northside and areas of Vine, so that was a way to scale back the intensity of commercial uses allowed in those areas to be zoned as Live-Work zones. Another reason is that the Live-Work zone is more flexible and allows for residential and/or commercial development so it takes away from people needing to come to the board if they want to turn a commercial property into a living space where there is no commercial use on the ground floor. With Live-Work zones a portion of the structure, the front edge along the street, has to be used for commercial but the rest of the ground floor can be used for residential, within code. There's also more urban design standards that apply where the buildings are now being pushed forward toward the street to encourage parking beside and behind the buildings so now they don't have the asphalt parking lots between the buildings and the streets in these areas of the city as redevelopment occurs. There are design, land use intensity reasons and efforts to create more green space. Ms. Harrington asked if this use would have been allowed under the old ordinance and Mr. Eldridge said it would have had to come before the board.

Chair Lager said he wanted to speak to the project before they move onto the variance. He said that this site on East Main hill is the most visible site in the East side neighborhood that has been

under-utilized, in his opinion, for a long time so to see a development going here is exciting. He added that the process it went through from information gathering to community input is what is exciting about the project as well. He mentioned that the condominium styled buildings are going to not only bring homeownership to a dense, but residential area, but will also put commercial units in an area that has been vacant and it's something he can get behind. He stated that the unusual topography of the lot that makes it harder to fit in there, it seems as if it were almost gerrymandered in there and all of the attempts to increase the impervious space puts him in support of the variance. He feels it meets all of the criteria for the variance.

Ms. Harrington agreed saying she felt they though all of the various layers, specifically the green space, and how the pocket park was incorporated in. She also appreciated the fact that residents of the neighborhood were brought in to give their opinions.

Motion to approve the application by roll call vote was unanimous.

OTHER BUSINESS:

Amendment of the Rules of Procedure for ZBA to align public comment with the new City Commission Rules.

Mr. Eldridge stated the City Commission has its set of rules called the City Commission Rules and in subsection 12 establishes rules that apply to all advisory boards and commissions and they want to streamline the policies and procedures. The public comment requirement is now being changed to a three-minute time period and that is built into the City Commission rules. The part that applies to the Zoning Board of Appeals Rules of Procedure is the removal of the four-minute notation that's in there on page three of how the conduct of the meeting is handled. Another change is from public comment to citizen comment to be more inclusive to include people outside of the City of Kalamazoo everything else will remain the same.

Attorney Bear asked Mr. Eldridge to summarize the three-minute change. Mr. Eldridge said it used to read "The applicant will have ten minutes to present their reasons for the requested variance and other actions and each individual wishing to respond shall have four minutes to present his or her comment." The last sentence now reads "Members of the public shall then be permitted to speak pursuant to these rules of procedure and the City Commission rules pertaining to advisory boards and commissions." Mr. Carroll wanted to verify the time limit and Mr. Eldridge said three minutes. He added that if the City Commission needs to change other regulations it will automatically apply to the other boards under them. Mr. Carroll said he wanted to make sure the public had time to speak and Mr. Eldridge said the reason for the one minute time change is to accommodate those who might call in as well as those in attendance.

Chair Lager wanted to verify if they had to accept the changes and Mr. Eldridge said it has to be put to a voice vote to approve the changes and since these are the rules the board abides by, they also have the ability to amend them.

Mr. Terpening motioned to approve the changes and was seconded by Ms. Harrington.

The motion to approve the changes was granted by unanimous vote.

ADJOURNMENT:

The meeting was adjourned at 8:39 p.m.

Submitted By _____ **Date** _____
Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____
Chair



Zoning Board of Appeals Staff Report

Date: **2/10/2022**

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: February 10, 2022

SUBJECT: ZBA #22-01-01: 114 and 120 Burr Oak Street. Kalamazoo Neighborhood Housing Services (KNHS) is requesting a dimensional variance from Appendix A, Chapter 5, Section 5.1-1, to authorize a variance of 2,635 square feet of lot area to allow for the division of two lots into three lots, which total 9,365 square feet whereas the Zoning Ordinance requires 12,000 square feet for three buildable lots.

BACKGROUND:

Both properties have been owned by KNHS since 2017. The dwelling on 114 Burr Oak Street was demolished in the Fall of 2021. The dwelling on 120 Burr Oak Street has been deemed a vacant, blighted structure and plans are being made for demolition. KNHS is proposing to construct three dwellings on three lots, where there are currently two wide, but shallow lots. The lot width required in the Residential – Multi Dwelling District (RM-36) is 33 feet. Each of the three proposed lots will have 37 feet of lot width. The lot area required in RM-36 is 4,000 square feet. The proposed lots will have between 3,078 and 3,135 square feet.

The Vine Neighborhood overall has a wide range of lot sizes that function with residential structures. In this section of the Vine Neighborhood there are similar, smaller-than-code-required lot sizes. Directly to the north is Fellows Avenue, where the residential lot sizes range from 2,700 square feet to 4,800 square feet. In the 800 and 900 blocks of S. Rose Street, the lot sizes range from 2,744 square feet to 5,700 square feet. The 200 and 300 blocks of Burr Oak Street range in lot size from 1,800 square feet to 7,800 square feet. This same pattern of nonconforming lot sizes is also found on Houston Place, Wall Street, and other blocks in the immediate area of the Vine Neighborhood. One reason for the shallow lots in this area is the street network; there are several narrow court or mews style streets that interrupt the typical block and lot pattern, resulting in shallow lots.

This area was recently rezoned from a commercial district to a residential district to support housing and an increase in density in this area.

STRATEGIC VISION ALIGNMENT:



Complete Neighborhoods - residential areas that support the full range of people's daily needs

Strategic Goal, Master Plan 2025 and Neighborhood Plan Impact:

This request touches on the Strategic Plan Goal of Complete Neighborhoods by adding additional housing units to the available housing stock. It aligns with the Future Land Use Map of the Master Plan which designates the properties as Neighborhood Edge. This category allows for low and medium density residential uses. Additionally, the Imagine Vine Neighborhood Plan supports home ownership programs and increasing available dwelling units.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Inform – the community will be made aware of the project.

The applicant is reaching out to adjacent property owners regarding the proposed project and the Vine Neighborhood Association. The Vine Neighborhood Association has provided a letter of support. The city also sent letters to all property owners within 300 feet on December 23, 2021.

Engagement/Communication Tools:

Letters mailed to property owners,

FINDINGS:

The staff has made the following findings 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 lots in this section of Vine are shallower than the typical Vine lot. This is due to the existing street network, which includes many court streets that disrupt a typical block/lot pattern. Fellows Avenue, directly to the north of these lots, is one example of this type of street. The result of this unique street network is shallower lots than found in an uninterrupted (by a court street) block. The court streets were historically created to increase the opportunities for housing in this area.

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

The shallow lots that meet the minimum lot width, but not lot area are common in this section of the Vine neighborhood. This is a result of the historical street network

and block/lot pattern, which was treated to increase the number of housing units in this area, close to employment and downtown.

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 provisions of the ordinance would allow for only two buildable lots where smaller lot sizes developed with homes are common within this section of the Vine Neighborhood.

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 is the minimum action that will make possible the dividing of the lots. This will not be contrary to public interest as all other development requirements will be met for the construction of the dwellings and the lot size is consistent with other developed lots in the area.

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

The granting of dimensional variance will not adversely impact adjacent lands - many of the adjacent lots are developed with residential structures and are of similar lot size. KNHS has already reached out to the property owners to the east and west of these lots on Burr Oak Street and did not receive any concerns from the neighbors.

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

The granting of this dimensional variance will be consistent with the development pattern and varied lot sizes of this area. Many residential lots in this part of the Vine Neighborhood are of similar size. In many blocks, this is due to the court streets that interrupt a standard block/lot pattern, creating lots that are more shallow than other areas within the Vine Neighborhood.

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.

This criterion is not applicable to the requested dimensional variance.

RECOMMENDATION:

Staff recommends the granting of the dimensional variance of 2,635 square feet of lot area to allow for the division of two lots into three lots, which total 9,365 square feet, due to the proposed lot sizes being consistent with the existing development pattern in the area.



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

December 23, 2021

**RE: ZBA #22-01-01
114 and 120 Burr Oak Street
Parcel #06-22-196-001 and 06-22-195-004**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Kalamazoo Neighborhood Housing Services for 114 and 120 Burr Oak Street in the Residential – Multi Dwelling District (RM-36).

The applicant is requesting a dimensional variance from Appendix A, Chapter 5, Section 5.1, of 2,635 square feet to authorize the dividing of two lots into three buildable lots. Each proposed lot will be between 3,078 and 3,135 square feet, where 4,000 square feet is the stated buildable lot size for this zone district.

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, January 13, 2022 at 7 p.m. in the City Commission Chambers at City Hall, 241 W. South Street. This meeting will also be streamed live on the [City's Facebook page](#) and [YouTube Channel](#).

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-city.org

ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION		
Name: KNHS		Mailing Address: 1219 S. Rose St
City: Kalamazoo	State: MI	ZIP Code: 49001
Phone: 269 385-2916	Email: mattm@knhs.org	Preferred Contact: ☒ Email ☐ Phone
PROPERTY OWNER INFORMATION		
<i>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.</i>		
Name:		Mailing Address:
City:	State:	ZIP Code:
Phone:	Email:	Preferred Contact: ☐ Email ☐ Phone
PROPERTY INFORMATION		
Property Address(s): 114 Burr Oak PIN: 06-22-196-001 ; 120 Burr Oak PIN: 06-22-195-004		
Parcel Identification Number(s): see above	Zone District (kalamazoo-city.org/maps): RM 36	
TYPE OF REQUEST		
☒ Dimensional Variance from Chapter(s) <u>5</u> , Section(s) <u>5.1</u> ☐ Use Variance to allow _____ ☐ Appeal of an Administrative Decision ☐ Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____ ☐ Temporary Use Approval		
Reason for Request:		
ATTACHMENTS		
☐ \$ _____ 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.	
<i>Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support</i>		
SIGNATURE		
Signature of Applicant: 		Date: 12-13-21
Signature of Owner (if different than applicant):		Date:

ZONING BOARD OF APPEALS

DIMENSIONAL VARIANCE REVIEW SHEET

General Information

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

KNHS Home Ownership Services is an active partner working to bring new family homes to neighborhoods which have been without new construction for decades. With permission from the Zoning Board of Appeals for a Dimensional Variance, KNHS plans to create three (3) NEW BUILD single-family homes by utilizing two (2) of KNHS' currently owned lots on Burr Oak St in 2022. *114 Burr Oak (48.42 ft frontage and 81 ft depth) AND 120 Burr Oak (66 ft frontage and 82.5 ft depth)

Zone RM-36 allows for a 4000 sq ft minimum. The frontage totals for the 2 lots would allow for sufficient frontage for 3 lots (114.42 feet in total), approximately 38 feet of frontage for each. Where the lot areas fall short is with the total square feet, which then requires the dimensional variance. The 2 existing lots together are 9,365 sq feet and if divided into 3 lots, each parcel would equal between 3078 and 3135 sq feet. See below for examples of lots smaller than the 4,000sq ft minimum located in the Vine Neighborhood and Zone RM-36

Andrew Falkenberg, City Assessor is aware of the proposal to split the 2 lots and agrees having the three-way split take place before year-end 2021 would prevent additional hold ups. Surveys and legal descriptions have been ordered. There is great benefit to be able to maximize the use of the proposed 2 lot spaces to accommodate 3 New Kalamazoo Attainable Home Partnership homes for low-income Kalamazoo families.

Thank-you for your consideration on this request.

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?

Fellows Ave runs directly behind this area of Burr Oak St. making these lots typically shorter in depth than other areas.

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?

Not applicable.

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

The local new property owners at 110 Burr Oak and 124 Burr Oak have been informed of the plans to create 3 lots and have expressed no concerns.



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

Not applicable.

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

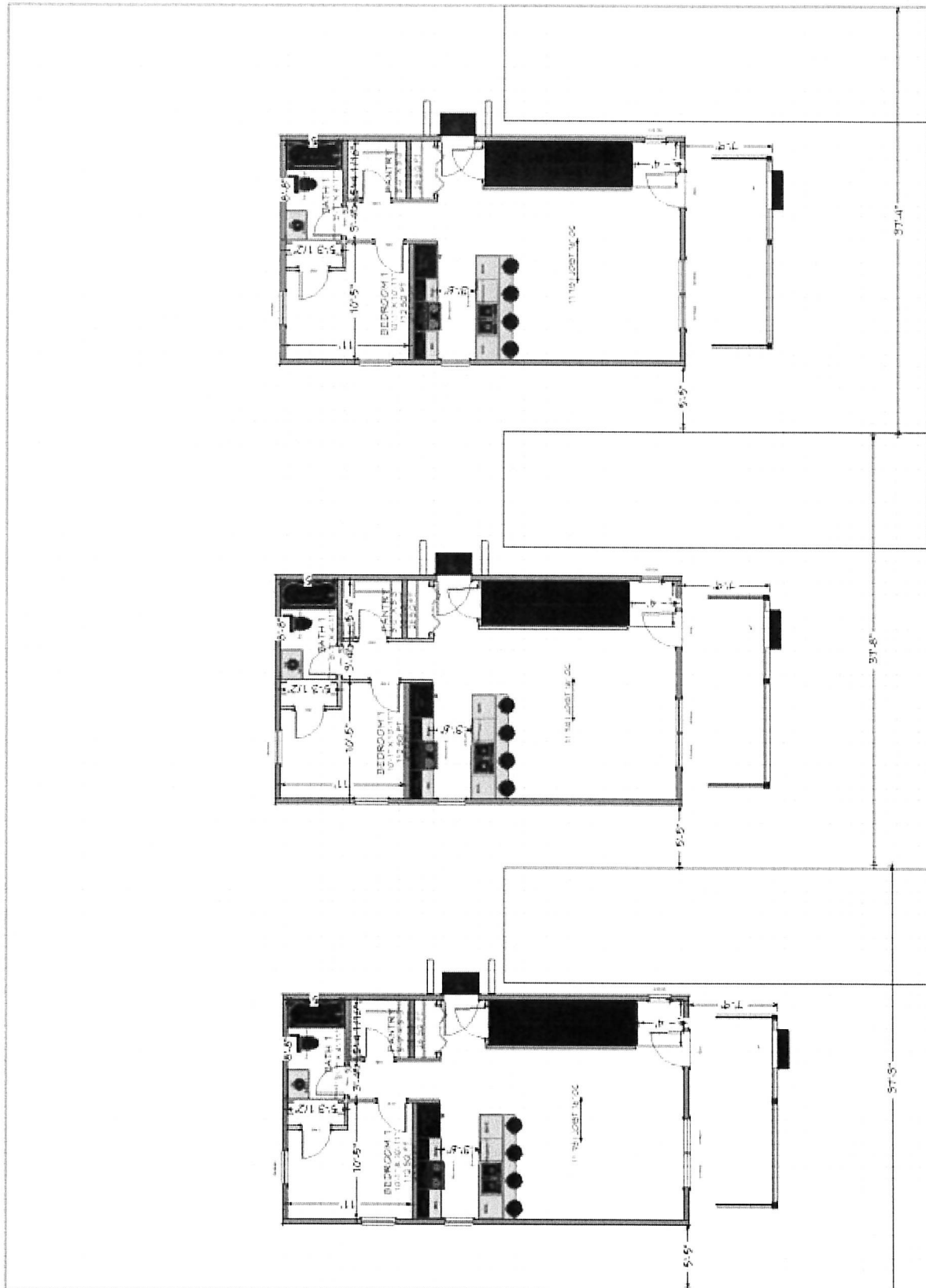
No.

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

None expected at this time. Immediate surrounding structures are all residential.

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

Not applicable.





806 SOUTH WESTNEDGE AVENUE
KALAMAZOO, MICHIGAN 49008
269.349.8463
www.vineneighborhood.org

Janaury 11th, 2022

To Whom It May Concern,

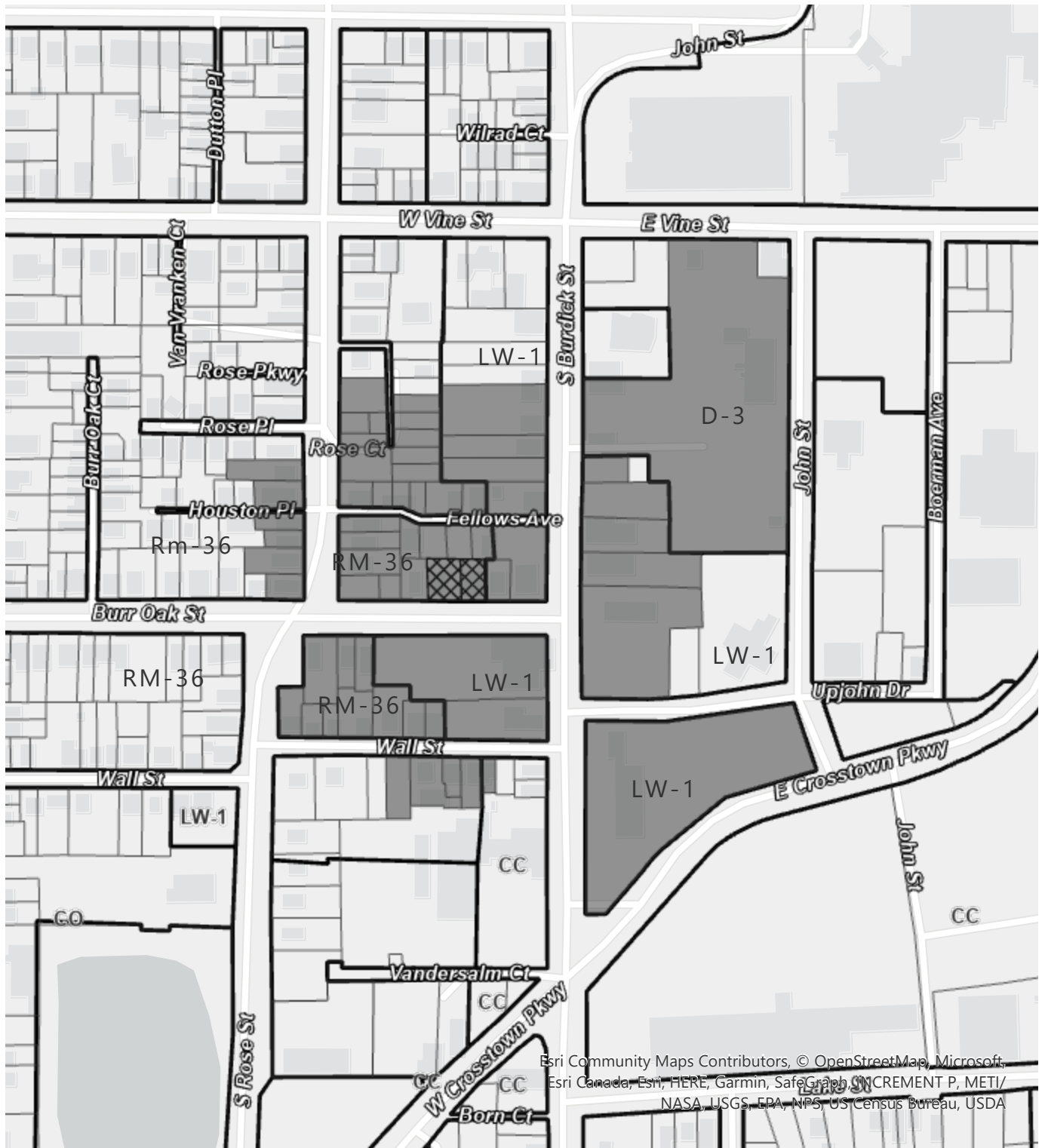
It is my pleasure to write a letter in support of Kalamazoo Neighborhood Housing Services (KNHS) request of a dimensional variance for the properties located at 114 and 120 Burr Oak Street in the Vine neighborhood to assist in dividing two lots into three buildable lots. KNHS has been a trusted partner of the VNA for many years, and has proven to be a valued steward within the neighborhood. The creation of more affordable housing will be a boon in a neighborhood where housing is at a premium.

In conclusion, The Vine Neighborhood Association fully supports the efforts of Kalamazoo Neighborhood Housing Services Foundation in its request of the two zoning variance requests being granted for this effort at 114 and 120 Burr Oak Street.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Walsh", with a long horizontal flourish extending to the right.

Stephen Walsh
Executive Director
Vine Neighborhood Association



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Parcels within 300' Mailing Radius 114 & 120 Burr Oak St

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



0 110 220 440 ft



Zoning Board of Appeals Staff Report

Date: **2/10/2022**

Item: **D.2.**

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: February 10, 2022

SUBJECT: ZBA #22-02-04: 1000 W. Kilgore Road. Hackett Catholic Prep School is requesting a dimensional variance from Appendix A, Chapter 7, Section 7.3 A 1, to authorize the installation of a new 62 square foot freestanding sign for the school where the maximum size is limited to 46 square feet per the Zoning Board of Appeals variance granted in 2005.

BACKGROUND:

Hackett Catholic Prep School campus is comprised of almost 30 acres with 1,100 feet of frontage on both Duke Street and W. Kilgore Road. The parcel is in the Residential -Single Dwelling District. The main entrance to the campus is the center driveway off W. Kilgore Avenue. The main drive has had several signs over the years to welcome and inform students and visitors. Images of the former sign and current sign have been provided by the applicant.

On July 14, 2005, the Zoning Board of Appeals granted a dimensional variance for a 46 square foot freestanding sign where special uses in the RS-5 District were only allowed a 32 square foot sign. The practical difficulties stated during the 2005 ZBA meeting included better visibility for the main entrance and higher-than-normal traffic speeds along Kilgore Road (35 mph) compared to other residential areas. The existing electronic message center is approximately 40% of the sign area; prior to October 2005 the Zoning Code did not include a limit on the size. Sign Art has indicated that the electronic display is obsolete; repair parts are no longer available and it is currently not fully functioning.

The proposed sign will be constructed on the existing support posts. It will be the same height as the current sign and 46 square feet in area. The proposed electronic message center will be an LED panel that is two feet by eight feet or 16 square feet in area. The current Zoning Code limits electronic displays to 25% of the overall sign area. The proposed LED panel will meet this 25% requirement, but the applicant is proposing to enlarge the fixed message panels on the sign slightly to achieve this percentage.

The July 2005 dimensional variance granted an overall size of 46 square feet. The dimensional

variance being requested in this case is for an additional 16 square feet for a total sign height of 62 square feet.

STRATEGIC VISION ALIGNMENT:



Complete Neighborhoods - residential areas that support the full range of people's daily needs

Strategic Goal and Master Plan 2025 alignment:

The proposed sign enhancement aligns with the Strategic Goal of Complete Neighborhoods as thriving schools in our community are an important neighborhood amenity. The Future Land Use Maps identify this property as R1 - low density residential. Public and private schools are permitted as a special use in residential districts.

COMMUNITY ENGAGEMENT:

Inform – the community will be made aware of the project.

Appropriate Depth of Engagement:

The applicant is reaching out to adjacent property owners regarding the proposed sign. The city also sent letters to all property owners within 300 feet on January 26, 2022.

Engagement/Communication Tools:

Letters mailed to property owners.

FINDINGS:

The staff has made the following findings 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 school campus is almost 30 acres with one primary entrance and the posted speed limit on W. Kilgore Road is 35 miles per hour, which is higher than many other residential areas where schools are located.

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

The existing sign was installed in 2005 with approval of a dimensional variance. The electronic message display is now failing and the standard sizes of LED panels

available complicates the retrofitting of existing signs with a new LED display. In addition, the former sign had 40% electronic message display and the ordinance allows only 25% of a freestanding sign to be changeable copy or electronic message display.

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 application of the existing ordinance and the size approved in 2005 would limit the changeable copy area to 11.5 square feet (25%), where the existing electronic message display is approximately 20 square feet. This reduction in the display size will reduce visibility and the amount of information which can be displayed.

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.

The granting of the variance is the minimum action which will allow for the installation of a new sign on the existing support structure with a functionally sized LED display for providing information to the community.

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

The proposed variance will not adversely affect adjacent properties. No complaints have been received regarding the existing sign installed in 2005. Further, this new LED panel will have a photocell to automatically dim the illumination during nighttime hours.

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

The variance will be consistent with the intent of the ordinance to limit signage in residential areas.

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.

This criterion is not applicable to the request dimensional variance

RECOMMENDATION:

Staff supports the granting of the variance as this will allow for the reuse of the existing sign structure, will not result in an increase in sign height, and will reduce the overall size of the electronic message display.



Community Planning and Economic Development

245 N. Rose Street, Ste. 100

Kalamazoo, MI 49007

PH: (269) 337-8044

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NOTICE OF PUBLIC HEARING

January 26, 2022

**RE: ZBA #22-02-04
1000 W. Kilgore Road
Parcel #06-33-462-001**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Hackett Catholic Prep School for 1000 W. Kilgore Road in the Residential – Single Dwelling District (RS-5).

The applicant is requesting a dimensional variance from Appendix A, Chapter 7, Section 7.3 A 1, to authorize the installation of a new 62 square foot freestanding sign for the school where the maximum size is limited to 46 square feet per the Zoning Board of Appeals variance granted in 2005.

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, February 10, 2022 at 7 p.m. in the City Commission Chambers at City Hall, 241 W. South Street. This meeting will also be streamed live on the [City's Facebook page](#) and [YouTube Channel](#).

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



ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION		
Name: Steve VanderSloot		Mailing Address: 5757 E. Cork St.
City: Kalamazoo	State: MI	ZIP Code: 49048
Phone: 269.381.3012	Email: svandersloot@signartinc.com	Preferred Contact: ☒ Email ☐ Phone
PROPERTY OWNER INFORMATION		
<i>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.</i>		
Name: Hackett Catholic Prep		Mailing Address: 1000 W. Kilgore Rd.
City: Kalamazoo	State: MI	ZIP Code: 49008
Phone: (269) 381-2646	Email: phiggins@hackettcp.org	Preferred Contact: ☒ Email ☐ Phone
PROPERTY INFORMATION		
Property Address(s): 1000 W. Kilgore Rd.		
Parcel Identification Number(s): 06-33-462-001		Zone District (kalamazoo-city.org/maps): RS-5
TYPE OF REQUEST		
☒ Dimensional Variance from Chapter(s) <u>7.3</u> , Section(s) <u>A.1</u>		
☐ Appeal of an Administrative Decision		
☐ Interpretation of Zoning Ordinance, Chapter(s) <u>7.3</u> , Section(s) _____		
☐ Use Variance to allow _____		
☐ Temporary Use Approval		
Reason for Request:		
ATTACHMENTS		
☐ \$ <u>300.00</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:		Date: 12-16-21
Signature of Owner (if different than applicant):		Date: 12-27-21

ZONING BOARD OF APPEALS

DIMENSIONAL VARIANCE REVIEW SHEET

General Information

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

Previously, the ZBA granted a variance for a 46 sq. ft. monument sign with 25% to be electronic message display. The display, integrated into a traditional sign cabinet, has expired. The components are obsolete and manufacturer out of business, leading Hackett to make a change. The most effective is the proposed, re-purposing the existing cabinet and adding a new electronic message display below. This brings the total sign area to 61.92 and active LED area to 25%. The active LED area of the electronic message display is 2' 0" x 8' 0" as noted on the sign specifications provided.

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?

Hackett Catholic Prep is located on almost 30 acres, 1,135 ft. of frontage along W. Kilgore Rd., and moderate change in elevation.

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?

The existing display technology of the Hackett Catholic Prep sign has expired. The sign has experienced many malfunctions over the years and most recently turned off permanently due to no repair solutions. The proposed sign will refresh the appearance and restore function to this highly valued communication tool.

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

No. However, the free-standing sign allowance, particularly number of signs and area, is arguably not proportional to the size of the campus and number of uses and events this sign supports.



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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?

Yes. Hackett Catholic Prep feels the sign position and height is appropriate and would like to re-purpose the existing sign structure. Hence, adding the digital display below said cabinet for designated for static use provides the best means to accomplish.

Will the granting of the variance negatively affect adjacent land?

No. An internally illuminated sign has existed in this location for many years. The applicant is unaware of any complaints regarding the Hackett Catholic Prep monument sign.

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

Yes.

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?

1000

HACKETT
CATHOLIC PREP

MORE THAN HIGH SCHOOL
hackettcatholicprep.org



Sign #1

Refurbishment For Existing Illuminated Double-Faced Monument Sign

I.D. Sign Cabinet

Existing S.A. double filler aluminum sign cabinet.
New 1 3/4" aluminum retainers.
New 3" aluminum reveal.
Paint with GripCard EFX semi-gloss enamel.

Faces

Existing routed sign faces to be removed.
New precision routed .100 aluminum backed with flat translucent white polycarbonate.
Applied pressure sensitive vinyl.

LED Message Center

Existing message center to be removed.
New Watchfire 16mm full color LED message centers.
.063 Black aluminum filler.
New message centers to be mounted to existing support poles.

Electrical/Illumination

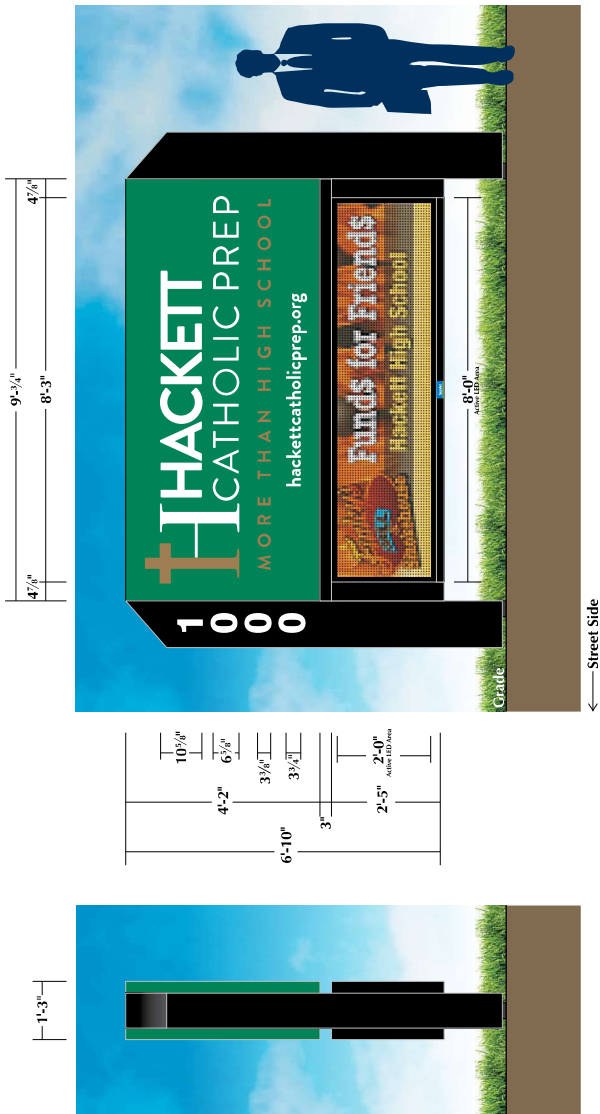
Existing to remain as is.

Cladding

Existing to remain as is.

Support/Foundation

Existing 4" x 4" x .250 steel support tubes.
Existing 1'-6" x 4'-0" deep augered concrete footings.

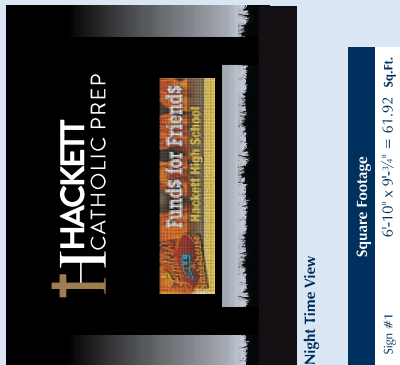


Scale: 3/8" = 1'-0"



Existing Elevation

Proposed Elevation



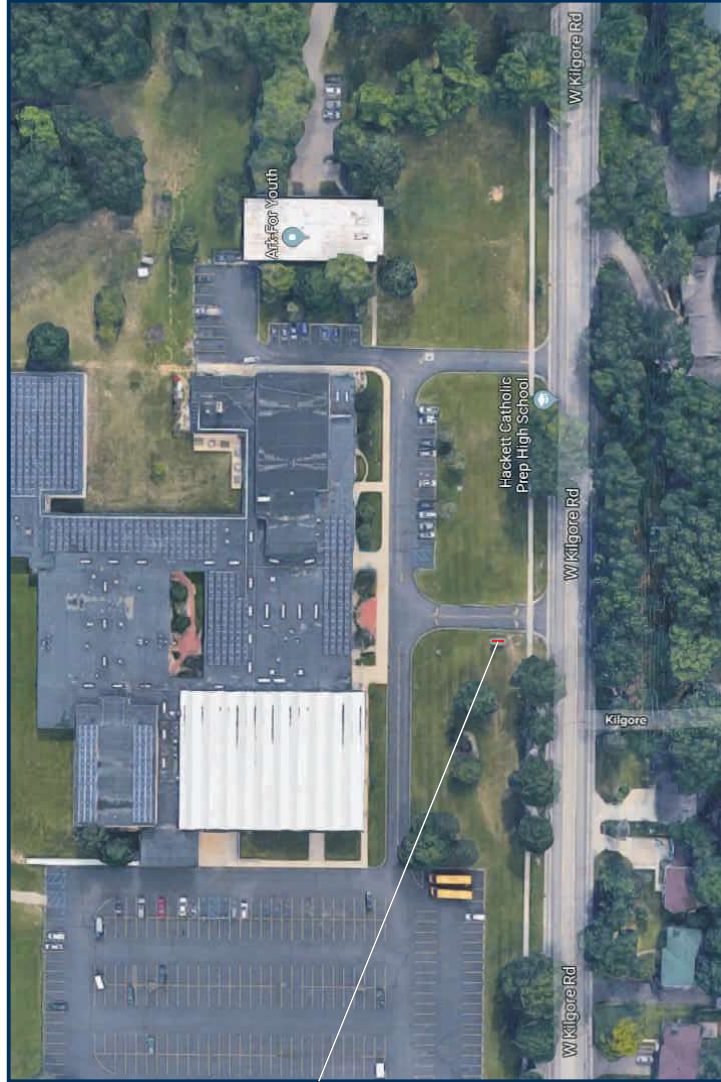
Night Time View

Square Footage

Sign #1 6'-10" x 9'-3/4" = 61.92 Sq.ft.



This sign is intended to be installed in accordance with the National Electrical Code and other applicable local codes and regulations. The sign is not to be used for any other purpose and is not to be modified in any way.



Sign #1



Scale: None

Site Plan

Notes:

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
July 14, 2005 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

RECEIVED
SEP 12 2005
Kalamazoo City Clerk

Members Present: Donna Innes, William Snyder, Karl Guenther, Jeff Gregg, David Artley, Thomas Stolz, (Alternate)

Members Absent: Rachel Hughes-Nilsson

City Staff: Pete Eldridge, Project Coordinator; John Kneas, Assistant City Attorney; Deanna Benthin, Recording Secretary

Chair Innes called the meeting to order at 7:03 p.m.

MINUTES

Mr. Artley, supported by Mr. Snyder moved to approve the minutes of June 9, 2005 as submitted.

Motion approved by voice vote unanimously.

NEW BUSINESS:

PUBLIC HEARINGS: Chair Innes summarized the process and explained the Zoning Board of Appeals public hearing rules of procedure stating that a full board consists of six (6) members and that approval requires four (4) affirmative votes. If only four members are present the applicants would have the option to hold their requests over to the next meeting or present their requests with the hopes of getting all four (4) affirmative votes.

Mr. Guenther read the application for 718 West Cedar St., CCN# 06-21-231-004

ZBA# 05-07-26: 718 West Cedar Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Mary Houghton, the property owner. The request concerns the property at 718 West Cedar Street, which is situated in use Zone 7 (Multi-Family Residential District - Medium Density). The request, if approved, would authorize a non-use variance from Chapter VIII, Section 8.51, to allow the reuse of a two-family dwelling (duplex) on a property that is only 3,954 square feet in area, where 5,000 square feet is required by the Zoning Ordinance.

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. One hundred two (102) notices of public hearing were sent and zero (0) responses were received.

Wesley Sangsland, 1232 N. Van Bruggen, Plainwell, was present to speak on behalf of the applicant. He stated that Ms. Houghton, who was present, is an elderly woman on a limited income and needs the extra income from renting the upper portion of the house to help her financially.

Chair Innes questioned how this request had come before the Board? Mr. Eldridge replied that the property had never been registered with the City as rental property; even the assessor's records indicated it as a single-family dwelling. The request to register it as a duplex and have an inspection brought out the fact that the lot size didn't meet the zoning requirements and Ms. Houghton would need to appear before the Zoning Board of Appeals to request a variance.

Chair Innes questioned if the set up of the house was for a duplex? Mr. Eldridge replied that it was.

Vince Matusiak, 947 Vassar, spoke in favor of the variance request, stating that he owns property immediately adjacent to Ms. Houghton's property and he has no objections against this dwelling being rented as a duplex.

Chair Innes closed the public hearing.

FINDING OF FACT

Mr. Snyder moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 718 West Cedar St. shall include all information included in the notice of public hearing dated June 30, 2005.
- 2.) One hundred two (102) notices of public hearing were sent and zero (0) responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, and a letter from the property owner, Mary Houghton.
- 5.) Wesley Sangsland a representative for Ms. Houghton explained that the owner was elderly and she has owned the property for over thirty-nine (39) years, he explained that he's a friend and is helping the owner in the repairs. Vince Matuziak, owner of 431 Locust St. spoke in favor of the request stating that the house has always been a duplex.

Mr. Artley supported the Finding of Fact.

Motion approved by voice vote unanimously.

Mr. Guenther moved to approve the application, supported by Mr. Stolz.

Mr. Gregg questioned what percentage of the property is homestead and if it's rented what would it be then? Mr. Eldridge replied that it's at 100% homestead, but if it becomes a duplex it would then be reduced to 50% homestead.

Mr. Snyder commented that this is a non use variance and only one of the criteria needs to be met, since the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose; this was originally built as a duplex, it's also in a rental area and he'll be voting in favor.

Motion approved by roll call vote unanimously.

Mr. Guenther read the application for 1700 North Drake Road, CCN# 06-07-317-001

ZBA# 05-07-27: 1700 North Drake Road: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals the Westwood Baptist Church, the property owner. The request concerns the property at 1700 North Drake Road, which is situated in use Zone 8 (Single-Family Residential District). The request, if approved, would authorize A) a non-use variance from Chapter 1D, Section 1D.3.1(6), to erect a 41 square foot freestanding sign, where a maximum size of 32 square feet is allowed by the Zoning Ordinance; and B) a non-use variance from Chapter 1D, Section 1D.3.1(6), to erect a freestanding sign 8 feet in height, where a maximum height of 6 feet is allowed by the Zoning Ordinance.

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. Twenty-two (22) notices of public hearing were sent and zero (0) responses were received.

Chris Dziepak, 25623 Pleasant Dr., Mattawan, Chairman of the Trustee Board at Westwood Baptist Church, stated that the sign their seeking a variance for would give them two (2) lines of six (6) inch lettering for communications heading both north and south on Drake Rd. and two (2) lines of four (4) inch lettering. Without the variance, they'd be restricted in their communications with the public. Westwood Baptist Church is a good neighbor to those around them, they've worked with the "Girls on the Run" organization and allowed them to use their parking lot, also the "Home School Creative Arts" used their facility for theatre purposes and could use the sign to further inform the public of the churches and communities activities.

Chair Innes questioned if the sign would be illuminated within? Mr. Dziepak replied that it would be illuminated within, rather than the two (2) lights that shine up on the existing sign. Chair Innes asked for clarification that there wouldn't be any more lights on the ground; it would only be an inner illumination? Mr. Dziepak replied correct.

Mr. Artley questioned what the size of the current sign was? Mr. Dziepak replied that they had a variance in 1982 for the current sign. Mr. Artley commented that the sign seemed larger than what the variance was approved for, and commented that he doesn't see any exception that the sign would fit under for approval of the variance.

Chair Innes questioned what the variance was for in 1982? Mr. Eldridge replied that the variance was for an eighteen (18) sq. ft. sign where only an eight (8) sq. ft. sign was allowed

for a non-residential use, stating that the sign ordinance was very different in 1982.

Mr. Gregg questioned if the neighbors to the north had an issue with the parking lot lights? Mr. Dziepak commented that there was an issue with the lights but it was resolved by turning the lights off at eleven (11:00 p.m.) instead of midnight (12:00 p.m.), which the church did upon the owner's request. The new sign lights will go out at the same time that the parking lot lights go out as to not cause any problems.

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

FINDING OF FACT

Mr. Stolz moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 1700 North Drake Road shall include all information included in the notice of public hearing dated June 30, 2005.
- 2.) Twenty-two (22) notices of public hearing were sent and zero (0) responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, a letter from the applicant and pictures of the proposed sign.
- 5.) Mr. Dziepak spoke in favor of the request and provided the Board with a letter a support from Louie and Betty Breeding. Mr. Dziepak stated that the sign would be illuminated within and be timed along with the parking lot lights to turn off at eleven (11:00 p.m.).

Mr. Gregg supported the Finding of Fact.

Mr. Kneas suggested that since there are two separate requests that they be voted on separately.

Mr. Gregg made the motion to vote separately on the two (2) requests, supported by Mr. Guenther, regarding item (A) for a non-use variance from Chapter 1D, Section 1D.3.1(6), to erect a 41 square foot freestanding sign, where a maximum size of 32 square feet is allowed by the Zoning Ordinance, supported by Guenther.

Mr. Artley restated that he still doesn't feel that the applicant meets the criteria, and he'll be voting against the request.

Chair Innes commented that the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation requested would not give substantial relief to the owner of the property or be more consistent with justice to the other

property owners is being met and will vote in favor of the requests. This location is used for other community events and community services and the neighbors are in support of this, stating that the existing sign is deteriorating and in need of repair.

Mr. Guenther commented that he agrees with Chair Innes and feels that the church being on Drake Rd. is in a more commercialized area than residential and feels the size of the sign would be appropriate.

Mr. Snyder commented he doesn't see that the sign meets any of the criteria needs and he has concerns over the sign being internally illuminated and stated he'd be voting against the request.

Mr. Gregg stated he could see the spirit of the ordinance is being met; stating that this is near the City limits and becoming less and less of a residential area.

Yes - Gregg, Guenther, Innes, Stolz

No - Snyder, Artley

Motion approved by roll call vote.

Mr. Guenther made the motion to approve the request, for item (B) for a non-use variance from Chapter 1D, Section 1D.3.1(6), to erect a freestanding sign 8 feet in height, where a maximum height of 6 feet is allowed by the Zoning Ordinance, supported by Mr. Stolz.

Mr. Guenther commented that he felt the same arguments for item A still applies to this request also and he'd be voting in favor.

Yes - Innes, Guenther, Stolz, Gregg

No - Artley, Snyder

Motion approved by roll call vote.

Mr. Guenther read the application for 2324 South Park Street, CCN# 06-27-167-017

ZBA# 05-07-28: 2324 South Park Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Alexander Lipsey, the property owner. The request concerns the property at 2324 South Park Street, which is situated in use Zone 8 (Single-Family Residential District). The request, if approved, would authorize A) a non-use variance from Chapter VIII, Section 9.63, to reconstruct a 400 square foot garage 3 feet from the alley, where an 8-foot setback is required from all private street courts or similar rights-of-way; and B) a non-use variance from Chapter 1, Section 1.67, to erect a 400 square foot garage 1 foot from the side property line, where a 3 foot setback is required by the Zoning Ordinance.

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. Thirty-four (34) notices of public hearing were sent and zero (0) responses were received.

Anne Lipsey, 2324 S. Park St., owner of the property supplied the Board with letters of support from the two neighbors and stated there was an existing garage for which they had a building permit to rebuild, and then a stop work order was placed on the project. Ms. Lipsey stated they want to rebuild in the same location, commenting when they look down the alley there are no other garages that meet current zoning ordinances.

Chair Innes questioned what had happened to the old garage? Ms. Lipsey replied the garage was in need of repairs and she had hired a contractor to have the repairs made but a stop work order was placed on the site. The garage wasn't considered safe and she decided to have it completely taken down rather than leave it standing in an unsafe condition, commenting that there is only a slab there now. Chair Innes questioned if she was going to rebuild on that existing slab? Ms. Lipsey replied yes.

Mr. Snyder asked if they we're building on the original slab and would it be built to the exact same size? Ms. Lipsey replied correct. Mr. Snyder further questioned why they completely demolished the garage? Ms. Lipsey commented that the building was dangerous and would have fallen down if left as it was, for safety reasons for them and their neighbors they chose to disassemble what was left.

Ms. Lipsey stated that her contractors went to great lengths to make sure they could rebuild the garage and to follow the rules, then to find out she would need a variance was very disturbing. Mr. Snyder questioned why the garage was non-conforming? Ms. Lipsey replied that the garage was built on the lot line and in the alley.

Mr. Snyder questioned Mr. Eldridge why the garage couldn't be repaired since it was existing? Mr. Eldridge replied that the ordinance states that if a structure is damaged, destroyed beyond 60% of it's value, it has to revert to a conforming structure and meet the required setbacks. Mr. Eldridge commented that when he became involved, Mr. Perkins, the contractor had already started to disassemble part of the garage when discussing what the setbacks were. At that point, the amount of disassembling that had occurred made it necessary to completely demolish the garage.

Mark Perkins, 15453 Brooklodge Rd., Hickory Corners, stated he was the contractor for Ms. Lipsey commenting that he had went to the Building Department and spoke with the building inspector in regards to either tearing down the garage or repair it using the existing slab. Mr. Perkins stated that he was told that so long as one (1) wall was left in tact they could rebuild. He later found out that you not only need to talk to the Building Official, but to the Zoning Official also, who told him that the garage didn't meet the current zoning ordinance. If the garage was moved eight (8) ft. into the yard, they couldn't pull straight in the garage and would loose too much yard. To rebuild in the exact location would keep the garage in line with the other garages along the alley and encourage other neighbors to make necessary repairs also.

Mr. Eldridge commented that staff had looked back into the records and another garage located at 2334 S. Park was granted a variance to be within six (6") inches of the alley and was granted in 1987.

Chair Innes closed the public hearing.

FINDING OF FACT

Mr. Artley moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 2324 South Park Street shall include all information included in the notice of public hearing dated June 30, 2005.
- 2.) Thirty-four (34) notices of public hearing were sent and zero (0) responses were received prior to the meeting.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, sketches of the garage and photos of the alley.
- 5.) There were two (2) letters received in support by Mr. Kirschner of 2334 S. Park, and Sue Scott of 2320 S. Park Street, Mark Perkins also spoke in support of the request.

Mr. Snyder supported the Finding of Fact.**Motion approved by voice vote unanimously.****Mr. Snyder moved to approve the application, supported by Mr. Artley.**

Mr. Gregg commented he also has a garage on an alley, and feels that all the garages on alleys would find it hard to meet the current zoning requirements, and he feels this request meets the criteria for a non-use variance and he'll be voting in favor of the request.

Motion approved by roll call vote unanimously.

Mr. Guenther read the application for 1000 West Kilgore Road, CCN# 06-33-462-001

ZBA# 06-33-462-001: 1000 West Kilgore Road: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of by Sign Art Inc. on behalf of Kalamazoo Hackett Catholic High School, the property owner. The request concerns the property at 1000 West Kilgore Road, which is situated in use Zone 8 (Single-Family Residential District). The request, if approved, would authorize A) a non-use variance from Chapter 1D, Section 1D.3.1(6), to erect a 46 square foot freestanding sign, where a maximum size of 32 square feet is allowed by the Zoning Ordinance; and B) a non-use variance from Chapter 1D, Section 1D.3.1(6), to erect a freestanding sign 8 feet in height, where a maximum height of 6 feet is allowed by the Zoning Ordinance.

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. Fifty-one (51) notices of public hearing were sent and zero (0) responses were received.

Jerry Tillman, 5757 E. Cork St., Sign Art, and Tim Eastman, 3504 Glengarry, Principal of Kalamazoo Hackett, were present to represent the request for the current non-conforming sign

that the High School has. The variance if approved would allow them to install a newer sign that would be shorter, but larger in overall square footage. The school is a special use because it's in a residential neighborhood. The central location of the sign on the property would make the sign more visible since there is only a single entrance to the property. The message center will be capable of communicating to parents and students important school events, community related information and make it an asset, but it will not be used all night and controlled by a timer.

Mr. Eastman, Principal of Kalamazoo Hackett High School, stated that the sign would blend in with the neighborhood and that the parking lot and landscaping have already been replaced.

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

FINDING OF FACT

Mr. Stolz moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 1000 West Kilgore Road shall include all information included in the notice of public hearing dated June 30, 2005.
- 2.) Fifty-one (51) notices of public hearing were sent and zero (0) responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs of the site, pictures of the existing and proposed sign.
- 5.) Mr. Tillman of Sign Art spoke in favor of the request and provided the Board with colored pictures, Mr. Eastman, Principal of Hackett Catholic High School spoke in favor of the request also.

Mr. Artley supported the Finding of Fact.

Mr. Artley questioned if the existing sign had a variance? Mr. Eldridge replied that he found no records of a variance or a sign permit on the existing sign.

Motion approved by voice vote unanimously.

Mr. Gregg moved to approve the application for part A) for a non-use variance from Chapter 1D, Section 1D.3.1(6), to erect a 46 square foot freestanding sign, where a maximum size of 32 square feet is allowed by the Zoning Ordinance, supported by Mr. Stolz.

Mr. Artley commented he appreciates that Hackett allows the community to use the building, but has concerns about the size of the sign and doesn't feel it meets the non-use criteria and

he'll be voting against the request. Chair Innes commented that the property is on the dividing line between Kalamazoo and Portage, in a residential area, yet has a high traffic volume, but the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation requested would not give substantial relief to the owner of the property or be more consistent with justice to the other property owners and she will be voting in favor of the request.

Yes - Stolz, Gregg, Innes, Guenther

No - Snyder, Artley

Motion approved by roll call vote.

Mr. Gregg moved to approve the application for part B) for a non-use variance from Chapter 1D, Section 1D.3.1(6), to erect a freestanding sign 8 feet in height, where a maximum height of 6 feet is allowed by the Zoning Ordinance, supported by Stolz.

Mr. Guenther questioned if this portion of the request was turned down would the applicant need to have the new sign at twelve (12) feet instead of eight (8) feet? Chair Innes commented that the sign would have to be at six (6) feet.

Yes - Stolz, Gregg, Innes, Guenther

No - Artley, Snyder

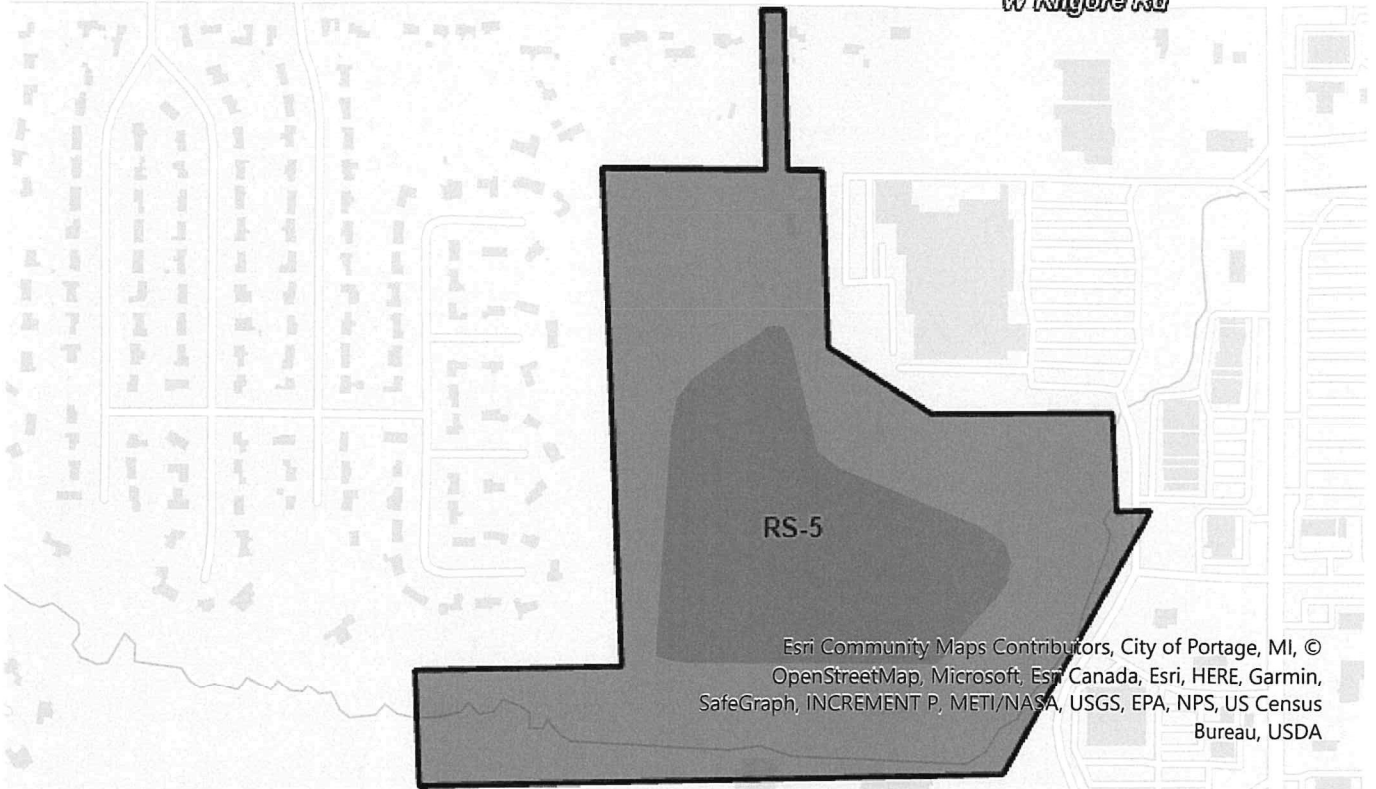
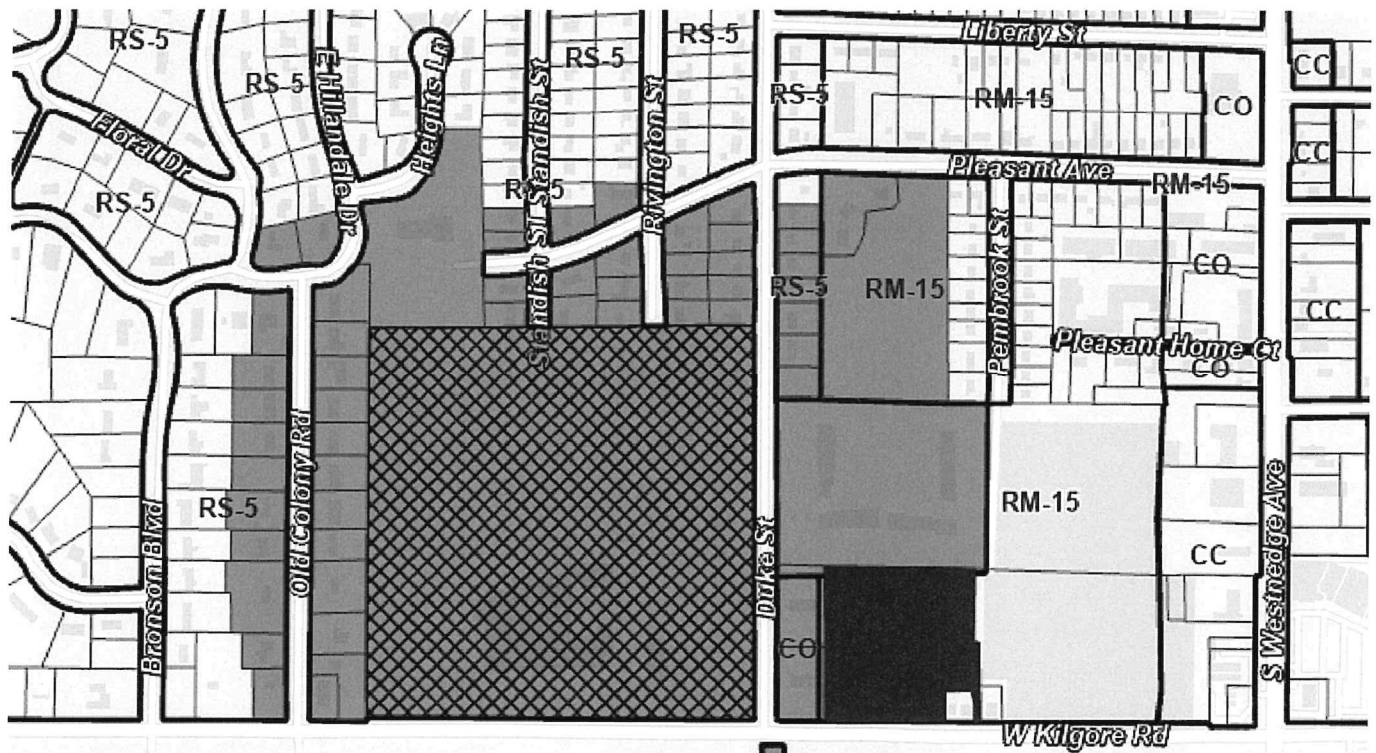
Motion approved by roll call vote.

Mr. Guenther read the application for 3513 Portage Street, CCN# 06-35-141-051

ZBA# 05-07-30: 3513 Portage Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Jeff Love, the property owner. The request concerns the property at 3513 Portage Street, which is situated in use Zone 7 (Multi-Family Residential District- Medium Density). The request, if approved, would authorize a non-use variance from Chapter 1, Section 1.67, to allow the reconstructed 324 square foot garage to remain 2 feet from the north (side) property line and approximately 2 feet from the east (rear) property line, where a 3-foot setback is required from both the side and rear property lines per the Zoning Ordinance.

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. Thirty-nine (39) notices of public hearing were sent and zero (0) responses were received.

Mr. & Mrs. Jeff Love, 3513 Portage St., the applicants for the variance stated they tore down the old garage, after entering into a contract with a contractor. The contractor showed them a site plan with a three (3) ft. setback when he completed the building permit application, but Mr. Love signed the application as the homeowner. Mr. Love later found out that the contractor wasn't licensed and the new garage has two (2) building code violations other than needing a variance for being on the property line. He needs to correct the trusses that are overhanging the property line by cutting them off and putting up new fascia. The trusses themselves need to have a special bracket placed on them that he can take care of himself. The garage will be the exact same size and on the existing slab.



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 Bureau, USDA

Parcels within 300' Mailing Radius 1000 W Kilgore Rd

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



0 220 440 880 ft



Zoning Board of Appeals Staff Report

Date: **2/10/2022**

Item: **D.3.**

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: February 10, 2022

SUBJECT: ZBA #22-02-05: 121 Fellows Avenue. A use variance from Appendix A, Chapter 12, Section 12.3 is requested to allow a Bed and Breakfast in the second floor unit of a duplex where the principal residence of the operator is in the ground floor unit. The Zoning Ordinance states the owner or operator is to reside in the same dwelling unit as the Bed and Breakfast.

BACKGROUND:

Mr. Bannigan purchased the duplex at 121 Fellows Avenue in 2019; he lives in the ground floor unit. The second floor unit is registered and certified by the City as a rental property. Mr. Bannigan would like to utilize the second floor unit as a Bed and Breakfast, which is a permitted use in RM-36 District. The only requirement not met in order for Mr. Bannigan to utilize the second floor unit is the definition of Bed and Breakfast which states the owner or operator must reside in the detached dwelling unit being utilized for such purpose. Bed and Breakfast is defined as "an establishment located within a detached house that is the principal residence of the operator, where short-term lodging is offered for compensation and that includes the service of one or more meals to guests."

Mr. Bannigan will be living on-site, but because the building is divided into two units, he is technically not in the same dwelling unit as the Bed and Breakfast. Mr. Bannigan will still be able to monitor the activity of guests to the same degree as if living in the same dwelling unit. In addition, Mr. Bannigan would be sharing the four-car driveway with the guests.

As additional information to the Board, there are two other Bed and Breakfast operations in the Vine Neighborhood which have received relief from this standard. The property at 830 S. Rose Street was granted a use variance in 2017, with the owner of the Bed and Breakfast residing in the dwelling next door at 828 S. Rose Street. The properties at 120, 124 and 128 West Dutton Street were granted a use variance in 2021 to allow the operator to reside in one dwelling yet utilize all three dwellings as the Bed and Breakfast.

The last item of note is that this definition is being looked at by staff for a possible amendment

as the intent of keeping the owner or operator close by to manage and monitor the Bed and Breakfast can be accomplished without requiring this person to reside in the same dwelling unit.

STRATEGIC VISION ALIGNMENT:



Complete Neighborhoods - residential areas that support the full range of people's daily needs

Strategic Goal, Master Plan 2025 and Image Vine Plan Alignment:

This variance request does support the Strategic Goal of Complete Neighborhoods as it will provide need lodging for guests visiting Kalamazoo. The Future Land Use Map identifies this area as R2 - medium density residential and a Bed and Breakfast is residential use. The Imagine Vine Neighborhood Plan supports increasing housing options and promoting home ownership.

COMMUNITY ENGAGEMENT:

Inform – the community will be made aware of the project.

Appropriate Depth of Engagement:

The applicant is actively reaching out to adjacent property owners via email and letters regarding the proposed project along with the Vine Neighborhood Association. The City sent letters to all property owners within 300 feet on January 26, 2022.

Engagement/Communication Tools:

Letters mailed to property owners

FINDINGS:

The staff has made the following findings regarding this request:

1. That the literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant for all practical purposes from using the property for a permitted use identified in the Zoning Ordinance, which is a right commonly enjoyed by other land in the same zone district.

The literal application of the ordinance would not permit a Bed and Breakfast, which is a permitted use in the RM-36 District, at 121 Fellows Avenue unless the two dwelling units were connected and the structure was reclassified as one dwelling unit.

2. That there is an unnecessary hardship based on special circumstances or conditions that are peculiar to the land or structure for which the use variance is sought that is not applicable to other land or structures in the same zone district.

The hardship in this situation is that the structure owned and occupied by Mr. Bannigan is a duplex.

3. That the special circumstances are not the result of the actions of the applicant.

The owner is not deprived of any rights enjoyed by other property owners but is making the argument that the definition is causing a practical difficulty with setting up a Bed and Breakfast business is the same building just because it is a duplex.

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.

The use of the second floor dwelling unit as a Bed and Breakfast with the owner living downstairs meets the intent and spirit of the Ordinance.

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

The adjacent properties will not be impacted by this use as the owner will reside on site and all guest vehicles can be accommodated in the driveway.

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

Bed and Breakfast uses are permitted in Zone RM-36 and the intent of the ordinance to have an operator living on the premises has been addressed by the applicant.

RECOMMENDATION:

Staff recommends approval of the use variance as the intent of the Bed and Breakfast requirements will be met by the applicant.



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

January 26, 2022

**RE: ZBA #22-02-05
121 Fellows Avenue
Parcel #06-22-190-107**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Dan Bannigan for 121 Fellows Avenue in the Residential – Multi Dwelling District (RM-36).

The applicant is requesting a dimensional variance from Appendix A, Chapter 12, Section 12.3, to authorize a variance to allow a Bed and Breakfast operation in the second floor unit of the duplex where the principal residence of the operator is in the ground floor unit. The Zoning Ordinance states the owner or operator is to reside in the same dwelling unit as the Bed and Breakfast.

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, February 10, 2022 at 7 p.m. in the City Commission Chambers at City Hall, 241 W. South Street. This meeting will also be streamed live on the [City's Facebook page](#) and [YouTube Channel](#).

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-city.org

ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION		
Name: Dan Bannigan		Mailing Address: 121 Fellows Ave Apt 2
City: Kalamazoo	State: Michigan	ZIP Code: 49001
Phone: 2695019059	Email: bannigan.dan@gmail.com	Preferred Contact: ☒ Email ☐ Phone
PROPERTY OWNER INFORMATION		
<i>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.</i>		
Name: Dan Bannigan		Mailing Address: 121 Fellows Ave Apt 2
City: Kalamazoo	State: Michigan	ZIP Code: 49001
Phone: 2695019059	Email: bannigan.dan@gmail.com	Preferred Contact: ☒ Email ☐ Phone
PROPERTY INFORMATION		
Property Address(s): 121 Fellows Ave		
Parcel Identification Number(s): 06-22-190-107		Zone District (kalamazoo-city.org/maps): RM-36
TYPE OF REQUEST		
☒ Dimensional Variance from Chapter(s) 12, Section(s) 12.3		
☐ Appeal of an Administrative Decision		
☐ Interpretation of Zoning Ordinance, Chapter(s) 12, Section(s) _____		
☐ Use Variance to allow _____		
☐ Temporary Use Approval		
Reason for Request: A variance from Chapter 12, Section 12.3 (Definition of Bed and Breakfast), to authorize a Bed and Breakfast operation at 121 Fellows Avenue, where the principal residence of the operator is the second floor dwelling unit of this duplex and the Bed and Breakfast is the ground floor unit.		
ATTACHMENTS		
☒ \$ 300 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:		Date: 1/13/2022
Signature of Owner (if different than applicant):		Date:

ZONING BOARD OF APPEALS

DIMENSIONAL VARIANCE REVIEW SHEET

General Information

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

My name is Dan Bannigan, I am 27 years old, I am a Kalamazoo native, and attended school K-12 in Kalamazoo. I now work at Stryker Medical in Operations Engineering. I would like to use my property as my home while also providing a comfortable space where people from within or outside of the Kalamazoo community can stay for 1 to 30+ nights, for the purpose of visiting Kalamazoo, visiting friends and family, and traveling for business purposes, and have a memorable positive experience staying in Kalamazoo. My property at 121 Fellows is a duplex, and I would like to live in the upper unit, while renting the ground floor unit. I would like to operate the ground floor unit as a modified Bed and Breakfast where I don't reside in the same dwelling unit being rented, and instead reside in the adjacent unit upstairs. For guests/renters staying less than 30 nights, I will provide service of one meal per day in the form of coffee and tea, and prepackaged oatmeal, granola, and/or muffins, etc. and I will also provide linens and paper products.

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?

The unusual condition is that the structure is a duplex, with two front doors and a separation in the basement. The structure was configured this way when I purchased it. Many of the other structures in RM-36 are SFHs. This unusual condition makes it difficult to operate a Bed and Breakfast fully within the square footage of one single dwelling unit, which is 50% (1100sf) of the overall structure square footage (2200sf).

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?

The structure itself is the special circumstance, it is a duplex. As stated above, the structure prohibits the ability to operate a Bed and Breakfast to the exact definition of the Ordinance which is an allowed use in the RM-36 zone.

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

Yes, one is allowed to operate a Bed and Breakfast in the RM-36 zone. The condition that the structure is divided into two halves affects my ability to operate a Bed and Breakfast while still being compliant to the Ordinance definition. Other properties in the same zoning district, and in the immediate area, have been granted permission to operate a Bed and Breakfast in one dwelling unit while the owner operator lives in an adjacent dwelling unit. Example: 830 S Rose is a Bed and Breakfast and owner operator lives in 828 S Rose.

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?

Yes, granting permission to operate a modified Bed and Breakfast with the owner operator living in the adjacent dwelling unit is the minimum action necessary. It does meet the spirit of the Ordinance, because the spirit of the Ordinance governing Bed and Breakfast usage is that the owner operator needs to have direct oversight of the rental and ability to monitor the property. This oversight ability means that I can monitor and control any activities that would negatively impact the public.

Will the granting of the variance negatively affect adjacent land?

No, the ability to oversee the property means that I can ensure there is no impact to the adjacent land. There are already other rental properties on the street. The RM-36 zone district is a high intensity usage zone district where transitional housing and rooming houses are allowed. The block is not entirely residential, there are commercial properties on the same block, including at the entrance to Fellows Ave including an auto garage and a funeral home. At the time of submitting this application, I have already talked to one neighbor, Annalyn Fannin at 115 Fellows, and she expressed her willingness to provide support for this variance. I plan to speak directly with my other adjacent neighbors prior to the meeting to gather their support.

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

Yes, the purpose and intent of the Ordinance governing Bed and Breakfast usage is that the owner operator needs to have direct oversight and ability to monitor the property. It is possible to have this same oversight with the Bed and Breakfast owner operator in an adjacent dwelling unit.

Additional Criteria for Variance Requests for Required Landscaping

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

N/A, request not landscaping related.

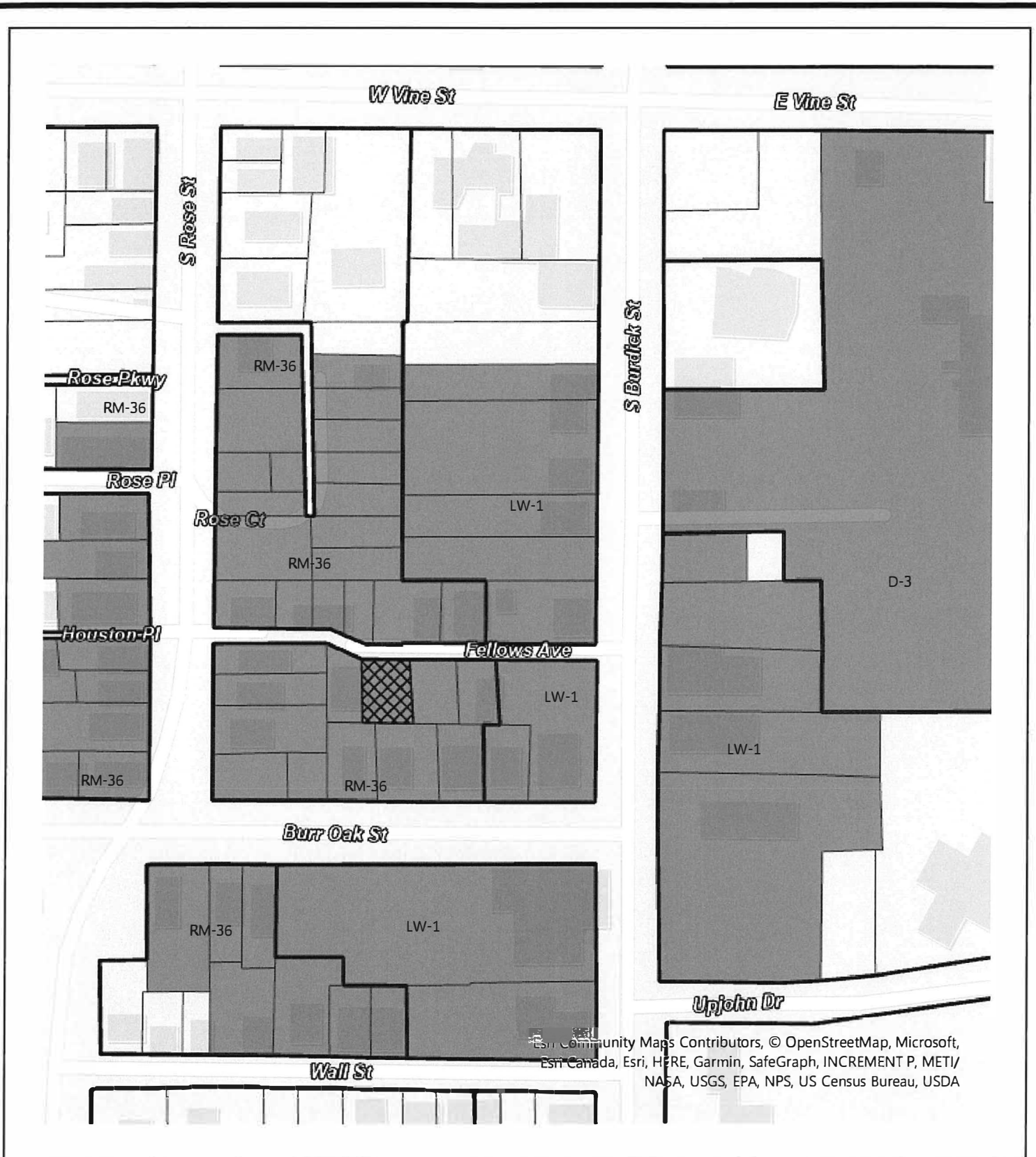
Does the landscaping proposed by the applicant meet the intent of this section?

N/A, request not landscaping related.

121 Fellows Avenue







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Parcels within 300' Mailing Radius 121 Fellows-other

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



0 55 110 220 ft



Zoning Board of Appeals Staff Report

Date: **2/10/2022**

Item: **D.4.**

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: February 10, 2022

SUBJECT: ZBA #22-02-06: 210, 216, 220, 302, 302(Rear), 308, 308 (Rear) and 316 Lake Street / 205 and 209 E. Stockbridge Avenue. Kalamazoo County Housing Choices is requesting a use variance from Chapter 4, Section 4.2 Q.3, to allow residential dwelling units on the ground floor level of each of the proposed apartment buildings (60 residential units total), where retail or other commercial floor space is required on the ground floor. Please note that this is a renewal of the same variance granted on December 10, 2020 which has expired.

BACKGROUND:

The properties are in three zone districts and one overlay district; the majority of the land area is located in the Community Commercial (CC) Zone District. As a result, the CC District rules apply and they state that residential uses are not permitted on the ground floor. The Zoning Board of Appeals previously granted this variance request on February 21, 2019, prior to an application being sent to the State for Low Income Housing Tax Credits (LIHTC) in June 2019. The project was not awarded the low-income housing tax credits and the variance expired. The project was back before the Zoning Board of Appeals on December 10, 2020, to renew the use variance before another application to the State. The variance again expired when this application was not successful. It should be noted that projects typically have to be submitted multiple times before receiving LIHTCs.

There have been a few modifications to the proposed project. The buildings will remain in the same location as the proposal in 2020 with two buildings having housing for residents at 30%, 40%, 60% and 80% of the area median income (AMI). The project will have a two-story building along E. Stockbridge Avenue with 14 residential units and a commercial daycare and then a four-story building with 46 residential units to the north of the first building. Barrier free units will be available on the ground floor in both buildings. The community gardens and the greenhouse are to the east of the parking lot. The stormwater for the site will be contained on the property closer to Lake Street and this will be identified as a separate parcel from the site with the buildings and parking lot.

The Site Plan approval has also expired; prior to construction, Site Plan Review and approval is required.

STRATEGIC VISION ALIGNMENT:



Complete Neighborhoods - residential areas that support the full range of people's daily needs

Strategic Goals, Master Plan 2025 and Edison Neighborhood Plan Alignment:

The Strategic Vision Goal of 'Complete Neighborhoods' is supported as this project will provide mixed-income housing units to the available housing stock. The project also aligns with the Master Plan 2025 Future Land Use Map which identifies this property as 'Neighborhood Edge' where a mix of small-scale development is supported from general commercial uses to low to medium residential density developments. Additionally, the Edison Neighborhood plan supports the creation of more affordable housing.

COMMUNITY ENGAGEMENT:

Inform – the community will be made aware of the project.

Appropriate Depth of Engagement:

The Edison Neighborhood Association has been informed of the project and adjacent property owners were notified when the project was brought before the Zoning Board of Appeals in 2019 and 2020. The city sent letters to all property owners within 300 feet on January 26, 2022.

Engagement/Communication Tools:

Letters mailed to property owners.

FINDINGS:

The staff has made the following findings regarding this request:

1. That the literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant for all practical purposes from using the property for a permitted use identified in the Zoning Ordinance, which is a right commonly enjoyed by other land in the same zone district.

The Zoning Ordinance does permit residential development but the CC District requires commercial uses on the ground floor level of all buildings, which is not practical for this housing project in a neighborhood with a mix of residentially developed properties and scattered commercial sites. There will be a commercial use in a portion of the building facing E. Stockbridge Avenue, but also residential units. The north building will be all residential. Additionally, the Planning Staff is

working to update the commercial zone districts; this provision is very likely to change. Staff has supported this variance request in numerous other CC zoned locations over the last few years.

2. That there is an unnecessary hardship based on special circumstances or conditions that are peculiar to the land or structure for which the use variance is sought that is not applicable to other land or structures in the same zone district.

Again, staff has supported this variance request in numerous other CC zoned locations over the last few years. Requiring ground floor commercial uses on all CC zoned property is a hardship; it does not make sense from a market perspective and does not reflect the character of Edison and other neighborhoods where commercial and residential uses are both found on the ground floor of existing buildings. Additionally, this use variance for this project was approved on February 21, 2019 and December 10, 2020 and the project parameters have not significantly changed.

3. That the special circumstances are not the result of the actions of the applicant.

As previously stated, the Zoning Ordinance requirement for ground floor commercial has been problematic throughout the City, where there is not a demand for additional commercial floor space.

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 is the minimal action which will allow this nonprofit housing authority to develop affordable housing on this site. The project will provide a mix of commercial and residential uses but will be predominantly residential.

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

The granting of the variance will not adversely affect adjacent properties since the block of E. Stockbridge Avenue is currently a mix of commercial and residentially developed properties.

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

The granting of the variance will be generally consistent with the purpose and intent of the ordinance to promote mixed-use development as this project will bring some commercial space to the site.

RECOMMENDATION:

Staff supports the granting of the variance as this use variance has been previously granted for the same project in 2019 and 2020. Additionally, there is a strong need for more mixed income housing in our community.



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

January 26, 2022

**RE: ZBA #22-02-06: 210, 216, 220, 302, 302(Rear), 308, 308 (Rear) and 316 Lake Street / 205 and 209 E. Stockbridge Avenue
Parcel #06-22-344-263, #06-22-344-262, #06-22-344-261, #06-22-415-001, #06-22-415-260, #06-22-415-002, #06-22-415-259, #06-22-410-002, #06-22-349-001 and #06-22-349-003**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Kalamazoo County Housing Choices for 210, 216, 220, 302, 302(Rear), 308, 308 (Rear) and 316 Lake Street /205 and 209 E. Stockbridge Avenue; which are situated in use Zone CC, Commercial – Community District; Zone CN-1, Commercial – Neighborhood District; and M-1, Manufacturing – Limited District.

The applicant is requesting a use variance from Chapter 4, Section 4.2 Q.3, to allow residential dwelling units on the ground floor level of each of the proposed apartment buildings (60 residential units total), where retail or other commercial floor space is required on the ground floor. Please note that this is a renewal of the same variance granted on December 10, 2020 which has expired.

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, February 10, 2022 at 7 p.m. in the City Commission Chambers at City Hall, 241 W. South Street. This meeting will also be streamed live on the [City's Facebook page](#) and [YouTube Channel](#).

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



ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION		
Name: LIFT Foundation, A Nonprofit Housing Corporation		Mailing Address: 2725 Airview Blvd., Suite 202
City: Kalamazoo	State: MI	ZIP Code: 49002
Phone: 269-350-2019	Email: lisaw@lmc-mi.com	Preferred Contact: ☒ Email ☐ Phone
PROPERTY OWNER INFORMATION		
<i>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.</i>		
Name: Kalamazoo County. Hsg. Choices		Mailing Address: P.O. Box 467
City: Portage	State: MI	ZIP Code: 49081-0467
Phone: 269-569-4888	Email: barrieandmaddie@gmail.com	Preferred Contact: ☒ Email ☒ Phone
PROPERTY INFORMATION		
Property Address(s): 205 and 209 E. Stockbridge Ave.		
Parcel Identification Number(s): 06-22-349-001, 06-22-349-003		Zone District (kalamazoocity.org/maps): CN-1, CC
TYPE OF REQUEST		
☐ Dimensional Variance from Chapter(s) _____, Section(s) _____ ☒ Use Variance to allow <u>residential units on 1st</u> <u>floor of all non-street facing building locations</u>		
☐ Appeal of an Administrative Decision ☐ Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____ ☐ Temporary Use Approval		
Reason for Request: To allow for more affordable housing units that will help meet the need for affordable housing in Kalamazoo.		
ATTACHMENTS		
☒ \$ 375.00 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:		Date: 01/13/2022
Signature of Owner (if different than applicant): <u>See Attached</u>		Date:

Kalamazoo County Housing Choices Non-profit Housing Corporation

P.O. Box 467 * Portage, MI 49081-0467

January 10, 2022

City of Kalamazoo
Community Planning & Development
415 East Stockbridge Ave.
Kalamazoo, MI 49001

RE: LIFT Foundation's Use Variance Request for 205 and 209 E. Stockbridge Avenue, and 210 Lake Street

To Whom It May Concern:

Kalamazoo County Housing Choices (KCHC) is the owner of the properties listed above. I am writing to state that my organization agrees with the Use Variance requested by LIFT Foundation that would allow for residential units, including barrier free accessible units, on the first floor building locations that are not facing a main street.

KCHC supports this request as it increases affordable housing in Kalamazoo, which is one of our organization's missions.

Should you have any questions please contact me at 269-569-4888.

Sincerely,



David Artley
President
Kalamazoo County Housing Choices



Community Planning & Economic Development

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

(269) 337-8026 • www.kalamazoo.org

ZONING BOARD OF APPEALS

USE VARIANCE REVIEW SHEET

General Information

Project Description (may also provide on a separate sheet):

LIFT Foundation has been an affordable housing provider in Kalamazoo County since 1966. This current project responds to the need identified in the City's Imagine Kalamazoo 2025 Master Plan (the "Plan") for affordable housing adjacent to the downtown area. It will tie into the "Healthy Living Campus" by promoting a healthy living ideal with a smoke free campus, walking path, playground and fitness center. The development will serve those at 30%, 40%, 60% and 80% of the area median income. LIFT's goal is to provide housing that is walkable, close to employment, transportation and amenities. Hawthorne Park will be a distinctive community with a strong sense of place for its residents.

Review Criteria for Use Variances

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

Does the Ordinance deprive the applicant from using the property for a permitted use, which is a right enjoyed by other property owners in the same zone district?

No, but in the Plan, this site has been identified for future zoning as "Neighborhood Edge" a zoning district "that enable[s] existing and new development flexibility for a variety of building types that support residential density and commercial scale in appropriate locations" (the Plan, page 25, column 1, partial paragraph top of page). While not in place yet, this is the zoning that the City is working towards in this area. We believe that within the flexibility described, residential units are appropriate on the first floor of the buildings when out of sight of any main street. Residential units on the first floor will consist of barrier free accessible apartments as well as units that can be easily converted for accessibility. It is possible, under current zoning, to build up to a six story structure with an elevator, but LIFT does not feel that such a design is appropriate for the neighborhood. Finally, the neighborhood is currently made up of a mix of commercial and residential with single family residences that are used entirely as personal homes.

Is there a hardship that is unique to the land or structure that is not applicable to other land or structures in the same zone district?

The hardship is that the developer would have preferred to rezone the parcels to residential multifamily, but due to the flooding concerns expressed by neighbors, has decided instead to work within the existing zoning, install additional flood retention and, hopefully, alleviate flooding for others in the neighborhood.



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Are the special circumstances created by actions of the applicant?

The developer did not create the special circumstances identified in the item above. Furthermore, when identifying land for development, nonprofit developers have limitations that they must work within in order to obtain funding.

Will the granting of the variance be the minimum action necessary for the use of the land or structure that will meet the spirit of this Ordinance?

The purpose and intent of the Ordinance is to promote public health, safety and general welfare. In the Plan the City commits to, "Working with area nonprofits to develop affordable housing" (the Plan, page 89, column 1, bullet point 3). Both the Ordinance and the Plan support this variance request. Without decent, affordable housing many of our citizens will remain in precarious housing situations that are either unaffordable or stressful (i.e., in shelter or doubled-up).

Will the granting of the variance negatively affect adjacent land?

The developer is requesting a variance that is not expected to adversely affect its neighbors in any way since this particular block is currently a mix of purely commercial establishments, home-based businesses and single family homes. This use will be a benefit to the neighborhood.

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

Granting of this variance will be entirely consistent with the purpose and intent of the Ordinance in promoting public health, safety and general welfare. Housing that is decent, safe and sanitary (HUD's standard) provides a place for families to grow and make progress on their goals rather than being preoccupied by whether or not they will be able to pay the rent next month or where they will sleep that night.

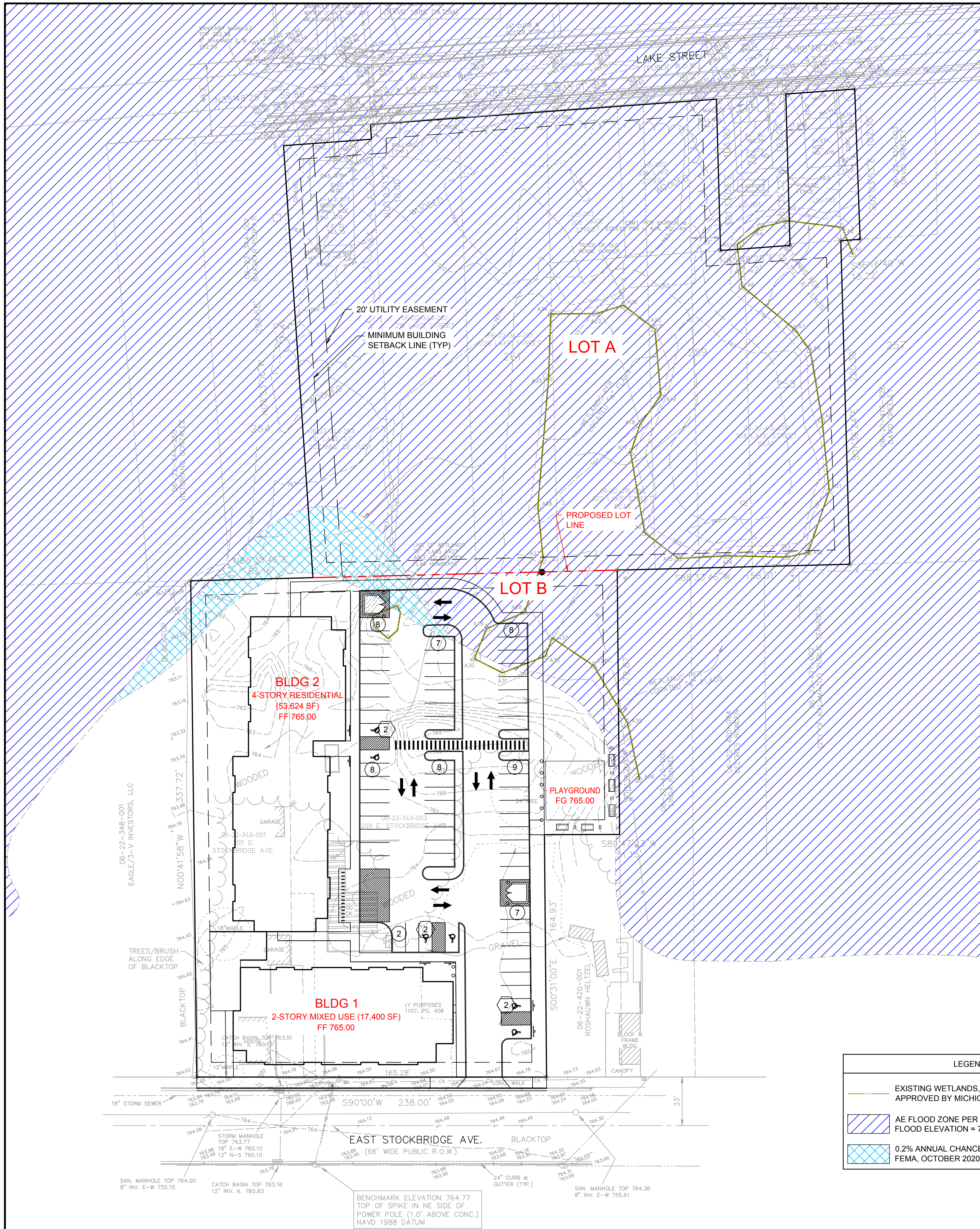
HAWTHORNE PARK



BRINSHORE



ROTTMANN | COLLIER
ARCHITECTS

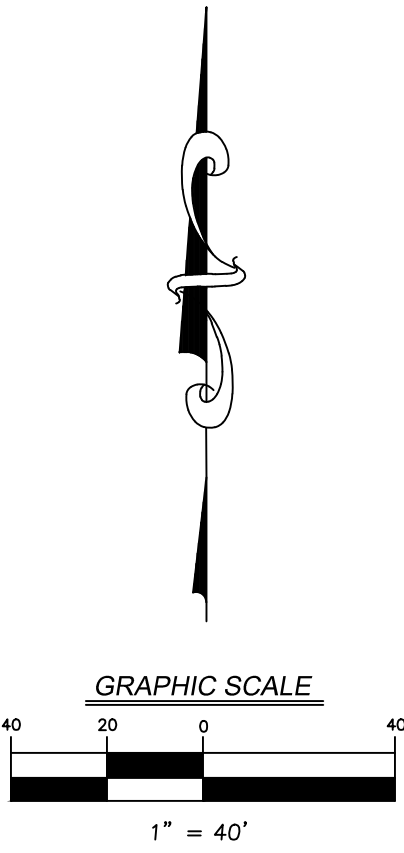


LEGEND

EXISTING WETLANDS, LIMITS FOR WHICH WERE APPROVED BY MICHIGAN EGLE, 07/07/2019

AE FLOOD ZONE PER FEMA, OCTOBER 2020, BASE FLOOD ELEVATION = 763'

0.2% ANNUAL CHANCE FLOOD HAZARD AREA PER FEMA, OCTOBER 2020



CHAPTER 5
Density/Intensity/Dimensional Standards

§ 5.2. Commercial and Manufacturing District Standards.

All development in the Commercial and Manufacturing districts must comply with the standards in the following table unless otherwise expressly stated.

Table 5.2-1 Commercial And Manufacturing District Standards										
[Amended 3-19-2007 by Ord. No. 1822]										
	CMU	CNO	CN-1	CO	CN-2	CC	CCBD	CBTR	M-1	M-2
Minimum Site Area for Rezoning to the District (square feet)	—	—	—	5,000	1 Ac	1 Ac	—	2 Ac	1 Ac	1 Ac
Maximum Site Area (square feet)	—	—	15,000	—	7 Ac	—	—	—	—	—
Minimum Lot Size (square feet)	2,900	6,250	2,900	5,000	5,000	5,000	—	—	5,000	5,000
Lot Area per Dwelling Unit (square feet)	1,800	3,750	1,800	[1]	1,800	1,350	—	NA	NA	NA
Lot Width (feet)	—	50	—	[2]	—	—	—	—	—	—
Minimum Setbacks (feet)										
Front	—	15	—	—	—	—	—	50	—	25
Rear — abutting R district	15	25	15	15	15	25	—	50	25	50
Rear — abutting alley or C/M district	—	20	—	— [3]	—	—	—	50	—	25
Side (Interior) — abutting R district	15	15	15	15	15	25	—	25	25	50
Side (Interior) — abutting C/M district	—	6	—	— [3]	—	—	—	25	—	25
Maximum Height (feet)	50	50	35	65	35	65	[4]	50 [5]	—	—
Maximum Impervious Cover (% of lot)	65	60	65	70	75	80	100	70	80	80

NOTES:

- [1] 900 square feet of lot area per multifamily unit, 4000 square feet of lot area per single-family or duplex dwelling unit.
- [2] No requirement unless the lot is used for residential purposes, in which case the minimum lot width shall be 44 feet at the building line.
- [3] No requirement unless the site is used for residential purposes, in which case a setback of five feet shall be required.

NOTES:

1. ALL LOWEST FLOOR ELEVATIONS OF PROPOSED BUILDINGS ON LOT A WILL BE CONSTRUCTED AT LEAST ONE FOOT (1') ABOVE BASE FLOOD ELEVATIONS PUBLISHED BY FEMA.
2. ALL FINISHED GRADE ELEVATIONS OF PROPOSED HARDSCAPE IMPROVEMENTS ON LOT A WILL BE CONSTRUCTED AT LEAST ONE FOOT (1') ABOVE BASE FLOOD ELEVATIONS PUBLISHED BY FEMA.
3. DEVELOPER OF LOT A WILL SECURE APPROVAL FROM MICHIGAN EGLE TO FILL APPROXIMATELY 0.25 ACRE OF WETLANDS WITHIN PROPOSED PARKING LOT ON LOT A.
4. DEVELOPMENT OF LOT A WILL COMPLY WITH THE LANDSCAPING AND SCREENING REQUIREMENTS SET FORTH IN SECTION 50-6.2J.(4) OF THE KALAMAZOO ZONING CODE.
5. DEVELOPMENT OF LOT A WILL COMPLY WITH THE LIGHTED SIGNAGE REQUIREMENTS SET FORTH IN SECTION 50-6.2J.(5) OF THE KALAMAZOO ZONING CODE.
6. DEVELOPMENT OF LOT A WILL COMPLY COMPLIANCE WITH THE STORMWATER MANAGEMENT CRITERIA SET FORTH IN SECTION 50-6.2J.(6) OF THE KALAMAZOO ZONING CODE.
7. DEVELOPMENT OF LOT A WILL COMPLY WITH THE REQUIREMENTS FOR THE PLACEMENT OF FILL AS SET FORTH IN SECTION 50-6.2J.(7) OF THE KALAMAZOO ZONING CODE.
8. DEVELOPMENT OF LOT A WILL COMPLY WITH THE REQUIREMENTS FOR TEMPORARY CONSTRUCTION FENCING AS SET FORTH IN SECTION 50-6.2J.(8) OF THE KALAMAZOO ZONING CODE.

LOT DATA
AREA, LOT A = 2.58 AC (112,320 SF)
AREA, LOT B = 2.08 AC (90,431 SF)

BOTH PROPOSED BUILDINGS WILL COMPLY WITH MINIMUM BUILDING SETBACKS SET FORTH IN CHAPTER 5.2 OF THE KALAMAZOO ZONING CODE.

IMPERVIOUS COVERAGE, LOT A = 0.04 ACRES (1,709 SF), OR 1.5% OF LOT A
IMPERVIOUS COVERAGE, LOT B = 1.41 ACRES (61,401 SF), OR 67.9% OF LOT B

CONCEPT LOTS RECONFIGURATION AND SITE PLAN

BRINSHORE DEVELOPMENT, LLC

CITY OF KALAMAZOO KALAMAZOO COUNTY, MICHIGAN

PROJECT NO.: 220034

PROJECT MANAGER: BMC

DESIGNED BY: MG

DRAWN BY: RI

460 Stull Street
Suite 300, PMB #20
South Bend, IN 46601
574.360.7674 phone
www.v3co.com

DRAWING NO.
C1.0

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
DECEMBER 10, 2020 - 7:00 p.m.**

This meeting will be conducted electronically in order for members, staff, and the public to comply with the Emergency Order Under MCL 333.2253 – Gathering Prohibition and Mask Order issued by Robert Gordon, Director of the Michigan Department of Health and Human Services, on October 29, 2020.

Chair Lager called the meeting to order at 7:00 p.m.

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

Members Present: Matt Lager, Kalamazoo, MI; Dick Skalski, Kalamazoo, MI; Christina Doane, Kalamazoo, MI; Chris Flach, Portage, MI; Jeff Carroll, Kalamazoo, MI; Beth van den Hombergh, Kalamazoo, MI

Members Absent:

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

Chair Lager called the meeting to order at 7:00 p.m.

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

NEW BUSINESS:

Mr. Eldridge stated he'd received two items of correspondence, he forwarded onto the Board Members, one from Richard Stewart and one from Nancy Troff. There'd be discussion of the interviews by some of the Board Members at the end of the meeting since tonight would be Mr. Skalski's last meeting, and discussion on the new year's meeting dates.

MINUTES:

Ms. van den Hombergh, moved to approve the minutes of November 12, 2020 as submitted, seconded by Mr. Skalski.

Motion approved by voice vote unanimously.

PUBLIC HEARINGS: Chair Lager summarized the process and explained the Zoning Board of Appeals public hearing rules of procedures. For each request, the secretary will read the application into the public record. The applicant or their representative will have 10 minutes to present their comments, followed by public comments received via phone will be aired for the panelist and audience. Then the public hearing would be closed on the request. The Board would then conduct the finding of facts. The Board must approve the Finding of Fact. Therefore, the first vote you here is not a ruling on the request, but the Finding of Fact, then the Board discusses the request in order to determine a ruling. The Board reserves the privilege to ask questions of persons who have already spoken even though the public comment portion is now closed. Once discussion has ended the Board moves onto a roll call vote. A full board consists of six members and four affirmative votes are required to grant a motion for a non-use or use variance.

Ms. Doane read the application for 210, 216, 220, 302, 302 (Rear), 308, 308 (Rear) and 316 Lake Street / 205 and 209 E. Stockbridge Avenue, Parcel #06-22-344-262, #06-22-344-261, #06-22-415-001, #06-22-415-260, #06-22-415-002, #06-22-415-259, #06-22-410-002, #06-22-349-001 and #06-22-349-003:

ZBA# 20-12-24: 210, 216, 220, 302, 302(Rear), 308, 308 (Rear) and 316 Lake Street / 205 and 209 E. Stockbridge Avenue: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board by the LIFT Foundation. The request concerns the properties at 216, 220, 302, 302(Rear), 308, 308 (Rear) and 316 Lake Street / 205 and 209 E. Stockbridge Avenue; which are situated in use Zone CC, Commercial – Community District; Zone CN-1, Commercial – Neighborhood District; and M-1, Manufacturing – Limited District. The applicant is requesting a use variance from Chapter 4, Section 4.2 Q.3, to allow residential dwelling units on the ground floor level of each of the three proposed apartment buildings (60 residential units total), where retail or other commercial floor space is required on the ground floor. Please note that this is a renewal of the same variance granted on February 21, 2019 which has expired.

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 fifty-seven notices of public hearing sent and one response was received.

Lisa Wilcutt, a representative from the LIFT Foundation stated they are an affordable housing provider, currently the only non-profit multi-family housing developer in Kalamazoo, commenting on the need for affordable housing downtown. Site plan approval has been given already; wastewater can handle the infrastructure of the additional 60 units. It won't create a large loss of green space; they have a walking path laid out. They have the necessary prior approvals already. This is not in the 100-year flood plain, stating it does not flood. This is on a neighborhood edge, there are two buildings, they'd have units on all floors, they'll have accessible units on the first floor and other floors will be convertible. The other building on Stockbridge will have commercial on the first floor of it, a 3,700 sq. ft, non-profit proposed daycare open to the community. A community garden is proposed and will be open to the neighbors also.

Jeff Swenarton stated the project was previously approved for this variance, it will utilize green space, have affordable housing, they need a minor use variance. This Board approved the variance before, and they are asking it again. They didn't get the tax credits so had to apply again.

Mr. Skalski asked about the surface parking and where it drains too. Ms. Wilcutt stated the mitigation ponds will handle that water.

Mr. Eldridge commented on Mr. Stewart's email that the Board members were provided. Mr. Eldridge mentioned the initial design from early January 2019. The Planning Commission had questions and was unsettled about the undetermined items and that rezoning was denied, the project was revamped, the ground floor residential use for residential units on the ground floor level was needed, the other building will have a daycare, this variance was granted in February 2019. They've been through site plan review with three buildings, now they only have two buildings. This variance is to allow ground floor units only. They have permits from the State, EGLE, and are moving forward.

Public comments:

Sharday Chambers, a resident on the Eastside, stated she wanted to make sure the Natural Features are considered, the flooding issues, that the residents' concerns are being heard, and the South side isn't forgotten about that the neighborhood concerns are being heard.

Bhaskar Pisipati owner of 206/208 Lake Street stated he was against this request, stating his concerns with the wetland, it will cause more flooding in the area.

Richard Stewart, of 828 Portage, in the Southtown neighborhood, also an organizer for the Southtown Neighborhood Association stated they are in unanimous opposition against this request. He thought in January 2019 this request had failed when the zoning was denied and spoke to reflect the minutes from that meeting. The Board Members had even agreed this site was not a good location for this project. He stated the LIFT Foundation didn't give an appropriate narrative in his opinion and he has flood concerns still. He spoke to the unnecessary hardship, and feels the developer is creating the issues. The properties have been accepted into NFP Committee; this project will not benefit the neighborhood. He spoke to the parking spaces being added taking away the green space also.

Tina McClinton, 310 Lake Street, spoke to the wildlife and green space, the neighborhood needs the land to survive, and spoke to her concerns with the KVCC building there and the flooding it caused, and spoke to the wetlands asking the Board to deny the request.

Michael Corso, owns property at 627 Lake Street, he spoke to his concerns with open spaces in the area and overbuilding it.

Mr. Eldridge clarified a comment on the NFP Ordinance, because this project has site plan review and that process started before the NFP Ordinance was in place and the step was added to the site plan review process. Therefore, this project is not subject to the NFP Ordinance. Any projects coming in now would require that review.

Mr. Skalski commented regarding the building site being in a flood plain, he thought it was outside the flood plain area. Mr. Eldridge replied the building to his understanding is outside the flood plain area and put the flood plain map up for the Board Members to see and verify it was.

Mr. Carroll questioned the flood plain area. Mr. Eldridge stated it's the 100-year flood plain area. Mr. Carroll questioned the timeline of the maps. Mr. Eldridge stated the applicant could answer the floodplain concerns.

Ms. Wilcutt stated Mr. Anderson goes to the site when flooding occurs, and that this area has never flooded.

Mr. Flach questioned why the variance was denied. Mr. Eldridge clarified the original request was for a rezoning which was denied by the Planning Commission. The project was then modified and came before the Zoning Board of Appeals in February 2019, for a use variance, as this was the only item that fell short for compliance with the regulations. Mr. Flach clarified the only variance they are asking for is residential units on the first floor. Mr. Eldridge stated they would have been eligible for permits if they had commercial on the first floor of both buildings. Mr. Flach questioned if the community could have tried to stop this project then if they had had commercial on the first floors of both buildings. Mr. Eldridge stated no. EGLE even issued the environmental permit for this project.

Mr. Flach questioned if the LIFT Foundation purchased the properties. Mr. Swenarton stated they are under contract to purchase.

Chair Lager closed the public hearing.

FINDING OF FACT

Mr. Carroll moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 210, 216, 220, 302, 302 (Rear), 308, 308 (Rear) and 316 Lake Street / 205 and 209 E. Stockbridge Avenue shall include all information included in the notice of public hearing dated November 25, 2020.
- 2.) Fifty-seven notices of public hearing were sent, and one response was received by Mr. Stewart and is part of the record.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are

summarized to include without limitation, the following: Ms. Wilcutt and Jeff Swenarton spoke on behalf of the request. This request is a renewal request of the variance request approved on February 21, 2019, since the original variance was granted the site plan approval was given, the water system has been approved by the City. Staff clarified that the NFP Ordinance does not apply to this project since the site plan approval was approved prior to the NFP Ordinance. There were six residents speaking in opposition, stating their concerns with flooding, lack of infrastructure on the City's part to handle current water issues, NFP issues and the loss of the last green space in the Southtown neighborhood. Some were frustrated with the City, such as the Arcadia neighborhood with the ability over not being able to submit their own neighborhood plan.

Mr. Skalski seconded the Finding of Fact.

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

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

Mr. Flach stated he was in favor of the variance, not necessarily in favor of the project, it's for residential use on the ground floor, they've given that approval unanimously to other applicants, the applicant has met every other measure required. The City does need affordable housing and daycare.

Chair Lager stated he was in favor, they approved it in February 2019 and they've consistently approved substituting residential for commercial.

Mr. Skalski stated his approval for the affordable housing in the downtown area.

Motion approved by roll call vote unanimously.

Ms. Doane read the application for 522 and 530 S. Rose Street, Parcel # 06-22-114-027 and #06-22-119-026:

ZBA #20-12-25: 522 and 530 S. Rose Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of by PGJ Development. The request concerns the properties at 522 and 530 S. Rose Street, which are situated in use Zone LW-1, Live Work 1 District. The applicant is requesting the following: 1) a dimensional variance from Chapter 50 -5.6 C, for a 12% increase in impervious cover from 75% to 87%, 2) a dimensional variance from Chapter 50 -7.4 (2)a, to authorize a vehicular entrance for the proposed building on the building's front façade, where garage bays or loading areas of all types are to be located in the side or rear yard, 3) a dimensional variance from Chapter 50 -5.6 C, of two-stories to allow a five-story building and 4) a dimensional variance from Chapter 50, 50-7.2 A, to authorize a variance of five off-street parking spaces to allow for a total of 40 off-street parking spaces where 35 is the maximum spaces for the 64 senior apartments proposed.

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 one hundred twenty-five notices of public hearing sent and one response was received.

Jon Durham stated they are asking for an impervious variance, this fell between their first request and a change in the ordinance, instead of the previously approved variances they are asking for different variances now. For the impervious variance it is a service lot, they are not making it any worse, they only have frontage on Rose St for vehicular entrances. Their parking is all contained within the building. This project is an affordable senior project. This is 64 units for senior people that live in the neighborhood, the seniors will move into here, then the homes open to the younger generation in the neighborhood. They've worked on the overall look of this project with Christina Anderson from the City.

Chair Lager asked for them to explain the parking, is all of it enclosed. Mr. Durham stated yes, it adds one floor to the building height. Enclosed parking makes it safer for the seniors. Height is the issue now with the parking. The zoning changed and now they need a variance.

Mr. Flach questioned the impervious soil. Mr. Durham stated currently the area is a solid paved parking lot today. They are not adding any impervious soil to it.

Mr. Eldridge stated there are four variances, in 2019 the property was under the CC Zoning, now it's under LW1 Zone, which allows for up to three stories in height, the zoning change made the height an issue, where before five stories was allowable. The impervious coverage changed with the zoning, they're over the 10% allowable adjustment by City staff, the parking requirements have been altered to avoid large parking lots. They have five spaces shown over the limit. The last item is the garage bay, it's a requirement that's been in place, it's the ingress/egress it's essentially a garage bay and doesn't meet the standard. There's not a lot of leeway on this site for a driveway other than a front entrance.

Mr. Flach questioned the original variance. Mr. Durham stated it was granted in December of 2019.

Public Comments:

Zac Bower, Hillshire Avenue resident stated his support of the project. He's worked with the developer and they are providing affordable housing which is needed.

Chair Lager closed the public hearing.

FINDING OF FACT

Mr. Flach moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 522 and 530 S. Rose Street shall include all information included in the notice of public hearing dated November 25, 2020.

- 2.) One hundred twenty-five notices of public hearing were sent, and one response was received from Nancy Troff in support.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Jon Durham stated they were requesting four variances, they were in front of the Board in December, 2019, after the zoning ordinance changed. This changed the variance requests they needed. They plan to have off-street parking within the footprint of the property. The layout of the building makes ingress/egress a necessity, they only have road frontage on Rose St. They have good community support and believe that it will have a positive affect on the community for the older seniors that will moving in, opening more housing for new families in the neighborhood. Mr. Flach asked about the impervious soil, it won't add more impervious soil. Mr. Eldridge noted zoning has changed from CC to LW1 and required the applicant to request a new set of variances, there isn't a lot of leeway in other ingress/egress points due to layout of the building and the lot, although a garage bay door does not comply with zoning, it is necessary for their plan. There was only one public comment in support and that it would benefit the community and he'd had good professional experience with the company.

Mr. Skalski seconded the Finding of Fact.

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

Mr. Skalski moved to approve the application for 1) a dimensional variance from Chapter 50 -5.6 C, for a 12% increase in impervious cover from 75% to 87, seconded by Ms. van den Hombergh.

Chair Lager stated he'd be in favor of this motion and all the others, the variances are different, but the project isn't, it's currently a parking lot, a building is an improvement of use to him.

Motion approved by roll call vote unanimously.

Mr. Skalski moved to approve the application 2) to authorize a vehicular entrance for the proposed building on the building's front façade, where garage bays or loading areas of all types are to be located in the side or rear yard, seconded by Mr. Flach.

Mr. Skalski stated he was in support, commenting on another downtown building on the mall with the same layout.

Motion approved by roll call vote unanimously.

Mr. Skalski moved to approve the application for 3) a dimensional variance from Chapter 50 -5.6 C, of two-stories to allow a five-story, seconded by Ms. Doane.

Mr. Flach commented the project was previously approved, it's a reasonable concession.

Ms. Doane stated her approval also commenting it was only two stories.

Motion approved by roll call vote unanimously.

Mr. Skalski moved to approve the application 4) a dimensional variance from Chapter 50, 50-7.2 A, to authorize a variance of five off-street parking spaces to allow for a total of 40 off-street parking spaces where 35 is the maximum spaces for the 64 senior apartments proposed, seconded by Mr. Flach.

Chair Lager commented the parking solution being within the building is providing the adequate parking for the project.

Mr. Skalski commented on the seniors having the safety of indoor parking and the need for additional spaces.

Motion approved by roll call vote unanimously.

Ms. Doane read the application for 508 Harrison Street and 660 Gull Road, Parcel #06-15-295-101 and #06-15-287-030:

ZBA #20-12-26: 508 Harrison Street and 660 Gull Road: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by River Caddis Development, LLC. The request concerns the properties at 508 Harrison Street and 660 Gull Road, which are situated in use CMU, Commercial – Mixed Use District (Subarea 4). The applicant is requesting the following: 1) a use variance from Chapter 4, Section 4.2 Q.3, for residential units on the ground floor in the proposed apartment complex where retail or other commercial floor space is required on the ground floor, 2) a dimensional variance from Chapter 3, Section 3.7 Table RF-O.1, to reduce the lot area per dwelling unit from 1,500 square feet to 1,234 square feet for 222 dwelling units, and 3) a dimensional variance from Chapter 3, Section 3.7 Table RF-O.1, to allow up to a 30 foot setback from the required 0 to 10 foot front build-to requirement for the primary building façade.

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 seventeen notices of public hearing sent and zero responses were received.

Mike Flynn, the architect from Byce Architects and Engineers, on behalf of Kevin McGraw from River Caddis, stated it includes 222 units of affordable housing, he gave a brief overview of the project, with four buildings, the concept was for two four-story buildings with 111 affordable apartments in each building. Another building as a leasing building with amenities, fitness center and gatherings, a green park area, and a flood water control area, they are adjacent to the Kalamazoo River Valley Trail pathway. A fourth building is for a future commercial building. They need a first-floor residential variance for residential use. Mr. Flynn spoke to meeting the current zoning and then meeting the future zoning requirements also. The first-floor residential units, they'll have a live work aspect in one building. The second variance is a dimensional one, for dwelling density per lot. The third variance is for the setback from the street. He spoke to the roundabout and meeting the setbacks with a rectangular linear building with the curvilinear street. The hardship is MISHDA's requirements; the railroad setback, the flood plain area, and the driveway crowd them and cause them to arrange the buildings to have mini courtyards. The first floors will be above ambient grade, giving them some privacy and security.

Bryan Webster, mentioned on the minimum lot area per dwelling, one of the obstacles they currently have, the ordinance will likely change in the future and they won't be required to meet those.

Chair Lager questioned if the density requirement will be the same. Mr. Webster understood the LW2 won't have that requirement.

Mr. Flach asked if the roundabout was not there when they designed it. Mr. Flynn stated the roundabout was there, the issue is with designing a curvilinear building. Mr. Flynn commented on the four-story building moving it to meet setbacks creates other issues in another area with property lines.

Mr. Eldridge commented on the memo in the Board's packet on the affordable housing tax credits their trying to obtain in February 2021. He spoke to the ground floor use variance, there is some commercial buildings along the cul-de-sac, it's a mixed-use project, but has residential use on the ground floor in two buildings. The City is working with the owner to rezone this property to LW 2 and it will take away the need for ground floor residential variances, he spoke to the node rezoning. They are in agreement with City Staff for the rezoning to achieve a parallel with the future land use map. The second request per lot area of dwelling unit the density increase with smaller units isn't handled well by the ordinance. When rezoned to LW2 this requirement will go away. The third request of 0' to 10-foot build to line, this is a practical difficulty as the utility easement and waterline run along the frontage of the property.

There were no comments from the public.
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 508 Harrison Street and 660 Gull Road shall include all information included in the notice of public hearing dated November 25, 2020.

- 2.) Seventeen notices of public hearing were sent, and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Kevin McGraw of River Caddis Development is requesting a use variance and two dimensional variances, Mike Flynn from Byce Architects and Engineers spoke on behalf of the project, stating there will be 222 units, with three buildings, an outdoor patio and a large green space as a buffer for the Kalamazoo River Valley Trail way. The site plan meets current and future zoning requirements. One significant hardship is because of the railroad and flood plain. Mr. Webster also mentioned the hardship with the railroad tracks and flood plain, along with the zoning is slated to change. Mr. Flach asked if the roundabout was there before the project started. Yes, it was. Mr. Flynn talked about the curvilinear building and the fact that to meet that frontage it's cost prohibitive and that kept those buildings as close to the façade as possible. Mr. Eldridge stated staff was in favor of the this, the spirit of the ordinance is being met. The City is working with River Caddis, the zoning is being changed to LW2 and referred them to look at staff's memo. Chair Lager stated there are 222 units, 111 units per building of affordable housing units. Mr. McGraw clarified, the one building to the north is a 9% MISHDA project and the one to the south is a 4% MISHDA project with proposed rent rates at 40% to 60% of area median income giving them extra points for providing them.

Mr. Skalski 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, 1) a use variance from Chapter 4, Section 4.2 Q.3, for residential units on the ground floor in the proposed apartment complex where retail or other commercial floor space is required on the ground floor, seconded by Mr. Skalski.

Chair Lager commented their balancing the need for affordable housing, it has a mixed-use character and meets the character of LW2 that it will become.

Motion approved by roll call vote unanimously.

Ms. van den Hombergh moved to approve the application, 2) a dimensional variance from Chapter 3, Section 3.7 Table RF-O.1, to reduce the lot area per dwelling unit from 1,500 square feet to 1,234 square feet for 222 dwelling units, seconded by Mr. Skalski.

Mr. Skalski commented with affordable housing that comes with that, they are not building large units.

Chair Lager stated he was in favor also.

Motion approved by roll call vote unanimously.

Ms. van den Hombergh moved to approve the application 3) a dimensional variance from Chapter 3, Section 3.7 Table RF-0.1, to allow up to a 30 foot setback from the required 0 to 10 foot front build-to requirement for the primary building façade, seconded by Mr. Skalski.

Mr. Flach commented he was in favor.

Chair Lager stated he was in favor of the request, with the layout.

Motion approved by roll call vote unanimously.

OTHER BUSINESS:

Mr. Eldridge commented on the outcome from the interview team, they interviewed three individuals and the team came up with a recommendation and wanted the Board to see the information on all three of them.

Chair Lager stated they had three applicant's and they all lived in the Vine Neighborhood, Jeremy Terpening and Remi Harrington stood out. He commented that Remi Harrington had been before the Board for a request. Marshal Kilgore seemed to have interests more aligned the Planning Commission.

Chair Lager made a motion to approve the recommendation for Remi Harrington to the vacant seat, and Jeremy Terpening to the alternate seat, seconded by Mr. Flach.

Ms. Doane liked Mr. Terpening's eagerness, but agreed Ms. Harrington was the best choice for the vacant seat.

Motion approved by voice vote unanimously

Mr. Eldridge thanked Dick Skalski for his time on the Board, commenting this was his last meeting.

Ms. Van den Homberg made a motion to accept the meeting dates for 2021, seconded by Mr. Carroll.

Motion approved by voice vote unanimously.

ADJOURNMENT:

The meeting was adjourned at 9:03 p.m.

Submitted By Deanna Bentham Date 1/14/21
Recording Secretary

Reviewed By Peter C Eldridge Date 1/14/2021
City Staff

Approved By Matt Rogers Date 1/14/21
Chair

From: [Fred Western](#)
To: [Eldridge, Peter](#)
Subject: [External Email] Zoning variance on E. Stockbridge
Date: Saturday, January 29, 2022 4:04:45 PM

Peter Eldridge

Dear Sir,

I am sending this email as I won't be able to attend the meeting on February 10th

I have no issue with the variance and hope it goes through and that finally something will be done with the property which due to very lax upkeep becomes an overgrown eyesore frequently throughout the warmer weather months.

We have had to send complaints more than once to get the lot mowed and brush cut down.

Also with the Dollar General across the street a lot of the bags and other trash their customers tend to drop as soon as they exit the store rather than putting it in the provided trash can the wind tends to blow it either across into our yard where I pick it up or into the property in question where it gets caught in the brush and stays there until the wind blows it away as I never see it picked up even during the infrequent mowings.

I would like the owners who ever they are to be made aware and possibly put on notice that mowing and clean up should happen once a week or at least every other week.

Thank You,

Fred Western
Universal Photo
206 E. Stockbridge Avenue
Kalamazoo MI 49001
Phone 269-344-3434
Cell 269-501-4307
www.universalphoto.net
upsi@charter.net
Sent from my iPhone



Parcels within 300' Mailing Radius See reverse for addresses

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



0 110 220 440 ft



Zoning Board of Appeals Staff Report

Date: **2/10/2022**

Item: **E.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: February 10, 2022

SUBJECT: Election of Officers

BACKGROUND:

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Discussion:

Engagement/Communication Tools

FINDINGS:

Staff has made the following findings regarding this request:

RECOMMENDATION:

CITY OF KALAMAZOO ZONING BOARD OF APPEALS ANNUAL REPORT 2021
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Introduction:

The Zoning Board of Appeals (ZBA) is a quasi-judicial body, whose duty is to balance protection of the public interest through zoning regulations with property rights of landowners.

Purpose:

The ZBA is a required appeals mechanism established by the State of Michigan's Zoning Enabling Act. Any community adopting a zoning ordinance must also establish an appeals board of review for circumstances in which landowners may be unjustly burdened by the ordinance.

Membership:

Other than residency, the ZBA has no specific membership requirements. However, staff and the ZBA officers work together to maintain membership that brings expertise, professionalism, and a broad geographic cross-section of the community to this decision-making process. The ZBA includes six members and two alternate positions, with quorum being four members. The alternates are intended to ensure that a full board is present at each meeting. The 2021 Membership included:

Name	Position	Term
1. Matt Lager	Chair	Second Full Term
2. Jeff Carroll	Vice Chair	Second Full Term
3. Christina Doane	Secretary	First Full Term
4. Chris Flach		First Full Term (Resigned from Board Jan. 2022)
5. Beth van den Hombergh		Partial Term
6. Remi Harrington		First Full Term
7. Jeremy Terpening (Alt. 1)		Partial Term

Meetings:

The ZBA meets on the second Thursday of the month at 7:00 pm at City Hall. In 2021, 10 regular meetings were held.

New Initiatives Undertaken:

None

Summary of 2021 Activity:

The following is a summary of the ZBA activities. A total of 17 applications were brought before the ZBA. Some of the applications involved multiple variance requests.

	APPROVED	DENIED	WITHDRAWN	TOTAL
Use Variances	4	1	0	5
Dimensional Variances	16	1	0	17
Temporary Use	0	0	0	0
Total	20	2	0	22

Use Variances:

The five use variances before the Board in 2021 are summarized below:

1. **1600 and 1708 W Michigan Ave/ 500 Burrows Rd.** 3/11/21, the Board approved a use variance from Ordinance 1896. This Ordinance approved by the City Commission in 2012, established limits on use of the soccer field and football field lights for the Kalamazoo College athletic complex. The approved use variance to allow for 105 nights of light use on the soccer field where the prior limit was 60 (75% increase) and 35 nights of light use on the football field where the prior limit was 20 (75% increase) for the 2021 calendar year.
2. **625 Winchester Pl.** 3/11/21, The Board denied a use variance to allow for a short-term rental in one unit of a duplex on this property in Zone RD-19 where rentals are limited to 30 days or more under the definition of 'household living'.
3. **1503 S. Burdick St.** 5/13/21, the Board approved a use variance to authorize two dwelling units on the ground floor level of the existing building, where retail or other commercial floor space is required for the entire ground floor level in Zone CN-1
4. **433 Riverview Dr.** 8/12/21, the Board approved two use variance requests:
 - 1) An auto detailing shop to locate in the existing building where car washes and auto detailing do not align with the permitted uses for Sub Area 6 of the Riverfront Overlay.
 - 2) A car sales lot, which is also does not align with Sub Area 6 of the Riverfront Overlay. This approval was conditioned upon no more than four vehicles being displayed for sale on the property at one time.

Other Trends and Observations:

- Trends of Board Activity:

2012 – 21 Variance Requests	2017 – 28 Variance Requests
2013 – 21 Variance Requests	2018 – 32 Variance Requests
2014 – 32 Variance Requests	2019 – 39 Variance Requests
2015 – 34 Variance Requests	2020 – 41 Variance Requests
2016 – 35 Variance Requests	2021 – 22 Variance Requests

- 80% of use variances were approved in 2021, where 83% were approved in 2020
- 94% of the dimensional variances were granted in 2021, where 93% of dimensional variances were granted in 2020.
- Projecting sign variances approved on November 18, 2021 (listed below), touched on the continued demand for the use of projecting signs outside the downtown. The Planning Staff is finalizing sign regulation amendments at this time which will allow projecting signs outside the downtown.
 - 505 W. Vine – Heirloom Arts (Parcel address: 802 S. Westnedge Ave.)
 - 507 W. Vine – The Barbershop at Vine (Parcel address: 802 S. Westnedge Ave.)
 - 509 W. Vine – Sway Salon (Parcel address: 509 W. Vine St.)
 - 804 W. Vine – O' Duffy's (Parcel address: 722 Locust St.)
 - 816 S. Westnedge – Crow's Nest
 - 824 S. Westnedge – Puff N' Stuff
 - 832 S. Westnedge – Martini's Pizza

- Large-scale variance granted for Graphic Packaging Campus:
 - **1400 & 1401 Harrison Street/300, 432, 510, 511 & 600 E. Paterson Street 1421, 1500, 1807& 1819 N Pitcher Street**, 12/9/21, the Board granted a dimensional variance from Chapter 50-7.2, to authorize an additional 198 off-street parking spaces which will allow a total of 723 off-street parking spaces for the Graphic Packaging International campus.
- Natural Feature Protection Overlay variance:
 - **3110 Oakland Dr.**, 8/12/21, the Board approved a variance from the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2 K.8 c), to authorize 1,200 square feet of paved parking area in the northwest corner of the site which extends into the critical root zone of an existing 42-inch maple tree.
- One six-month extension was granted for a prior variance:
 - **508 Harrison St./660 Gull Rd.**, 12/9/21, the Board approved a six-month extension to the variances approved by the Zoning Board of Appeals on December 10, 2020, for this project for two four-story residential buildings with 111 apartments and two commercial buildings along Harrison Street. This time extension will expire on June 10, 2022.
- The last dimensional variance to note was the RMU District lot requirements which were found to be out of alignment with the other residential zone districts.
 - **738 Harrison St.**, 9/9/21, the Board approved the following for the construction of a single-family dwelling: 1) A dimensional variance to authorize a 37.5-foot-wide lot to be buildable where the required lot width is 44 feet in the RMU District; 2) A dimensional variance 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 for the RMU District.